Agreement State licenses,'' a specific licensee of an Agreement State is granted a general license to perform the same activity in Non-Agreement states where NRC maintains jurisdiction provided the licensee complies with 10 CFR 150.20(b). Thus, the Licensee is currently performing radiography activities in Hawaii under a general license.

On April 22, 2002, NRC Region IV conducted an unannounced inspection of Engineering & Inspections Hawaii, doing business as Testing Technologies, Inc. (TTI), at a temporary job site in Kapolei, Hawaii. Engineering & Inspections Hawaii was performing activities under an NRC license issued to TTI. TTI, based in Woodbridge, Virginia, and the holder of NRC License No. 45–25007–01, is licensed to conduct radiography activities at temporary job sites anywhere the NRC has jurisdiction. Based on the discovery of apparent willful violations of NRC requirements, on April 24, 2002, NRC's Office of Investigations (OI) began an investigation of activities being conducted in Hawaii under TTI's license. On May 1, 2002, NRC's Region II office in Atlanta, Georgia, issued a confirmatory action letter (CAL No. 2–02–001) to TTI 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 were no longer being conducted under TTI's NRC license.

The preliminary results of the OI investigation include a finding that the Division Manager for Engineering & Inspections Hawaii, and who is currently managing Engineering & Inspections Unlimited, Inc.'s radiography activities in Hawaii, engaged in deliberate misconduct, as defined by 10 CFR 30.10. Specifically, the investigation found that the Division Manager 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. The Division Manager 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 the Division Manager. The Division Manager currently manages Engineering & Inspections Unlimited, Inc.'s radiography activities in Hawaii, supervises the individual that dispatches workers to job-sites, and is himself 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.

Given the Division Manager's involvement in, and supervisory responsibility for, the Licensee's radiation safety program, further information is needed to determine whether the Commission can have reasonable assurance that the Licensee's radiography activities in Hawaii are being conducted in accordance with all radiation safety requirements.

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, 30.32(b), and 150.20(b) in order for the Commission to determine whether the Licensee's general license should be 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 10 days of the date of this Demand for Information, in writing and under oath or affirmation: Information as to why the NRC should have reasonable assurance that the Licensee's radiography activities in Hawaii are being conducted, and will be conducted, in accordance with all NRC radiation safety requirements.

Copies of the Licensee's response to this Demand for Information 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.

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

Dated this 5th day of September 2002.

For the Nuclear Regulatory Commission.

James G. Luehman,

Deputy Director, Office of Enforcement.

[FR Doc. 02–23360 Filed 9–12–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[IA–02–030]

Brian J. McKenna; Demand for Information

Brian J. McKenna, is employed as manager of radiography activities at Engineering & Inspections Unlimited, Inc. in the State of Hawaii. Engineering & Inspections Unlimited, Inc. (Licensee), a radiography licensee of the state of Florida, on May 7, 2002, filed an NRC Form 241, ''Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal Jurisdiction, or Offshore Waters,'' notifying the NRC of its intent to conduct radiography activities at numerous locations in the state of Hawaii, a Non-Agreement State. On August 1, 2002, Engineering & Inspections Unlimited, Inc. filed a revised NRC Form 241, notifying the NRC of additional locations at which it intended to conduct radiography activities in Hawaii. In accordance with 10 CFR 150.20, ''Recognition of Agreement State licenses,'' a specific licensee of an Agreement State is granted a general license to perform the same activity in Non-Agreement states where NRC maintains jurisdiction provided the licensee complies with 10 CFR 150.20(b). Thus, the Licensee is currently performing radiography activities in Hawaii under a general license.

On April 22, 2002, NRC Region IV conducted an unannounced inspection of Engineering & Inspections Hawaii, doing business as Testing Technologies, Inc. (TTI), at a temporary job site in Kapolei, Hawaii. Engineering & Inspections Hawaii was performing activities under an NRC license issued to TTI. TTI, based in Woodbridge, Virginia and the holder of NRC License No. 45–25007–01, is licensed to conduct radiography activities at temporary job sites anywhere the NRC has jurisdiction. Based on the discovery of apparent willful violations of NRC requirements, on April 24, 2002, NRC's Office of Investigations (OI) began an investigation of activities being conducted in Hawaii under TTI's license. On May 1, 2002, NRC's Region II office in Atlanta, Georgia, issued a confirmatory action letter to TTI

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.

[FR Doc. 02–23361 Filed 9–12–02; 8:45 am]

BILLING CODE 7590–01–P

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