

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Earth Systems Science and Applications Advisory Committee, Earth Science Data and Information Systems and Services Advisory Subcommittee.

**DATES:** Wednesday, October 3, 2001, 8:15 a.m. to 5:15 p.m.; and Thursday, October 4, 2001, 8:15 a.m. to 4 p.m.

**ADDRESSES:** NASA Headquarters, 300 E Street SW, Room MIC-7A, Washington, DC 20546

**FOR FURTHER INFORMATION CONTACT:** Ms. Martha Maiden, Code YS, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-1078.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Welcome and Introduction Comments
- State-of-the-Enterprise
- Earth Science Enterprise (ESE) Budget Overview
- ESE Data Systems and Services
- Earth Science Technology Office Broad Area Announcement and transition to usage Report from Earth Science Data and Information System Project
- New Data and Information Systems and Services (NewDISS) Report 1.0 Release Readiness
- NewDISS Formulation Status
- Earth Science Information Partners (ESIP) planning status
- Future of Federation and its Role in NewDISS
- New ESE Data Access Prioritization Group
- Summary of first day
- State of and Strategy for High-End Computing and Climate Modeling
- Data Policy for ESE Data Buys
- Overall Discussion and Recommendations
- General Discussion/Closing Remarks and Adjournment

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

**Beth McCormick,**

*Advisory Committee Management Officer,  
National Aeronautics and Space Administration.*

[FR Doc. 01-22572 Filed 9-7-01; 8:45 am]

**BILLING CODE 7510-01-P**

## NATIONAL INDIAN GAMING COMMISSION

### Information Collection; Comment Request

**AGENCY:** National Indian Gaming Commission.

**ACTION:** Notice.

**SUMMARY:** The National Indian Gaming Commission (NIGC), in accordance with the Paperwork Reduction Act of 1995, is submitting to the Office of Management and Budget (OMB) a request to review and extend approval for the information collection activity associated with the issuance of a certificate of self-regulation for class II gaming to Indian tribes conducting gaming under the Indian Gaming Regulatory Act. The OMB will consider comments from the public on this information collection activity.

**DATES AND ADDRESSES:** Comments regarding the NIGC's evaluation of the information collection activity and its request to OMB to extend approval for the information collection must be received by October 15, 2001. When providing comment, a respondent should specify the particular collection activity to which the comment pertains. Send comments to: Office of Information and Regulatory Affairs (Attn: Desk Officer for the National Indian Gaming Commission), Office of Management and Budget, 725 17th Street NW., Washington, DC 20503. The NIGC regulation to which the information collection pertains is available on the NIGC website, [www.nigc.gov](http://www.nigc.gov). The regulation is also available by written request to the NIGC (Attn: Ms. Cindy Altimus), 1441 L Street NW., Suite 9100, Washington, DC, 20005, or by telephone request at (202) 632-7003. This is not a toll-free number. All other requests for information should be submitted to Ms. Altimus at the above address for the NIGC.

#### SUPPLEMENTARY INFORMATION:

*Title:* Issuance of Certificates of Self Regulation to Tribes for Class II Gaming.  
*OMB Number:* 3141-0008.

*Abstract:* The Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.*, allows any Indian tribe that has conducted class II gaming for at least three years to petition the NIGC for a certificate of self-regulation for its class II gaming operations. The NIGC will issue the certificate if it determines from available information that the tribe has conducted its gaming activity in a manner which has resulted in an effective and honest accounting of all revenues, a reputation for safe, fair, and honest operation of the activity, and an

enterprise free of evidence of criminal or dishonest activity. The tribe must also have adopted and implemented proper accounting, licensing, and enforcement systems and conducted the gaming operation on a fiscally or economically sound basis. The implementing regulation of the NIGC, 25 CFR part 518, requires a tribe interested in receiving the certificate to file a petition with the NIGC describing the tribe's gaming operations, its regulatory process, its tribal revenue allocation plan, and its accounting and record keeping systems for the gaming operation. The tribe must also provide copies of various documents in support of the petition. Submission of the petition and supporting documentation is voluntary. The NIGC will use the information submitted by the respondent tribe in making a determination on whether to issue the certificate of self-regulation.

*Respondents:* Indian tribes conducting class II gaming.

*Estimated Number of Potential Respondents:* 200.

*Estimated Annual Voluntary of Responses:* 5.

*Estimated Annual Burden Per Voluntary Respondent:* 130.

*Estimated Total Annual Burden on Voluntary Respondents:* 650.

**Jacqueline Agtuga,**

*Chief of Staff.*

[FR Doc. 01-22401 Filed 9-7-01; 8:45 am]

**BILLING CODE 7565-01-M**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50-237]**

**Exelon Generation Company, LLC;  
Dresden Nuclear Power Station, Unit 2;  
Exemption**

### 1.0 Background

The Exelon Generation Company, LLC, (Exelon, or the licensee) is the holder of Facility Operating License No. DPR-19, which authorizes operation of the Dresden Nuclear Power Station, Unit 2. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a boiling water reactor located in Grundy County, Illinois.

### 2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), part 50, section

50.55a(g)(6)(ii)(B), Expedited Examination of Containment, requires that, by September 9, 2001, licensees of all operating nuclear power plants shall implement the inservice examinations for the first period of the first inspection interval specified in ASME Subsection IWE of the 1992 Edition with the 1992 Addenda in conjunction with the modifications specified in 10 CFR 50.55a(b)(2)(ix). The purpose of performing these containment inspections is to ensure the structural integrity of the containment. While some of the inservice examinations can be performed with the plant at power, due to radiological considerations, other examinations must be scheduled during plant outages.

The licensee recently upgraded their inservice examination program by implementing the 1998 Edition of ASME Section XI, Subsection IWE in place of the 1992 Edition. The staff approved this proposal by letter dated September 18, 2000. While the licensee intended to complete the required inservice examinations during the refueling outage of October 1999, the licensee subsequently determined that some of the examinations did not meet either the 1992 or 1998 Edition and, therefore, must be re-performed. Considering that the licensee's next scheduled refueling outage will be in October 2001, the licensee will be unable to complete all inservice examinations required by regulation unless a special outage, for the purpose of performing inservice examinations, is planned prior to September 9, 2001.

In consideration of the above, by letter dated December 8, 2000, and supplemented by letter dated February 2, 2001, the licensee requested a schedular exemption from implementation of inservice examinations of the containment by September 9, 2001, as required by 10 CFR 50.55a(g)(6)(ii)(B). The schedular exemption is requested to extend the implementation date by 90 days (i.e., to December 8, 2001) to allow completion of first period examinations during the next refueling outage, scheduled to begin in October 2001.

### 3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. According to

10 CFR 50.12(a)(2)(iii), special circumstances are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted. The requested schedular exemption is required to prevent a forced shutdown of the facility for the purpose of conducting inservice examinations prior to September 9, 2001. In addition, according to 10 CFR 50.12(a)(2)(v), special circumstances are also present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. The requested exemption is only needed for a maximum of 90 days, to the start of the next scheduled refueling outage. The staff believes that the licensee made good faith efforts to complete the inservice examinations to satisfy the regulations during their last refueling outage of October 1999.

As described in the staff's safety evaluation dated August 31, 2001, the staff finds that: (1) The requested 90-day extension is a relatively short period that would not permit a significant increase in any degradation that has developed since the general visual examination performed during the most recent refueling outage conducted in October 1999, (2) a separate outage for the performance of containment inspections to meet the date of September 9, 2001, would present undue hardship and costs due to lost generation, and (3) an extra shutdown would increase radiological exposure. On this basis, the staff concludes that (1) the exemption requested by the licensee will not present an undue risk to the public health and safety, (2) to meet the date required by the regulation would result in undue hardship or other costs, and (3) the exemption would provide only temporary relief from the applicable regulation. Therefore, the exemption is authorized pursuant to 10 CFR 50.12(a).

### 4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present. Therefore, the Commission hereby grants Exelon Nuclear an exemption from the requirements of 10 CFR 50.55a(g)(6)(ii)(B) for Dresden Nuclear Power Station, Unit 2.

Pursuant to 10 CFR 51.32, the Commission has determined that the

granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 45876).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 31st day of August 2001.

For the Nuclear Regulatory Commission.

**John A. Zwolinski,**

*Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 01-22624 Filed 9-7-01; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a proposed revision of a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, DG-1109 (which should be mentioned in all correspondence concerning this draft guide), is "Laboratory Investigations of Soils and Rocks for Engineering Analysis and Design of Nuclear Power Plants." This draft guide is a proposed Revision 1 of Regulatory Guide 1.138, and it is being revised to describe laboratory investigations and testing practices that are acceptable to the NRC staff for determining soil and rock properties and characteristics needed for engineering analysis and design for foundations and earthworks for nuclear power plants. The state of the art of laboratory testing practices of soils and rocks is reflected in existing national standards, and this guide recommends and references such standards where appropriate.

This draft guide has not received complete staff approval and does not represent an official NRC staff position.

Comments may be accompanied by relevant information or supporting data. Written comments may be submitted to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike,