

For the Nuclear Regulatory Commission.  
**Brenda Jo. Shelton,**  
*NRC Clearance Officer, Office of the Chief  
 Information Officer.*  
 [FR Doc. 02-9886 Filed 4-22-02; 8:45 am]  
**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

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

**AGENCY:** 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.

1. *Type of submission, new, revision,  
 or extension:* Revision.
2. *The title of the information  
 collection:* 10 CFR part 100, "Appendix  
 A, Seismic and Geologic Siting Criteria  
 for Nuclear Power Plants".
3. *The form number if applicable:* N/  
 A.
4. *How often the collection is  
 required:* As necessary in order for NRC  
 to assess the adequacy of proposed  
 seismic design bases and the design  
 bases for other geological hazards for  
 nuclear power and test reactors  
 constructed and licensed in accordance  
 with 10 CFR parts 50 and 52 and the  
 Atomic Energy Act of 1954, as amended.
5. *Who will be required or asked to  
 report:* Applicants and licensees for  
 nuclear power and test reactors.
6. *An estimate of the number of  
 responses:* 3 (2 responses + 1  
 recordkeeper).
7. *The estimated number of annual  
 respondents:* 1.
8. *An estimate of the total number of  
 hours needed annually to complete the  
 requirement or request:* 9,000.
9. *An indication of whether Section  
 3507(d), Pub. L. 104-13 applies:* N/A.
10. *Abstract:* 10 CFR part 100,  
 "Reactor Site Criteria," establishes  
 approval requirements for proposed  
 sites for the purpose of constructing and  
 operating stationary power and testing

reactors pursuant to the provisions of 10  
 CFR parts 50 or 52. These reactors are  
 required to be sited, designed,  
 constructed, and maintained to  
 withstand geologic hazards, such as  
 faulting, seismic hazards, and the  
 maximum credible earthquake, to  
 protect the health and safety of the  
 public and the environment. Non-  
 seismic siting criteria must also be  
 evaluated. Non-seismic siting criteria  
 include such factors as population  
 density, the proximity of man-related  
 hazards, and site atmospheric  
 dispersion characteristics. NRC uses the  
 information required by 10 CFR part 100  
 to evaluate whether natural phenomena  
 and potential man-made hazards will be  
 appropriately accounted for in the  
 design of nuclear power and test  
 reactors.

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 World Wide Web  
 site: [http://www.nrc.gov/public-involve/  
 doc-comment/omb/index.html](http://www.nrc.gov/public-involve/doc-comment/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 May 23, 2002. 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 (3150-0093),  
 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 April 2002.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**  
*NRC Clearance Officer, Office of the Chief  
 Information Officer.*  
 [FR Doc. 02-9887 Filed 4-22-02; 8:45 am]  
**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-29654, License No. 49-  
 26861-01, EA-01-219]

### In the Matter of Centennial Engineering & Research, Inc., Sheridan, WY; Order Imposing Civil Monetary Penalty

#### I

Centennial Engineering & Research,  
 Inc. (Licensee) is the holder of Materials  
 License No. 49-26861-01 issued by the  
 Nuclear Regulatory Commission (NRC  
 or Commission) on January 22, 1987.  
 The last amendment, Amendment No. 3,  
 was issued June 8, 2001. The license  
 authorizes the Licensee to possess and  
 use portable moisture/density gauges  
 containing byproduct material in  
 accordance with the conditions  
 specified therein.

#### II

An inspection and investigation of the  
 Licensee's activities were completed in  
 September 2001. The results of the  
 inspection and investigation indicated  
 that the Licensee had not conducted its  
 activities in full compliance with NRC  
 requirements. A written Notice of  
 Violation and Proposed Imposition of  
 Civil Penalty (Notice) was served upon  
 the Licensee by letter dated December 3,  
 2001. The Notice stated the nature of the  
 violations, the provisions of the NRC's  
 requirements that the Licensee had  
 violated, and the amount of the civil  
 penalty proposed for the violations.

The Licensee responded to the Notice  
 in two letters dated December 26, 2001.  
 In its responses, the Licensee admitted  
 the violations that were the basis for the  
 civil penalty, but disagreed that there  
 was any willfulness associated with the  
 violations and requested mitigation of  
 the civil penalty.

#### III

After consideration of the Licensee's  
 responses and the statements of fact,  
 explanation, and argument for  
 mitigation contained therein, the NRC  
 staff has determined that violations  
 cited in the Notice were willful, and  
 that the civil penalty proposed for the  
 violations should be imposed.

#### IV

In view of the foregoing and pursuant  
 to Section 234 of the Atomic Energy Act  
 of 1954, as amended (Act), 42 U.S.C.  
 2282, and 10 CFR 2.205, *It is hereby  
 ordered that:*

The Licensee pay a civil penalty in the  
 amount of \$3,000 within 30 days of the date  
 of this Order, in accordance with NUREG/  
 BR-0254. In addition, at the time of making  
 the payment, the licensee shall submit a

statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

## V

The Licensee may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be submitted to the Secretary, U.S. Nuclear Regulatory Enforcement Hearing" and shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be: Whether on the basis of the violations admitted by the Licensee, this Order should be sustained.

Dated this 9th day of April, 2002.

For the Nuclear Regulatory Commission.

**Frank J. Congel,**

*Director, Office of Enforcement.*

### Appendix to Order Imposing Civil Penalty

#### NRC Evaluation and Conclusion of Licensee's Request for Mitigation of Civil Penalty

On December 3, 2001, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during an NRC inspection and investigation.

Centennial Engineering & Research, Inc., (CER or Licensee) responded to the Notice on December 26, 2001. The Licensee admitted Violations A and B, but denied that there was any willfulness associated with the violations and requested mitigation of the civil penalty. The NRC's evaluation and conclusion regarding the licensee's response are as follows:

#### Summary of Licensee's Request for Mitigation

The Licensee provided three bases for mitigating the civil penalty in its December 26, 2001 Answer to a Notice of Violation:

(1) The violations created no actual or potential safety consequences. The Licensee stated that the portable gauges were cared for properly at all times, and that complying with NRC regulations regarding the care of byproduct material and fully protecting the public interest is an extenuating circumstance.

(2) The Licensee now believes that willfulness did not occur. The Licensee's radiation safety officer intended to submit the license amendments in a timely manner, but was distracted by what he considered more pressing deadlines associated with his other responsibilities. The Licensee's radiation safety officer admitted to willfulness under "pointed questioning" by NRC investigators, and then that information was used against CER.

(3) The civil penalty was not applied consistently in that Roetech, LLC, also should be fined based on an equal level of knowledge regarding amendment submittal requirements that did not occur on a timely basis. The Roetech Radiation Safety Officer (RSO) had primary responsibility to submit the amendment transferring the location of the gauges and authorizing him to receive byproduct material.

#### NRC Evaluation of Licensee's Request for Mitigation

The NRC's evaluation of the Licensee's three arguments follows:

(1) The NRC acknowledged in its December 3, 2001 letter and Notice that the violations created no actual or potential safety consequences. This factor was taken into account in determining the severity level of the violations. Absent willfulness, the violations would have been classified at Severity Level IV, and no civil penalty would have been considered. As our letter stated, willfulness resulted in these violations being classified as a Severity Level III problem.

(2) The NRC maintains its position that there was willfulness associated with the violations. We maintain our position because the radiation safety officer acknowledged that he knew what was required, because he took no action to comply until the NRC became involved, because he stated during his initial interviews and at the predecisional enforcement conference that cost was a factor in his procrastination (implying a conscious decision to delay action), because his failure to take action to comply continued for several months, and because he was reminded during this period that he was expected to take action to comply.

(3) The NRC took enforcement action against Roetech, LLC, based on its failure to

obtain an NRC license before taking possession of portable gauges containing byproduct material. However, we concluded that the Roetech RSO's failure to submit the amendment transferring the location of the gauging device and authorizing himself to receive byproduct material was not willful because the radiation safety officer for the company believed he could use the gauges under CER's license as long as he was completing jobs covered by a contractual arrangement with CER. Following NRC's enforcement process, Roetech was issued a Severity Level IV NOV for possession of radioactive material without a license. NRC's policy is to not assess a Civil Penalty for violations cited a Severity Level IV.

#### NRC Conclusion

The NRC concludes that CER has not provided a sufficient basis for mitigation of the proposed civil penalty. Consequently, the proposed civil penalty in the amount of \$3,000 should be imposed by Order.

[FR Doc. 02-9889 Filed 4-22-02; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on May 1, 2002, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, May 1, 2002—1 p.m. until the conclusion of business

The Subcommittee will discuss proposed ACRS activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its