

amount of controversy exists over the legality of the use of the Internet by Indian Tribes as a means of offering gaming. Of particular note is the requirement of the IGRA that gaming by Indian Tribes be conducted "on Indian lands." 25 U.S.C. § 2710(b)(1), § 2710(d)(1) and 25 U.S.C. § 2703(4).

Participants in the hearing, and those submitting written comments are asked to consider the following questions:

1. How does the requirement under IGRA that tribal gaming be conducted "on Indian lands" affect the ability of the tribes to engage legally in Internet gambling?
2. What is the effect of other federal gambling statutes on tribal Internet gambling?
3. What is the scope of available Internet gambling offered by Indian tribes today?
4. What, if any, legislative or regulatory changes are required to clarify the effect of the IGRA on tribal Internet gambling?
5. What are the challenges implicit in regulating Internet gaming on Indian lands?

Philip N. Hogen,

Commissioner, National Indian Gaming Commission.

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NATIONAL SCIENCE FOUNDATION

Agency Information Collection

Activities: Comment Request; Submission for OMB Review; Title of Collection: NSF Survey of Scientific and Engineering Research Facilities at Colleges and Universities

AGENCY: National Science Foundation.

ACTION: Notice.

1. SUMMARY: Under the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3501 *et seq.*), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other Federal agencies to comment on this proposed continuing information collection. This is the second notice for public comment, the first was published on July 31, 1997, in the **Federal Register** at 62 FR 147, 41093-41094. We received comments from two sources and after due consideration sent replies to the commenters. NSF is forwarding the proposed renewal submission, the comments with our responses, to OMB for clearance simultaneously with the publication of this second notice

2. DATES: The Office of Management and Budget (OMB) should receive written comments on or before November 14, 1997.

3. ADDRESSES: Submit comments to Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725-17th Street, N.W., Room 10235, Washington, D.C. 20503. Please include the current OMB Control Number 3145-0101 with your comments.

4. SUPPLEMENTARY INFORMATION:

(a) *Abstract.* In 1995 OMB approved both the 1996 and 1998 survey cycles of the NSF Survey of Scientific and Engineering Research Facilities at Colleges and Universities (OMB No. 3145-0101). The survey collects information on the science and engineering (S&E) research facilities at the nation's higher education institutions. The minor modifications to the approved 1998 questionnaire make the data of more use to Federal agencies and policy makers.

(b) Proposed Modifications to the OMB-Approved 1998 Survey

◆ *Sample size.* As requested by NIH, NSF, and OMB, we are requesting that the 1998 survey sample be increased from 315 to 365 to allow analyses by Carnegie classification, by minority serving institutions and institutions within the EPSCoR States for policy makers.

◆ *Items to be modified in the 1998 survey.*

√ *GSF* (gross square feet) in addition to the currently collected NASF (net assignable square feet). Institutions already have the GSF of a project to calculate the NASF of that project.

√ *Proportion of repair/renovation or new construction project cost*, in addition to the currently collected repair/renovation or new construction cost as a total, including non-fixed equipment over \$1 million. This data are readily available to the institutions and should add very little burden.

√ *Percentage of institutional funds*, in addition to the currently collected proportion of construction and repair/renovation cost attributable to institutional funds. The question will be posed in two parts: one asking if the institution has ready access to these data; and second, if data are available, asking the institution to supply that data. This way of posing the question assures minimal burden to the respondent.

√ *Percentage of total animal research* NASF assigned to levels of restricted-use laboratories, in addition to the total NASF or animal laboratories. This information readily available to the

institutions and would be of minimal burden.

(c) *Item to be dropped from the 1998 survey.* We plan to omit the status of institutions relative to the cap on tax-exempt bonds (modification request by NIH and NSF).

5. Use of the Information

The information from this survey will be used by Federal policy makers, planners, and budget analysts in making policy decisions, as well as by academic officials, the S&E establishment, and State agencies that funds universities and colleges. The survey will provide updated data on the status of and trends in scientific and engineering research facilities to help policy makers with decisions about the health of academic S&E research, funding, regulations, and reporting guidelines.

Specifically, data will be used in:

- ◆ A separate report of the findings for Congress;
- ◆ A special report for NIH on the Status of Biomedical Research Facilities;
- ◆ Other NSF compilations such as National Patterns of R&D Resources and Science and Engineering Indicators;
- ◆ Special reports for other Federal agencies on an as-needed basis; and
- ◆ A public release file of collected data in aggregate form made available to researchers on the World Wide Web

6. Expected Respondents

The sample size for the 1998 survey is planned to be increased from 315 to 365 of the nation's higher education institutions, selected to provide nationally representative data for both undergraduate and graduate degree-granting schools. The respondents will have the option to complete the survey on disk. With the improvements in the computer-aid survey 60% of the institutions are expected to respond through this method in 1998.

7. Burden on the Public

The average completion time for the survey by academic institutions was reduced (from 43 to 24 hours) between 1988 and 1994. In 1996, with the continued improvements in institutional databases and the introduction of the option to complete the survey on disk, completion time was further reduced by one hour, bringing the 1996 average completion time for the survey by academic institutions to 23 hours.

Much of the data noted in the proposed modification are readily available to the respondents. It is expected that the proposed modifications to the questionnaire will cause little or no change in burden

hours. With an estimated 60% of the institutions expected to respond through this method in 1998, which will make possible a substantial reduction in response burden over 1996 (when 40% responded electronically). However, with the addition of 50 institutions the overall response time is expected to remain 24 hours.

Throughout the years as the survey instrument and data collection techniques have improved the response rate has improved and the average burden on the institutions declined.

The Burden estimates are as follows:

Fiscal year	Number of institutions	Hours to respond
1992	303	30.
1994	309	24.
1996	307	23.
1998	357	24 est.

Dated: October 7, 1997.

Gail A. McHenry,

NSF Reports Clearance Officer.

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NUCLEAR REGULATORY COMMISSION

[Docket NO. 50-382]

Entergy Operations, Inc.; 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. NPF-38 issued to Entergy Operations Inc., (the licensee) for operation of the Waterford Steam Electric Station, Unit 3, located in St. Charles Parish, Louisiana.

The proposed amendment would change Waterford 3 Technical Specifications 3.3.3.7.3 (TSs) and Surveillance Requirement 4.3.3.7.3 for the broad range gas detection system. A change to the TS Basis 3/4.3.3.7 has been included to support this change. This change to the TSs is necessary due to a potential unreviewed safety question identified during final review prior to installation of a new broad range gas detection system approved by the Nuclear Regulatory Commission Staff on August 19, 1997 (Amendment 133). In effect, Entergy Operations is requesting that the TSs and associated Basis for the broad range gas detection

system that were in effect prior to Amendment 133 be retained instead of implementing the approved Amendment 133.

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. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The broad range gas detection system has no effect on the accidents analyzed in Chapter 15 of the Final Safety Analysis Report. The habitability of the control room will be unchanged by use of the currently installed monitoring system and this change to the Technical Specifications. Since this proposed change will make operation of the facility the same as before Amendment 133, the probability and consequences of an accident associated with this change have been previously evaluated.

Therefore, the proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different type of accident from any accident previously evaluated?

Response: No.

The proposed Technical Specification change in itself does not change the design or configuration of the plant. Since this proposed change will make operation of the facility the same as it was before Amendment 133, no new or different type of accident from any accident previously evaluated will be created.

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

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No.

The broad range gas detection system has no effect on a margin of safety as defined by Section 2 of the Technical Specifications. The habitability of the control room will be unchanged from the configuration of the currently installed detection system and this change to the Technical Specifications. The margin of safety remains unchanged from the original licensing basis of the plant.

Therefore, the proposed change will 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 Freedom of Information and Publications 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 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.