

confirming TTI's commitment to take several remedial actions before radiography activities were resumed in Hawaii. As discussed above, on May 7, 2002, Engineering & Inspections Unlimited, Inc., a State of Florida licensee, filed with NRC to perform radiography activities in Hawaii under the reciprocity provisions of 10 CFR 150.20. Thus, Engineering & Inspections Hawaii's activities in Hawaii are no longer being conducted under TTI's NRC license.

The preliminary results of the OI investigation include a finding that Brian J. McKenna engaged in deliberate misconduct, as defined by 10 CFR 30.10. Specifically, the investigation found that Brian J. McKenna had on numerous occasions dispatched radiographer's assistants and helpers to conduct radiography without their being accompanied by a certified radiographer who was trained and certified in accordance with the training requirements of 10 CFR 34.43. Brian J. McKenna first denied dispatching non-certified radiographers to conduct radiography, but admitted after being shown records of specific radiography jobs that he had assigned non-certified radiographers to conduct radiography because of a shortage of qualified personnel.

The investigative evidence developed to date demonstrates a lack of regard for NRC's radiation safety requirements by Brian J. McKenna. He currently manages radiography activities for Engineering & Inspections Unlimited, Inc.'s in Hawaii, supervises the individual who dispatches radiographers to job sites, and is authorized to perform radiography. This situation raises questions as to why the NRC should have reasonable assurance that Engineering & Inspections Unlimited, Inc.'s radiography activities in Hawaii are being conducted in accordance with all NRC radiation safety requirements.

Accordingly, pursuant to sections 161b, 161c, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204, the Commission needs the following information to determine whether enforcement action should be taken against you to ensure future compliance with NRC requirements:

A. Information as to why the NRC should have reasonable assurance that radiography activities being conducted by Engineering & Inspections Unlimited, Inc., under your management are being conducted in accordance with all NRC radiation safety requirements; and

B. Information as to why the NRC should not take enforcement action to

prohibit your involvement in NRC-licensed activities.

You may provide any other information that you want the NRC to consider, including whether the statements made in Section II are correct. You may respond to this Demand for Information by filing a written answer under oath or affirmation or by setting forth your reasons why this Demand for Information should not have been issued if the requested information is not being provided. The response to this Demand for Information is to be submitted to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 10 days of the date of this Demand for Information, in writing and under oath or affirmation. Copies also shall be sent to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011-4005, and the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth St., Atlanta, Georgia 30303.

Upon review of your answer, or if no answer is filed, the Commission may institute a proceeding pursuant to 10 CFR 2.202 or take such other action as may be necessary to ensure compliance with regulatory requirements. Your response to the Demand for Information will be considered before a decision is made in this matter. However, if no answer is filed, we will proceed on the basis of available information.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). Therefore, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you *must* specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the

disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information).

Dated this 5th day of September 2002.

For the Nuclear Regulatory Commission.

**James G. Luehman,**

*Deputy Director, Office of Enforcement.*

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 137th meeting on September 25-26, 2002, at the Texas Station Hotel, Amaryllis Room, 2101 Texas Star Lane, North Las Vegas, Nevada.

The entire meeting will be open to public attendance. The schedule for this meeting is as follows:

#### Wednesday, September 25, 2002

A. 8:30-8:40 a.m.: *Opening Statement (Open)*—The Chairman will open the meeting with brief opening remarks, outline the topics to be discussed, and indicate several items of interest.

B. 8:40-9:40 a.m.: *Status of KTI Issue Resolution (Open)*—The Committee will receive an information briefing by NRC staff on the status of DOE/NRC issue resolution.

C. 10-11 a.m.: *Discussion of Integrated Issue Resolution Status Report (Open)*—The Committee will receive a status briefing from NRC staff on the forthcoming NUREG-1762.

D. 11-12 Noon: *NRC Review of Public Comments Received on the Yucca Mountain Review Plan (Open)*—The Committee will receive a briefing by NRC staff on public comments received on the Yucca Mountain Review Plan (NUREG-1804).

E. 1-2 p.m.: *Overview of Well Drilling in the Amargosa Desert Area (Open)*—The Committee will receive an information briefing by an NRC staff representative on the analysis of well drilling activity in the Amargosa Desert Area covering the last 100 years.

F. 2-4:30 p.m.: *Preparation of ACNW Reports (Open)*—The Committee will discuss proposed reports on the following topics:

- Orphan Sources
- KTI Status Report
- Integrated IRSR
- Public Outreach

G. 4:30–6 p.m.: *Stakeholder Interactions* (Open)—The Committee will reserve this time for interactions with stakeholders and meeting participants.

**Thursday, September 26, 2002**

H. 8:30–8:35 a.m.: *Opening Statement* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.

I. 8:35–4 p.m.: *U.S. Department of Energy (DOE) Scientific Update for Selected Activities of the Geologic Repository Program at Yucca Mountain* (Open)—The Committee will hear updates from DOE representatives on the following topics:

- DOE Opening Remarks
- Rebaselining of DOE Yucca Mountain Program
- Final Environmental Impact Statement for Yucca Mountain
- Repository Design Update
- Proposed Resolution of Anomalous Chlorine-36 Indications.
- Microbial-Induced Corrosion Considerations

J. 4:15–5:15 p.m.: *Stakeholder Interactions* (Open)—The Committee will reserve this time for interactions with stakeholders and meeting participants.

K. 5:15–6:45 p.m.: *Preparation of ACNW Reports* (Open)—The Committee will discuss proposed reports on the following topics:

- Orphan Sources
- KTI Status Report
- Integrated IRSR
- Public Outreach
- DOE Scientific Update (tentative)

L. 6:45–7 p.m.: *Miscellaneous* (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 3, 2001 (66 FR 50461). In accordance with these procedures, oral or written statements may be presented by members of the public; electronic recordings will be permitted only during those portions of the meeting that are open to the public; and questions may be asked by members of the Committee, its consultants, staff, and the public. Persons desiring to make oral statements should notify Mr. Howard J. Larson, ACNW (Telephone 301/415–6805), between 8 a.m. and 4 p.m. EDT, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting

for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Howard J. Larson as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman’s ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Howard J. Larson.

ACNW meeting notices, meeting transcripts, and letter reports are now available for downloading or viewing on the Internet at <http://www.nrc.gov/ACRSACNW>.

Videoteleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301/415–8066), between 7:30 a.m. and 3:45 p.m. EDT, at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: September 9, 2002.

**Andrew L. Bates,**  
*Advisory Committee Management Officer.*  
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**PENSION BENEFIT GUARANTY CORPORATION**

**Required Interest Rate Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of interest rates and assumptions.

**SUMMARY:** This notice informs the public of the interest rates and assumptions to

be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC’s Web site (<http://www.pbgc.gov>).

**DATES:** The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in September 2002. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in October 2002.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

**SUPPLEMENTARY INFORMATION:**

**Variable-Rate Premiums**

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and section 4006.4(b)(1) of the PBGC’s regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the “required interest rate”) in determining a single-employer plan’s variable-rate premium. The required interest rate is the “applicable percentage” (currently 100 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the “premium payment year”). (Although the Treasury Department has ceased issuing 30-year securities, the Internal Revenue Service announces a surrogate yield figure each month—based on the 30-year Treasury bond maturing in February 2031—which the PBGC uses to determine the required interest rate.)

The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in September 2002 is 5.08 percent.

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between October 2001 and September 2002.

For premium payment years beginning in—	The required interest rate is—
October 2001 .....	4.66
November 2001 .....	4.52