

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