

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 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 II, 61 Forsyth Street, SW, Suite 23T85, Atlanta, Georgia, 30303-8931.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If MPSA 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 MPSA requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether MPSA was in violation of the Commission's requirements as set forth in the Notice referenced in Section II above, and

(b) Whether, on the basis of such violation, this Order should be sustained.

Dated this 2nd day of April 2001.

For the Nuclear Regulatory Commission.

Frank J. Congel,

Director, Office of Enforcement.

[FR Doc. 01-8888 Filed 4-10-01; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 72-17]

Portland General Electric Company; Trojan Nuclear Plant; Trojan Independent Spent Fuel Storage Installation; Notice of Issuance of Amendment to Materials License SNM-2509

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued Amendment 1 to Materials

License No. SNM-2509 held by Portland General Electric Company (PGE) for the receipt, possession, storage, and transfer of spent fuel at the Trojan Nuclear Plant independent spent fuel storage installation (ISFSI), located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

By letter dated February 19, 2001, as supplemented by letter dated March 9, 2001, PGE submitted an application to the NRC in accordance with 10 CFR part 72 requesting an amendment of the Trojan ISFSI license (SNM-2509). PGE sought Commission approval to revise the Trojan ISFSI Technical Specifications (Appendix A to the license) to conform to a change in the Code of Federal Regulations (10 CFR 72.48) which will become effective on April 5, 2001, and to make editorial corrections.

This amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

In accordance with 10 CFR 72.46(b)(2), a determination has been made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected. Therefore, the publication of a notice of proposed action and an opportunity for hearing or a notice of hearing is not warranted. Notice is hereby given of the right of interested persons to request a hearing on whether the action should be rescinded or modified.

The Commission has determined that, pursuant to 10 CFR 51.22(c)(11), neither an environmental assessment nor an environmental impact statement is warranted for this action.

Documents related to this action are available for public inspection at the Commission's Public Document Room, One White Flint North Building, 11555 Rockville Pike, Rockville, MD, or from the publicly available records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web Site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

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

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

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NUCLEAR REGULATORY COMMISSION

[IA-01-023]

In the Matter of Paige Rowland; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Paige Rowland was employed as a nuclear medicine technician at Central Michigan Community Hospital (Licensee) in Mount Pleasant, Michigan. Central Michigan Community Hospital holds License No. 21-08966-01, Amendment 37, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Parts 30 and 35 on August 10, 1998. The license authorizes the medical use of byproduct material for diagnostic and therapy purposes in accordance with the conditions specified therein. Ms. Rowland was authorized to use byproduct material under the supervision of an authorized user.

II

On June 22 to July 2, 1998, an inspection was conducted at the licensee's facility to determine whether activities were performed safely and according to NRC requirements. During the inspection, hospital staff informed the NRC that on August 2, 1996, an emergency lung scan, using technetium-99m, was conducted by an unqualified individual who was not under the supervision of an authorized user. Ms. Rowland, the on-call nuclear medicine technician (NMT), was unable to respond to the hospital's page and arranged for another hospital technician to conduct the lung scan, with Ms. Rowland on the telephone talking the other technician through the nuclear medicine procedure. While all activities were properly performed, the second individual was not qualified to perform the procedure and was not under the supervision of an authorized user in accordance with NRC requirements.

Based on the inspection results, the NRC Office of Investigations (OI) conducted an investigation to determine whether Ms. Rowland conspired with another hospital technician to deliberately violate NRC requirements by having the unqualified technician

perform the lung scan without being under the supervision of an authorized user. The OI investigation concluded that Ms. Rowland and the unqualified technician conspired to deliberately cause the licensee to be in violation by having the unqualified and unsupervised individual perform the lung scan.

A predecisional enforcement conference was held with Ms. Rowland on January 26, 1999, to discuss the incident and obtain her perspective on the issue. Based on the information provided by Ms. Rowland during the conference, OI conducted a supplemental investigation to determine whether she provided inaccurate information to NRC staff during the conference. The OI investigation concluded that Ms. Rowland provided false information to the NRC relating to who performed the lung scan on August 2, 1996.

The OI investigators coordinated the results of their investigation with the U.S. Attorney's Office, Grand Rapids, Michigan, and Ms. Rowland was subsequently prosecuted for providing false information to the NRC. On November 30, 2000, Ms. Rowland pleaded guilty in the United States District Court for the Western District of Michigan to a criminal charge involving knowingly providing false statements to the NRC.

III

Based on the above, it appears that Paige Rowland, while an employee of the Licensee, engaged in deliberate misconduct that caused the Licensee to be in violation of 10 CFR 35.11(b) and her in violation of 10 CFR 30.10(a)(1). It further appears that Ms. Rowland has deliberately provided to NRC staff information that she knew to be incomplete or inaccurate in some respect material to the NRC, in violation of 10 CFR 30.10(a)(2). The NRC must be able to rely on the licensee and its employees to comply with NRC requirements and to provide information that is complete and accurate in all material respects. Ms. Rowland's deliberate action causing the licensee to violate 10 CFR 35.11(b) and her misrepresentations to the NRC have raised serious doubt whether she can be relied upon to comply with NRC requirements, to refrain from deliberately violating NRC rules and regulations, and to provide complete and accurate information to the NRC.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and

safety of the public will be protected if Ms. Rowland were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Ms. Rowland be prohibited from any involvement in NRC-licensed activities for a period of five years from November 30, 2000 (the date of her conviction). Additionally, Ms. Rowland is required to notify the NRC of her first employment in NRC-licensed activities for a period of five years following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Ms. Rowland's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

Accordingly, pursuant to sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.10, and 10 CFR 150.20, *It Is Hereby Ordered, Effective Immediately, That:*

1. Paige Rowland is prohibited for five years from November 30, 2000, from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Ms. Rowland is currently involved with another licensee in NRC-licensed activities, she must immediately cease those activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this order to the employer.

3. For a period of five years after the five-year period of prohibition has expired, Ms. Rowland shall, within 20 days of acceptance of her first employment offer involving NRC-licensed activities or her becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555, of the name, address, and telephone number of the employer or the entity where she is, or will be, involved in the NRC-licensed activities. In the notification, Ms. Rowland shall include a statement of her commitment to compliance with regulatory requirements and the basis why the Commission should have confidence that she will now comply with applicable NRC requirements.

The Director, OE, may, in writing, relax or rescind any of the above

conditions upon demonstration by Ms. Rowland of good cause.

V

In accordance with 10 CFR 2.202, Ms. Rowland must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 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. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Ms. Rowland or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing 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, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351, and to Ms. Rowland if the answer or hearing request is by a person other than Ms. Rowland. If a person other than Ms. Rowland requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Ms. Rowland or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Ms. Rowland, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere

suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated this 2nd day of April 2001.
For the Nuclear Regulatory Commission.
Carl J. Paperiello,
*Deputy Executive Director for Materials,
Research and State Programs.*
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NUCLEAR REGULATORY COMMISSION

[Docket No. 030-32714]

Environmental Assessment: Finding of No Significant Impact, and Notice of Opportunity for a Hearing Related to Amendment of U.S. Nuclear Regulatory Commission Byproduct Materials, License 13-26398-01, Dow AgroSciences LLC

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: NRC plans to issue an amendment to NRC Byproduct Materials License 13-26398-01, authorizing use of carbon-14 (C-14) in field studies at the Dow AgroSciences Midwest U.S. Research Center located in Fowler, Benton County, IN.

FOR FURTHER INFORMATION, CONTACT: Binesh K. Tharakan, Office of Nuclear Material Safety and Safeguards, Mail Stop T8F5, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 415-7138, e-mail: bkt@nrc.gov.

Environmental Assessment

Background

This environmental assessment (EA) is being performed to evaluate the environmental impacts of the proposed amendment to Dow AgroSciences' NRC Byproduct Materials License 13-26398-01, which would permit the use of radioactive materials in field studies at the Dow AgroSciences' field research station known as the Midwest U.S. Research Center (hereafter referred to as

the Center). The Center is located at 1736 N 1200 E in Fowler (Benton County), IN.

In 1993 and again in 1996, this licensee (previously known as DowElanco) was approved for similar radiolabeled field studies at its former field research site known as the DowElanco Greenfield Field Research Station in Greenfield, IN. All radioisotope use ceased at the Greenfield Station and the site was decommissioned in 1998. Two previous **Federal Register** notices—58 FR 28638 and 61 FR 16937—describe using radioactive materials to provide data for previous “nature-of-residue,” “uptake,” and “crop rotation” field pesticide studies performed by this licensee. The purpose of the pesticide studies, which are similar to the requested studies, was explained in detail in each of these **Federal Register** notices. The field use of radiolabeled chemicals described for the proposed amendment (including study design, specific radioisotopes, amount used, and personnel training) is essentially unchanged from the previously licensed use at the Greenfield Station.

Proposed Action

The proposed action is to amend NRC's Dow AgroSciences Byproduct Materials License No. 13-26398-01, which was originally issued to DowElanco on September 21, 1992, to allow a maximum of 1110 megabecquerels (30 millicuries) of C-14 radiolabeled pesticides to be used in a year for outdoor agricultural field studies at the Center. The plots where the material will be used are described in the site characterization section of this document. The overall objective of these small plot field studies is to use radioactivity to identify the metabolic pathway for a given agrochemical after its application to a particular crop or to the soil in which the crop is grown. Once the metabolites have been isolated and structurally identified, it will then be possible to conduct non-radiolabeled studies, using large-scale field applications, to provide quantitative data on the metabolic residues found in the plants studied.

Need for the Proposed Action

The U.S. Environmental Protection Agency (EPA) requires these Center studies so it can make regulatory decisions on the registration of biologically active chemicals as pesticides, according to the criteria set forth in the amended Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The use of radiolabeled materials is specifically required, in 40

CFR 158.240 and 158.290, to determine: (1) the “nature of residue” in crops after treatment with a biologically active chemical; and (2) the “uptake” of a soil-applied, biologically active chemical by crops grown in the treated soil. The analytical sensitivity afforded through the use of radioisotope labels in field studies is essential for isolation and identification of metabolites present in trace amounts in complex biological matrices. In the absence of such radiolabeled molecules, it would be extremely difficult to trace, isolate, and identify a single chemical in these complex matrices. EPA specifically identifies the use of radiolabeled test materials, in 40 CFR 158.240, to determine the “nature-of-residue” studies; no alternatives are given. The current amendment request proposes to perform studies at the Center similar to the C-14 field studies that were performed at the Greenfield Research Station.

These studies are being completed, as required by EPA, for registering the pesticide and permitting sale of the pesticide in the United States and abroad. Specifically, the Federal Food, Drug, and Cosmetic Act (as amended) requires pesticides intended for use on agricultural commodities to be registered by EPA under FIFRA (as amended).

Site Characteristics

The Center's land is fully owned by Dow AgroSciences and, as private land, it does not have a U. S. Bureau of Land Management designation. It is located in rural agricultural Benton County, IN. The Center's location consists of the following legal description: NE $\frac{1}{4}$ of S 9, T 25 N, R 6 W; and E $\frac{1}{2}$ of N $\frac{1}{4}$ S 9, T 25 N, R 6 W; and S $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 4, T 25 N, R 6 W. It is bordered on the north by privately owned farm land used for growing row crops. The eastern portion of the Center property is bordered by County Road 1200 E, a moderately traveled country road. To the south, the Center's property abuts privately owned farmland used for growing row crops. Jackmon Ditch (county drainage ditch) drains from south to north and divides the property into one-third and two-third sections, perpendicular to the south border, with field plots to the east of the ditch designated as E-1 through E-8, and those to the west as W-1 through W-6. The west border abuts private farmland used for growing row crops. Big Pine Creek drains from east to west and runs diagonally from northeast to southwest through the center of the approximate 0.32 square kilometers (80 acres) of the Center's property that lies north of