

(issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 13 day of February 2002.

**Carl J. Poleskey,**  
Chief, Branch of Construction Wage Determinations.

[FR Doc. 02-4121 Filed 2-21-02; 8:45 am]

BILLING CODE 4510-27-M

**DEPARTMENT OF LABOR**

**Mine Safety and Health Administration**

**Proposed Information Collection Request Submitted for Public Comment and Recommendations; Records of All Certified and Qualified Persons; and Man Hoist Operators Physical Fitness**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Record of all Certified and Qualified Persons; and Man Hoist Operators Physical Fitness. 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 can be obtained by contacting the employee listed below in the For Further Information Contact section of this notice.

**DATES:** Submit comments on or before April 23, 2002.

**ADDRESSES:** Send comments to David L. Meyer, Director, Office of Administration and Management, 4015 Wilson Boulevard, Room 615, Arlington, VA 22203-1984. Commenters are encouraged to send their comments on a computer disk, or via Internet e-mail to *Meyer-David@msha.gov*, along with an original printed copy. Mr. Meyer can be reached at (703) 235-1383 (voice), or (703) 235-1563 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** Charlene N. Barnard, Regulatory Specialist, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 725, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Ms. Barnard can be reached at *barnard-charlene@msha.gov* (Internet e-mail), (703) 235-1470 (voice) or (703) 235-1563 (facsimile).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

30 CFR Sections 75.155, 75.159, 75.160, 75.161, 77.105, 77.107, 77.107-1, and 77.106. Sections 75.155 and

77.105 explain the qualifications to be a qualified hoisting engineer or a qualified hoist man on a slope or shaft sinking operation. These requirements are necessary so that it can be determined who is qualified to perform these tasks and how they can become qualified.

Sections 75.159 and 77.106 requires the operator of a mine to maintain a list of all certified and qualified persons designated to perform certain duties around a mine. This list must be posted.

**II. Current Actions**

30 CFR 75.155, 75.159, 75.161, and 77.105, 77.106, and 77.107-1, require coal operators to maintain a list of persons who are certified and those who are qualified to perform duties which require specialized expertise at underground and surface coal mines, *i.e.*, conduct test for methane and oxygen deficiency, conduct tests of air flow, perform electrical work, repair energized surface high-voltage lines, and perform duties of hoisting engineer. The regulations also require the mine operator to have an approved training plan so that the qualified and certified people can properly perform their tasks. The recorded information is necessary to ensure that only persons who are properly trained and have the required number of years of experience are permitted to perform these duties. MSHA does not specify a format for the recordkeeping; however, it normally consists of the names of the certified and qualified person listed in two columns on a sheet of paper. One column is for certified persons and the other is for qualified persons.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Records of All Certified And Qualified Persons; and Man Hoist Operators Physical Fitness.

*OMB Number:* 1219-0127.

*Recordkeeping:* One year.

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

Cite/reference	Total respondents	Frequency	Total responses	Average time per response	Burden
75.155 .....	0	0	0	0	0
75.159 .....	877	4	3,508	15	291
75.161 .....	877	1	877	28	7,016
77.105 .....	0	0	0	0	0
77.106 .....	1,488	4	5,952	15	494

Cite/reference	Total respondents	Frequency	Total responses	Average time per response	Burden
77.107-1 .....	1,488	1	1,488	<sup>2</sup> 8	11,904
Totals .....	4,730	10	11,825	<sup>2</sup> 16.66	19,705

<sup>1</sup> Minutes.<sup>2</sup> Hours.

*Total Burden Cost (capital/startup): 0.*  
*Total Burden Cost (operating/maintaining): \$0.*

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: February 18, 2002.

**David L. Meyer,**

*Director, Office of Administration, and Management.*

[FR Doc. 02-4309 Filed 2-21-02; 8:45 am]

**BILLING CODE 4510-43-M**

## NATIONAL INDIAN GAMING COMMISSION

### Fee Rates

**AGENCY:** National Indian Gaming Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given, pursuant to 25 CFR 514.1(a)(3), that the National Indian Gaming Commission has adopted preliminarily annual fee rates of 0.00% for tier 1 and 0.075% (.00075) for tier 2 for calendar year 2002. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission. If a tribe has a certificate of self-regulation under 25 CFR part 518, the preliminary fee rate on class II revenues for calendar year 2002 shall be one-half of the annual fee rate, which is 0.037% (.00037).

#### FOR FURTHER INFORMATION CONTACT:

Bobby Gordon, National Indian Gaming Commission, 1441 L Street, NW., Suite 9100, Washington, DC 20005; telephone 202/632-7003; fax 202/632-7066 (these are not toll-free numbers).

#### SUPPLEMENTARY INFORMATION: The

Indian Gaming Regulatory Act established the National Indian Gaming Commission which is charged with, among other things, regulating gaming on Indian lands.

The regulations of the Commission (25 CFR part 514 and 25 CFR part 518), as amended, provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates; the

gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission on a quarterly basis.

The regulations of the Commission and the preliminary annual rate being adopted today are effective for calendar year 2002. Therefore, all gaming operations within the jurisdiction of the Commission are required to self-administer the provisions of these regulations and report and pay any fees that are due to the Commission by March 31, 2002.

**Montie E. Deer,**

*Chairman, National Indian Gaming Commission.*

[FR Doc. 02-4326 Filed 2-21-02; 8:45 am]

**BILLING CODE 7565-01-M**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

### Entergy Nuclear Operations, Inc.; Indian Point Nuclear Generating Unit No. 2; Exemption

#### 1.0 Background

The Entergy Nuclear Operations, Inc. (ENO or the licensee) is the holder of Facility Operating License No. DPR-26 which authorizes operation of the Indian Point Nuclear Generating Unit No. 2 (IP2). 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 pressurized-water reactor located in Westchester County in the State of New York.

#### 2.0 Purpose

Title 10 of the Code of Federal Regulations (10 CFR), part 50, Appendix G, requires that the Reactor Coolant System (RCS) Pressure-Temperature (P-T) limits for an operating plant be at least as conservative as those that would be generated if the method of Appendix G to Section XI of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) (Appendix G to the Code) were applied.

In summary, this action is in response to an application by the Consolidated

Edison Company of New York, Inc. (Con Edison), the former licensee of IP2, for an exemption dated July 16, 2001. On September 6, 2001, Con Edison's interest in the license was transferred to Entergy Nuclear Operations, Inc. (ENO). By letter dated September 20, 2001, ENO requested that the NRC continue to review and act on all requests before the Commission which had been submitted before the transfer. Accordingly, the NRC staff has acted upon the request. The exemption request of July 16, 2001, was supplemented by ENO on January 11, 2002. The exemption would permit the use of the ASME Code, Section XI Code Case N-640, "Alternative Requirement Fracture Toughness for Development of P-T Limit Curves for ASME Section XI Division I," and ASME Code, Section XI Code Case N-588, "Alternative to Reference Flaw Orientation of Appendix G for Circumferential Welds in Reactor Vessels, Section XI, Division I," in lieu of 10 CFR part 50, Appendix G, paragraph I.

#### 2.1 Code Case N-588

The requested exemption would allow use of ASME Code Case N-588 to determine stress intensity factors for postulated flaws and postulated flaw orientation for circumferential welds.

10 CFR part 50, Appendix G requires that Article G-2120 of ASME Code, Section XI, Appendix G, be used to determine the maximum postulated defects in reactor pressure vessels (RPV) for the P-T limits. These limits are determined for normal operation and test conditions. Article G-2120 specifies in part, that the postulated defect be in the surface of the RPV material and normal (*i.e.*, perpendicular) to the direction of maximum stress. ASME Code, Section XI, Appendix G, also provides a methodology for determining the stress intensity factors for a maximum postulated defect normal to the maximum stress. The purpose of this article is, in part, to ensure the prevention of non-ductile fractures by providing procedures to identify the most limiting postulated fractures to be considered in the development of P-T limits. Code Case N-588 provides relief from the Appendix G requirements, in terms of calculating P-T limits, by