

into account the size of the business, its economic viability, and its history of previous violations. Because of the rapid and frequent turnover in mining company ownership and statutory considerations regarding penalty assessment, the operator is required to file information regarding ownership interest in other mines held by the operator and relevant persons in a partnership, corporation or other organization. This information is also necessary to the Office of the Solicitor in determining proper parties to actions arising under the Federal Mine Safety and Health Act of 1977 (the Act).

## II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Notification of Legal Identity. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (<http://www.msha.gov>) and selecting "Statutory and Regulatory Information" then "Paperwork Reduction Act Submissions (<http://www.msha.gov/regspwork.htm>)", or by contacting the employee listed above in the *For Further Information Contact* section of this notice for a hard copy.

## III. Current Actions

MSHA uses the information to properly ascertain the identity of persons chargeable with violations of mandatory safety and health standards and in the assessment of civil penalties. The Office of the Solicitor uses the information to expedite service of documents upon the mine operator.

*Type of Review:* Extension and Revision of Form.

*Agency:* Mine Safety and Health Administration.

*Title:* Notification of Legal Identity.

*OMB Number:* 1219-0008.

*Affected Public:* Business or other for-profit.

*Frequency:* On occasion.

*Recordkeeping:* Life of Mine Ownership.

*Cite/Reference/Form/etc.:* 30 CFR 41.20.

*Total Respondents:* 6,625.

*Total Responses:* 6,625.

*Average Time per Response:* .2618 minutes.

*Estimated Total Burden Hours:* 1,735.

*Total Capital/Startup Costs:* 0.

*Total Operating and Maintenance Costs:* \$1,693.20.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 14, 2001.

**Lynnette M. Haywood,**

*Deputy Director, Administration and Management.*

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**BILLING CODE 4510-43-M**

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Information pertaining to the requirement to be submitted:

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* 10 CFR 35.32 and 35.33 "Quality Management Program and Misadministrations".

3. *The form number if applicable:* None.

4. *How often the collection is required:* For quality management program (QMP): *Reporting:* New applicants for medical use licenses, who plan to use byproduct material in limited diagnostic and therapy quantities under Part 35, must develop a written QMP and submit a copy of it to NRC. When a new modality involving therapeutic quantities of byproduct material is added to an existing license, current licensees must submit QMP modifications. This ICR burden estimate is inflated by the one-time cost for the development and submission of QMPs for approximately 2000 Agreement States licensees in the ten Agreement States who have not adopted the rule and are not required to. *Recordkeeping:* Records of written directives, administered dose or dosage, annual review, and recordable events, for 3 years.

*For Misadministrations: Reporting:* Whenever a misadministration occurs. *Recordkeeping:* Records of misadministrations for 5 years.

5. *Who is required or asked to report:* NRC Part 35 licensees who use byproduct material in limited diagnostic and therapeutic ranges and similar type of licensees regulated by Agreement States.

6. *An estimate of the number of responses:* 6300 (for both reporting and recordkeeping).

7. *The number of annual respondents:* 6300 (for both reporting and recordkeeping).

8. *The number of hours needed annually to complete the requirement or request:* 34,743 hours for applicable licensees (*Reporting:* 24,400 Hrs/yr, and *Recordkeeping:* 10,343 Hrs/yr, or an average of 5.5 hrs per licensee).

9. *An indication of whether Section 3507(d), Pub. L. 104-13 applies:* Not applicable.

10. *Abstract:* In the medical use of byproduct material, there have been instances where byproduct material was not administered as intended or was administered to a wrong individual, which resulted in unnecessary exposures or inadequate diagnostic or therapeutic procedures. The most frequent causes of these incidents were: insufficient supervision, deficient procedures, failure to follow procedures, and inattention to detail. In an effort to reduce the frequency of such events, the NRC requires licensees to implement a quality management program (§ 35.32) to provide high confidence that byproduct material or radiation from byproduct material will be administered as directed by an

authorized user physician. Collection of this information enables the NRC to ascertain whether misadministrations (§ 35.33) are investigated by the licensee and that corrective action is taken. Additionally, NRC has a responsibility to inform the medical community of generic issues identified in the NRC review of misadministrations.

Revisions to 10 CFR 35.32 and 35.33 are being made as part of a complete revision of 10 CFR part 35 to incorporate specific improvements in NRC's regulations governing the medical use of byproduct material. A final rule revising part 35 was affirmed by the Commission on October 23, 2000 and was submitted, along with its associated clearance package, to the Office of Management and Budget (OMB). A notice was published in the **Federal Register** on March 16, 2001, announcing a 30-day public comment period on the submittal. It is anticipated that the effective date of the final rule revising part 35, including the revisions to sections 35.32 and 35.33, will be March 2002, and the OMB clearance for sections 35.32 and 35.33 will be then included under the OMB clearance for part 35 (3150-0010).

Currently, the OMB clearances for sections 35.32 and 35.33 are due to expire October 31, 2001. In view of the fact that these parts will shortly thereafter be covered under OMB clearance 3150-0010, the Commission is seeking a 1-year clearance extension for the information collection requirements in these sections to allow sufficient time for OMB to complete its review of the NRC clearance package for the revision to part 35, for NRC to publish the final rule, and for the rule to become effective. Because the final part 35 and its OMB clearance will be in place in a short time period, the burden hour estimates in this extension package are not being revised from those contained in the previous OMB approval for sections 35.32 and 35.33 under 3150-0171.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: <http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by October 22, 2001. Comments received after this date will be considered if it is practical to do so, but

assurance of consideration cannot be given to comments received after this date.

Bryon Allen, Office of Information and Regulatory Affairs (3150-0171), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 17th day of September 2001.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

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## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 50-29]**

### **Yankee Atomic Electric Company, Yankee Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from 10 CFR part 73.55(d)(5) for Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (YAEC, or the licensee), for operation of the Yankee Nuclear Power Station (YNPS), located in Franklin County, Massachusetts. As required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

#### **Environmental Assessment**

##### *Identification of the Proposed Action*

The proposed action would exempt the YNPS Independent Spent Fuel Storage Installation (ISFSI) from some requirements of 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage." Specifically, YAEC would be granted an exemption from 10 CFR 73.55(d)(5) related to access requirements. The proposed action is in accordance with the licensee's application dated September 28, 2000, as supplemented by letters dated October 12, 2000, April 18, 2001, May 29, 2001, and June 28, 2001.

##### *The Need for the Proposed Action*

YNPS was shut down in October 1991. On February 27, 1992, the licensee informed the Commission that it had decided to permanently cease operations at YNPS and that all fuel had

been permanently removed from the reactor. The NRC, in a license amendment dated August 5, 1992, modified License No. DPR-3 to a Possession Only License (POL). The license is conditioned so that YAEC is not authorized to operate the reactor and fuel may not be placed in the reactor vessel, thus formalizing the YAEC commitment to permanently cease power operations. The YNPS spent nuclear fuel is currently being stored in the spent fuel pool, which is protected by a physical protection system meeting the requirements of 10 CFR 73.55, with exemptions as previously issued by the NRC. To complete the plant site decommissioning process, the spent fuel will be removed from the spent fuel pool and transferred to an onsite ISFSI for interim storage. Under the provisions of 10 CFR Part 72, Subpart K, General License for Storage of Spent Fuel at Power Reactor Sites, YAEC is required to meet the physical protection requirements of 10 CFR 73.55 for an ISFSI at a reactor site. YAEC proposed alternative approaches to meet the provisions of portions of 10 CFR 73.55 related to the security organization, physical barriers, access requirements, detection aids, communications, and response requirements. However, the staff determined that, with regard to the requirements of 10 CFR 73.55(d)(5), the measures proposed by YAEC did not meet the criteria of 10 CFR 73.55(a) to be authorized as alternative measures. However, the staff also concluded that pursuant to 10 CFR 72.7 and 10 CFR 73.5, the proposed alternatives to the requirements of 10 CFR 73.55(d)(5) that YAEC requested could be granted as an exemption.

##### *Environmental Impacts of the Proposed Action*

The NRC has completed its evaluation of the proposed action and concludes that granting an exemption from the requirements of 10 CFR 73.55 would not have a significant impact on the environment.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect