

corrective actions that included re-instructing and re-training its employees; and the Licensee has had no prior violations of NRC regulations.

The Licensee also argues that none of the rationales set forth in the enforcement policy for issuing a penalty are applicable in this case. Specifically, the Licensee indicates that the penalty will not encourage prompt identification and prompt corrective action because the Licensee had already identified and corrected the violations. The Licensee also states that the penalty will not deter future violations because the theft of the radioactive device was the result of a criminal act by a third party. Finally, the Licensee maintains that the penalty will not focus the Licensee's attention on significant violations because the Licensee believes that the violation was insignificant.

### 3. NRC Evaluation of Licensee's Request for Withdrawal of the Civil Penalty

Notwithstanding the Licensee's contentions regarding the significance of the violation, the NRC maintains that the violation was appropriately classified at Severity Level III, consistent with the NRC enforcement policy. Since the gauge contained less than 1000 times the quantity of cesium-137 set forth in 10 CFR Part 20, Appendix C (the gauge contained approximately 800 times that quantity), the failure to secure the gauge and maintain surveillance over it might have been classified at Severity Level IV, in accordance with Section C.11 of Supplement IV of the enforcement policy, had the gauge not been stolen. However, since the failure to secure or maintain constant surveillance over the gauge, resulted in the gauge being stolen and radioactive material entering the public domain and being handled by members of the public, the violation is more appropriately classified at Severity Level III. Such violations are considered significant since, although the source is normally shielded within the gauge, significant radiation exposures could occur if the source becomes unshielded while in the public domain.

The NRC agrees that the gauge was properly labeled, the Licensee took appropriate actions once it discovered that the gauge was missing, the violation was not willful, and the Licensee's prior enforcement history has been good. As a result, consistent with the NRC enforcement policy, a civil penalty would not normally be warranted for a Severity Level III violation, as the NRC indicated in its February 27, 2002 letter transmitting the civil penalty. However, although the outcome of the normal civil penalty process in this case would not result in a civil penalty, a civil penalty is warranted, in accordance with Section VII.A.1.g of the enforcement policy since the case involved a loss/improper disposal of a sealed source. The Commission included Section VII.A.1.g. in the policy since it believes that normally issuance of a civil penalty is appropriate for cases involving loss of a sealed source or device. This is necessary to properly reflect the significance of such violations.

Although the loss of the gauge was due to the criminal act of a third party, the Licensee

is responsible for that occurrence since the gauge user left the gauge unattended and unsecured, which directly contributed to the theft. Accordingly, issuance of the violation, categorization of the violation at Severity Level III, and imposition of the related civil penalty, is appropriate in this case, and consistent with the NRC enforcement policy.

### 4. NRC Conclusion

The NRC has concluded that the Licensee did not provide an adequate basis for withdrawal of the civil penalty. Accordingly, the proposed civil penalty in the amount of \$3,000 should be imposed.

[FR Doc. 02-11872 Filed 5-10-02; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Joint Meeting of the ACRS Subcommittees on Materials and Metallurgy, on Thermal-Hydraulic Phenomena, and on Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittees on Materials and Metallurgy, on Thermal-Hydraulic Phenomena, and on Reliability and Probabilistic Risk Assessment will hold a joint meeting on May 31, 2002, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Friday, May 31, 2002—8:30 a.m. until the conclusion of business.*

The Subcommittees will continue their review of the proposed risk-informed revisions to the technical requirements of the Emergency Core Cooling Systems Rule (10 CFR 50.46 and Appendix K). 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 Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Official named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the Designated Federal Official, Mr. Paul A. Boehnert (telephone 301-415-8065) between 7:30 a.m. and 5 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda that may have occurred.

Dated: May 7, 2002.

**Sher Bahadur,**

*Associate Director for Technical Support, ACRS/ACNW.*

[FR Doc. 02-11870 Filed 5-10-02; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a proposed revision of a guide in its Regulatory Guide Series. Regulatory Guides are developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide is temporarily identified by its task number, DG-1118, which should be mentioned in all correspondence concerning this draft guide. Draft Regulatory Guide DG-1118, the Proposed Revision 1 of Regulatory Guide 1.53, "Application of the Single-Failure Criterion to Safety Systems," is being developed to describe a method acceptable to the NRC staff for complying with the NRC's regulations with respect to satisfying the single-failure criterion for safety systems.

This draft guide has not received complete staff approval and does not represent an official NRC staff position.

Comments may be accompanied by relevant information or supporting data. Written comments may be submitted by mail to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555; or they may be hand-delivered to the Rules and Directives Branch, ADM, at 11555 Rockville Pike, Rockville, MD. Copies of comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Comments will be most helpful if received by July 15, 2002.

You may also provide comments via the NRC's interactive rulemaking Web site through the NRC home page (<http://www.nrc.gov>). This site provides the ability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking Web site, contact Ms. Carol Gallagher, (301) 415-5905; e-mail [CAG@NRC.GOV](mailto:CAG@NRC.GOV). For information about Draft Regulatory Guide DG-1118, contact Mr. S.K. Aggarwal at (301) 415-6005, e-mail [SKA@NRC.GOV](mailto:SKA@NRC.GOV).

Although a time limit is given for comments on these draft guides, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD; the PDR's mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415-4737 or (800) 397-4205; fax (301) 415-3548; email [PDR@NRC.GOV](mailto:PDR@NRC.GOV). Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Reproduction and Distribution Services Section; or by e-mail to [DISTRIBUTION@NRC.GOV](mailto:DISTRIBUTION@NRC.GOV); or by fax to (301) 415-2289. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 1st day of May, 2002.

For the Nuclear Regulatory Commission.  
**Michael E. Mayfield,**  
*Director, Division of Engineering Technology,  
Office of Nuclear Regulatory Research.*  
[FR Doc. 02-11873 Filed 5-10-02; 8:45 am]

**BILLING CODE 7590-01-P**

## OVERSEAS PRIVATE INVESTMENT CORPORATION

### Sunshine Act Meeting; May 22, 2002, Board of Directors Meeting

**TIME AND DATE:** Wednesday, May 22, 2002, 1:30 p.m. (OPEN Portion), 1:45 p.m. (CLOSED Portion).

**PLACE:** Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

**STATUS:** Meeting OPEN to the Public from 1:30 p.m. to 1:45 p.m., Closed portion will commence at 1:45 p.m. (approx).

#### MATTERS TO BE CONSIDERED:

1. President's Report
2. Approval of January 31, 2002 Minutes (Open Portion)

#### FURTHER MATTERS TO BE CONSIDERED:

- (Closed to the Public 1:45 p.m.)
1. Finance Project in South America
  2. Finance Project in Pakistan
  3. Finance Project—Global
  4. Insurance Project in Chad
  5. Insurance Project in the Philippines
  6. Approval of January 31, 2002 Minutes (Closed Portion)
  7. Pending Major Projects
  8. Reports

#### CONTACT PERSON FOR INFORMATION:

Information on the meeting may be obtained from Connie M. Downs at (202) 336-8438.

Dated: May 9, 2002.

**Connie M. Downs,**  
*Corporate Secretary, Overseas Private  
Investment Corporation.*  
[FR Doc. 02-11962 Filed 5-9-02; 10:34 am]  
**BILLING CODE 3210-01-M**

## PRESIDIO TRUST

### The Presidio of San Francisco, California; Notice of Availability of the Presidio Trust Management Plan and Final Environmental Impact Statement

**AGENCY:** The Presidio Trust.

**ACTION:** Notice of availability of the Presidio Trust Management Plan (PTMP): Land Use Policies for Area B of The Presidio of San Francisco and associated Final Environmental Impact Statement (EIS). The PTMP (formerly known as the Presidio Trust Implementation Plan or PTIP) is an

update to the July 1994 Final General Management Plan Amendment (GMPA) for the portion of The Presidio of San Francisco (Presidio) now under the Presidio Trust's (Trust's) jurisdiction (Area B). The PTMP EIS supplements the GMPA Environmental Impact Statement adopted by the National Park Service (NPS) for the Presidio in 1994.

*Contents of Final EIS:* Volume I of the Final EIS contains the text of the Final EIS with a summary of changes made in response to comments on the Draft EIS. Major impact topics assessed in Volume I include historic resources, cultural landscape, archaeology, biological resources, water resources, visual resources, air quality, noise, land use, socioeconomic issues, visitor experience, recreation, public safety, transportation, water supply, utilities and Trust operations. Volume II contains a summary of the public and agency comments received on the Draft EIS, along with written responses to those comments. Volume III contains technical appendices related to the EIS analyses.

*Background:* The Trust has prepared a Final EIS in compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality's implementing regulations at 40 CFR Parts 1500-1508, and the Trust's supplemental implementing regulations in 36 CFR Part 1010. The Final EIS describes and analyzes a proposed action (Final Plan), a variant of the Final Plan alternative, and five additional alternatives to address Presidio Trust Act (Trust Act) requirements, changed conditions since the GMPA was adopted, new policies and management approaches of the Trust, and public comment on the Draft Plan and Draft EIS. The Draft Plan and EIS were circulated for public and agency review from July 25, 2001 to October 25, 2001, a period of about 90 days. During this period, the Trust received over 3,000 comment letters, as well as oral comments provided at two public hearings and at a public meeting of the Golden Gate National Recreation Area and Point Reyes National Seashore Citizens' Advisory Commission. The Trust carefully considered public comments, and made modifications to the text of the Draft Plan and EIS. Modifications included re-naming and substantially revising the text of the Draft Plan, along with inclusion of the Final Plan variant in the EIS and other modest adjustments to the text and analysis of the EIS. Original comment letters and transcripts are available for review in the Trust library, 34 Graham Street, in the Presidio.