

new entrants in the science and engineering workforce and to provide estimates on the characteristics of recent bachelor's and master's graduates with science and engineering degrees. The study is one of three components of the Scientists and Engineers Statistical Data System (SESTAT), which produces national estimates of the size and characteristics of the nation's science and engineering population.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to “* * * provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government.” The NSRGC is designed to comply with these mandates by providing information on the supply and utilization of the nation's recent bachelor's and master's level scientists and engineers. Collected data will be used to produce estimates of the characteristics of these individuals. They will also provide necessary input into the SESTAT labor force data system, which produces national estimates of the size and characteristics of the country's science and engineering population. The Foundation uses this information to prepare congressionally mandated reports such as Women, Minorities and Persons with Disability in Science and Engineering and Science and Engineering Indicators. NSF publishes statistics from the survey in many reports, but primarily in the biennial series, Characteristics of Recent Science and Engineering Graduates in the United States. A public release file of collected data, designed to protect respondent confidentiality, also is expected to be made available to researchers on CD-ROM and on the World Wide Web.

Mathematica Policy Research, Inc. of Princeton, New Jersey will conduct the study for NSF. Data are obtained by mail questionnaire, computer assisted telephone interviews and web survey beginning October 2003. The survey will be collected in conformance with the Privacy Act of 1974 and the individual's response to the survey is voluntary. NSF will insure that all information collected will be kept strictly confidential and will be used only for research or statistical purposes, analyzing data, and preparing scientific reports and articles.

2. Expected Respondents

A statistical sample of approximately 18,000 bachelor's and master's degree recipients in science, engineering, and

health will be contacted in 2003. A total response rate in 2001 was 80%.

3. Estimate of Burden

The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average it will take approximately 25 minutes to complete the survey. We estimate that the total annual burden will be 7,500 hours during the year.

Dated: December 23, 2002.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 030-13573]

In the Matter of PermaGrain Products, Incorporated, 4789 West Chester Pike, Newtown Square, Pennsylvania, 19073; License Nos. 37-17860-01, EA-02-260; Demand for Information

I

PermaGrain Products, Inc. (the Licensee) is the holder of Byproduct Material License No. 37-17860-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 30. The license authorizes the possession and use of 2,000,000 curies of cobalt 60 for the irradiation of materials other than explosives or corrosive materials. The license further authorizes an additional 5,000 curies of cobalt 60 for use in a NUMEC Model NRI-300A self-shielded irradiator for irradiation of materials. The license, originally issued on December 21, 1977, was last renewed on March 7, 1997, and is due to expire on March 31, 2007. The license permits use of material at the Licensee's facilities at Reactor Road, Karthaus, Pennsylvania. PermaGrain Products, Inc., leases the location from the Commonwealth of Pennsylvania, the owner of the site.

II

On November 12, 2002, Dr. A. E. Witt, President of PermaGrain Products, Inc. informed the NRC that the Licensee was having financial difficulty and that it might declare bankruptcy. On November 13, 2002, Dr. Witt provided a letter to NRC Region I which made certain staffing and security commitments for the Karthaus facility that would continue until NRC was notified otherwise. Since that notification, PermaGrain was engaged in negotiations with a potential buyer

which, if they had been successful, could have alleviated the Licensee's financial difficulties.

On December 6, 2002, Jeffrey Kurtzman, counsel to PermaGrain Products, Inc. notified the NRC that the negotiations had not been successful. He also notified the NRC that the Licensee intended to file a voluntary petition pursuant to chapter 7 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court of the Eastern District of Pennsylvania. On December 16, 2002, Mr. Kurtzman notified NRC of the Licensee's intention to file for bankruptcy on or about December 17, 2002.

The NRC is concerned that PermaGrain's financial situation will not allow continued funding of activities that are essential to ensure radiological safety and security of licensed material present at the site. Therefore, further information is needed to determine whether the Commission can have reasonable assurance that in the future the Licensee will maintain security of licensed material as well as continued maintenance of the required safety features, including the security alarm system, ventilation system, appropriate water level in the pool, the demineralizer system, the heating system, electric and water supply in the facility, all of which are essential to ensure radiological safety at the premises.

III

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR part 30, in order for the Commission to determine whether your licenses should be modified, suspended or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, the Licensee is required to submit to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 48 hours of the date of this Demand for Information, in writing and under oath or affirmation:

A. 1. A written description of its plan to continue to provide security over and control access to the Karthaus site, in accordance with 10 CFR parts 20 and 36;

2. A list of the essential services necessary to maintain radiation safety and security of the radioactive material on the site, and the Licensee's plan for continuation of these services. The list should include utilities, periodic maintenance and contract services, such

as a security alarm monitoring service. If the Licensee is unable to provide any of the essential services, the plan should include provisions for a third party to provide for the service(s), including providing the training necessary to adequately provide the service(s).

B. In light of the findings set forth in section II of this demand for information, the Licensee shall provide to NRC a written plan for disposition of the cobalt 60 sources (including those in the self contained irradiator) in compliance with 10 CFR 30.36. The plan shall contain:

1. A description of how the sources will be removed, packaged, transported and disposed of; and,

2. A timetable for the transfer of all licensed material from the site to an authorized recipient.

Copies also shall be sent to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406-1415.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

Dated this 17th day of December, 2002.
For the Nuclear Regulatory Commission.

Frank J. Congel,

Director, Office of Enforcement.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-354]

PSEG Nuclear LLC; 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 (NRC or the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-57, issued to PSEG Nuclear LLC (PSEG or the licensee), for operation of the Hope Creek Generating Station (Hope Creek) located in Salem County, New Jersey.

The proposed amendment would provide a one-time change to Technical Specification (TS) 4.8.1.1.2.h.14 to allow the testing of Hope Creek's emergency diesel generator (EDG) lockout relays to be performed at power until startup from its eleventh refueling

outage (spring 2003). The current TS surveillance requirement (SR) only allows the EDG lockout relays to be tested during shutdown conditions. Approval and implementation of the proposed TS change would allow the testing that has been completed to be used to comply with TS 4.8.1.1.2.h.14.

PSEG has requested that the proposed TS change be issued on an exigent basis in accordance with Title 10 of the Code of Federal Regulations (10 CFR) Section 50.91(a)(6). On December 12, 2002, all 4 Hope Creek EDGs were declared inoperable at 1:07 p.m. due to the licensee's failure to fully comply with TS SR 4.8.1.1.2.h.14.a. PSEG invoked TS 4.0.3, thus permitting 24 hours to complete the required surveillance activities. The SR that was not met required the licensee to demonstrate that the EDG differential current and low lube oil pressure could independently provide trip and lockout inputs to the lockout relay 86R. TS 4.8.1.1.2.h requires this test to be performed during shutdown conditions. At 11:20 a.m. on December 13, 2002, PSEG invoked TS 4.0.3 when it determined that portions of SRs 4.8.1.1.2.h.14.b (backup relay 86B) and 4.8.1.1.2.h.14.c (breaker failure relay 86F) were missed for EDG "A" and EDG "C." TS 4.0.3 allows the licensee to complete missed surveillance tests within a 24-hour period following discovery that a SR was not done. On December 13, 2002, PSEG requested that the NRC exercise discretion in accordance with Section VII.C of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, by granting a Notice of Enforcement Discretion (NOED). At the time of the NOED request, the licensee was conducting portions of testing to meet 4.8.1.1.2.h.14.b and 4.8.1.1.2.h.14.c. Because TS 4.8.1.1.2.h currently requires that these tests be performed during shutdown conditions and the time to Hope Creek's next scheduled outage would exceed the non-compliance period beyond 14 days, PSEG further requested a one-time change to TS 4.8.1.1.2.h under exigent circumstances. Approval of this one-time TS change would allow testing recently conducted during power operations to satisfy the SR on the EDG lockout relays.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under

exigent circumstances, the NRC staff must determine 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. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This request is only administrative in nature. Portions of the protective Emergency Diesel Generator (EDG) lockout function testing required by Technical Specification (TS) 4.8.1.1.2.h.14 were discovered to have been missed and have since been satisfactorily performed during power operation. The provision of TS 4.8.1.1.2.h that requires testing be performed during shutdown precludes PSEG from taking credit for the on-line testing to meet the surveillance requirement. The scope of this amendment request is to enable PSEG to take credit for the testing that has been performed at power to satisfy TS 4.8.1.1.2.h.14. The requested amendment applies on a one-time basis until the next refueling outage. The change is administrative and cannot affect the initiation of any accident, nor does it affect the capability of the EDGs to fulfill their design basis accident functions.

Therefore, the request does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The request is only administrative in nature in that surveillance requirement 4.8.1.1.2.h requires the surveillance to be performed during shutdown. The operability of the EDG lockout functions has been satisfactorily demonstrated; however the surveillance requirement as presently written cannot be administratively completed due to the shutdown conditions identified in the surveillance requirement. Since no physical changes are being made to the plant and there are no changes being made to the operation of Hope Creek, this request does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in a margin of safety.

The operability of the EDG lockout functions has been satisfactorily demonstrated, however the surveillance