

service responsibilities as well as the research role.

Data will be collected using Web-based surveys and conducting institutional site visits for six selected case studies. Titles of the survey instruments and interview protocol for the PFF Evaluation are as follows:

- PFF Partner Faculty Survey.
- PFF Graduate Faculty Survey.
- PFF Participant Survey (Graduate Students)
- PFF Site Visit Protocol (for case studies).

NSF will use this collection to evaluate the impact and effectiveness of the Preparing Future Faculty Program on graduate education and the development of future professors.

*Expected Respondents:* The expected respondents are project directors, deans, and graduate student participants at PFF grantee institutions as well as faculty associated directly with the PFF program at both graduate institutions and partner institutions.

*Burden on the Public:* The remaining elements for this collection represent 734 burden hours for a maximum of 3840 participants over two years, assuming an 80–100% response rate. The burden on the public is negligible; the study is limited to project participants that have directly received funding from or otherwise have benefited from participation in the PFF program.

Dated: December 14, 2001.

**Suzanne H. Plimpton,**

*NSF Reports Clearance Officer.*

[FR Doc. 01–31284 Filed 12–19–01; 8:45 am]

BILLING CODE 7555–01–M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50–219]

### **Amergen Energy Company, LLC; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–16 issued to AmerGen Energy Company, LLC (the licensee) for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The proposed license amendment request is to revise Technical Specification (TS) 3.5.A.5.b to change the number of allowed inoperable suppression chamber to drywell

vacuum breakers from two to five. This change decreases the required number of operable vacuum breakers for opening from twelve to nine.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change reduces the number of vacuum breakers required to be operable from twelve to nine, allows continued operation for 72 hours with one required vacuum breaker inoperable, and allows a vacuum breaker to remain operable with one position alarm circuit inoperable. The proposed change does not increase the probability of an accident. The number of vacuum breakers required to be operable is not assumed to be an accident initiator of any analyzed event.

[...] The change does not allow continuous operation with only eight vacuum breakers operable. Therefore, the consequences of an accident are not increased. This change does not alter assumptions relative to the mitigation of an accident or transient event. The position alarm circuits only provide indication of valve position prior to an event and do not perform any accident mitigation functions. Additional surveillance of an operable vacuum breaker with an inoperable position alarm circuit will provide adequate assurance of vacuum breaker status and operability of the remaining redundant position alarm circuit.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change reduces the number of vacuum breakers required to be operable from twelve to nine, allows continued

operation for 72 hours with one required vacuum breaker inoperable, and allows a vacuum breaker to remain operable with one position alarm circuit inoperable. This change will not physically alter the plant since [because] no new or different type of equipment will be installed. The change in analytical methods used to establish the proposed Technical Specification limits for normal plant operation preserves the current safety analysis assumptions and acceptable criteria. The proposed 72 hour allowed outage time for a required operable vacuum breaker is consistent with NRC Standard Technical Specifications, NUREG–1433, and is considered acceptable due to the low probability of an event in which the remaining vacuum breaker capability would not be adequate assuming a single failure to open. Additional surveillance of an operable vacuum breaker with an inoperable position alarm circuit will provide adequate assurance of vacuum breaker status and operability of the remaining redundant position alarm circuit.

Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

This proposed change reduces the number of vacuum breakers required to be operable from twelve to nine, allows continued operation for 72 hours with one required vacuum breaker inoperable, and allows a vacuum breaker to remain operable with one position alarm circuit inoperable. Reducing the number of required vacuum breakers from twelve to nine is consistent with the analysis that shows eight vacuum breakers are sufficient to maintain containment differential pressures and downcomer water column height below acceptable limits. Therefore, the margin of safety is not affected. The safety analysis assumptions and acceptance criteria are maintained. In addition, with one required vacuum breaker inoperable for 72 hours, the margin of safety is not significantly reduced considering the remaining vacuum breakers are still available and sufficient to mitigate an event, and the low probability of an accident occurring during this time period requiring vacuum breaker operation. Additional surveillance of an operable vacuum breaker with an inoperable position alarm circuit will provide adequate assurance of vacuum breaker status and operability of the remaining redundant position alarm circuit.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed

determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 22, 2002, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or

electronically on the Internet at the NRC Web site <http://www.nrc.gov/NRC/CFR/index.html>. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish

those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Kevin P. Gallen, Morgan, Lewis & Bockius, LLP, 1800 M Street, NW., Washington, DC 20036-5869, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a

balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Further details with respect to this action, see the application for amendment dated September 19, 2001, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/NRC/ADAMS/index.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room Reference staff by telephone at 1-800-397-4209, 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 13th day of December 2001.

For the Nuclear Regulatory Commission.

**Helen N. Pastis,**

*Senior Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 03000001]

### Mallinckrodt, Inc.; Notice of Consideration of Request for Temporary Exemption

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of consideration of request for temporary exemption.

**SUMMARY:** The Nuclear Regulatory Commission (Commission) is considering the issuance of a temporary exemption from the requirement to perform an emergency preparedness (EP) exercise every 2 years for Mallinckrodt, Inc. The request for temporary exemption is necessary because the licensee had to postpone the required scheduled EP exercise due to the terrorist attacks on the United States, lack of availability of State and local agencies, and the current heightened alert status of the plant. Mallinckrodt expects to conduct the EP exercise by July 30, 2002. The NRC has prepared an environmental assessment with a finding of no significant impact on the request.

**FOR FURTHER INFORMATION CONTACT:** Kevin G. Null, Senior Health Physicist,

Nuclear Materials Licensing Branch, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, Region III, Lisle, Illinois. Telephone: (630) 829-9854, e-mail [kgn@nrc.gov](mailto:kgn@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The Commission is considering the issuance of a temporary exemption from the requirement to perform an emergency preparedness exercise every 2 years, pursuant to 10 CFR part 30, for Mallinckrodt, Inc., located in Maryland Heights, Missouri. The facility is authorized to use byproduct material for research and development, manufacturing, processing, and packaging of radiopharmaceuticals and/or radiochemicals.

Mallinckrodt was scheduled to conduct an EP exercise on September 11, 2001. This exercise was postponed because of the terrorist attacks on the United States that occurred on September 11. Because of the ongoing high alert status of the plant and the need to coordinate with several offsite agencies and groups, the exercise will not be performed this calendar year. Mallinckrodt expects to conduct the exercise no later than July 30, 2002.

The last EP exercise conducted at the Mallinckrodt facility was held on September 9, 1999. Mallinckrodt's Emergency Plan, in accordance with 10 CFR 30.32(i)(3)(xii), requires that plant personnel plan and conduct biennial EP exercises. Because the next exercise will not be conducted during calendar year 2001, the licensee has requested a temporary exemption from the requirement to conduct biennial EP exercises. The NRC staff has prepared an environmental assessment of the proposed action and reached a finding of no significant impact.

### Environmental Assessment

#### Identification of the Proposed Action

The proposed action would grant temporary relief from the requirement pursuant to 10 CFR 30.32(i)(3)(xii) to perform a biennial EP exercise during calendar year 2001. The proposed action would allow Mallinckrodt to conduct their 2001 biennial exercise as late as July 30, 2002. The proposed action is in accordance with Mallinckrodt's request for exemption dated November 26, 2001.

#### Need for the Proposed Action

Due to the heightened state of security alert that the plant is under and the unavailability of State and local agencies to participate, Mallinckrodt has determined that it would not be prudent to hold the 2001 biennial EP exercise during calendar year 2001. Allowing the

delay would avoid overlap with the current state of high alert and allow fuller participation by other agencies and groups.

### Environmental Impacts of the Proposed Action

The proposed action would not materially affect the emergency response capabilities of the Mallinckrodt facility. The last exercise was conducted on September 9, 1999. Direct observation of the exercise by NRC inspectors noted deficiencies that did not require immediate corrective action. On November 17, 1999, Mallinckrodt identified an inadvertent release of xenon-133, declared an alert and implemented their Emergency Plan (EP). NRC conducted a special inspection to review the circumstances of the event and the effectiveness of Mallinckrodt's implementation of their EP. With the exception of 1 violation that was identified, NRC review of real time activation of the EP indicated that Mallinckrodt has addressed the issues identified during the September 9, 1999 exercise. In addition, NRC license reviews and inspections conducted since November 17, 1999, have not identified a decline in the effectiveness of Mallinckrodt's emergency response capability. The postponement should have no impact on the effectiveness of Mallinckrodt's emergency response capability. The proposed action will not increase the probability or consequences of accidents; no changes are being made in the amounts or types of any effluents that could be released offsite, and there is no increase in individual or cumulative radiation exposure. Accordingly, the Commission concludes that there are no significant radiological impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological impacts associated with the proposed action.

### Alternatives to the Proposed Action

Since the Commission has concluded that there is no discernible environmental impact associated with the proposed action, any alternatives with equal or lesser impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the proposed action would result in no change in environmental impacts but would result in hardship to Mallinckrodt, and perhaps other