

statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

## V

The Licensee may request a hearing within 30 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. 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 Enforcement 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee 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 the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be: Whether on the basis of the violations admitted by the Licensee, this Order should be sustained.

Dated this 9th day of April, 2002.

For the Nuclear Regulatory Commission.

**Frank J. Congel,**

*Director, Office of Enforcement.*

## Appendix to Order Imposing Civil Penalty

### NRC Evaluation and Conclusion of Licensee's Request for Mitigation of Civil Penalty

On December 3, 2001, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during an NRC inspection and investigation.

Centennial Engineering & Research, Inc., (CER or Licensee) responded to the Notice on December 26, 2001. The Licensee admitted Violations A and B, but denied that there was any willfulness associated with the violations and requested mitigation of the civil penalty. The NRC's evaluation and conclusion regarding the licensee's response are as follows:

#### *Summary of Licensee's Request for Mitigation*

The Licensee provided three bases for mitigating the civil penalty in its December 26, 2001 Answer to a Notice of Violation:

(1) The violations created no actual or potential safety consequences. The Licensee stated that the portable gauges were cared for properly at all times, and that complying with NRC regulations regarding the care of byproduct material and fully protecting the public interest is an extenuating circumstance.

(2) The Licensee now believes that willfulness did not occur. The Licensee's radiation safety officer intended to submit the license amendments in a timely manner, but was distracted by what he considered more pressing deadlines associated with his other responsibilities. The Licensee's radiation safety officer admitted to willfulness under "pointed questioning" by NRC investigators, and then that information was used against CER.

(3) The civil penalty was not applied consistently in that Roetech, LLC, also should be fined based on an equal level of knowledge regarding amendment submittal requirements that did not occur on a timely basis. The Roetech Radiation Safety Officer (RSO) had primary responsibility to submit the amendment transferring the location of the gauges and authorizing him to receive byproduct material.

#### *NRC Evaluation of Licensee's Request for Mitigation*

The NRC's evaluation of the Licensee's three arguments follows:

(1) The NRC acknowledged in its December 3, 2001 letter and Notice that the violations created no actual or potential safety consequences. This factor was taken into account in determining the severity level of the violations. Absent willfulness, the violations would have been classified at Severity Level IV, and no civil penalty would have been considered. As our letter stated, willfulness resulted in these violations being classified as a Severity Level III problem.

(2) The NRC maintains its position that there was willfulness associated with the violations. We maintain our position because the radiation safety officer acknowledged that he knew what was required, because he took no action to comply until the NRC became involved, because he stated during his initial interviews and at the predecisional enforcement conference that cost was a factor in his procrastination (implying a conscious decision to delay action), because his failure to take action to comply continued for several months, and because he was reminded during this period that he was expected to take action to comply.

(3) The NRC took enforcement action against Roetech, LLC, based on its failure to

obtain an NRC license before taking possession of portable gauges containing byproduct material. However, we concluded that the Roetech RSO's failure to submit the amendment transferring the location of the gauging device and authorizing himself to receive byproduct material was not willful because the radiation safety officer for the company believed he could use the gauges under CER's license as long as he was completing jobs covered by a contractual arrangement with CER. Following NRC's enforcement process, Roetech was issued a Severity Level IV NOV for possession of radioactive material without a license. NRC's policy is to not assess a Civil Penalty for violations cited a Severity Level IV.

#### *NRC Conclusion*

The NRC concludes that CER has not provided a sufficient basis for mitigation of the proposed civil penalty. Consequently, the proposed civil penalty in the amount of \$3,000 should be imposed by Order.

[FR Doc. 02-9889 Filed 4-22-02; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on May 1, 2002, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, May 1, 2002—1 p.m. until the conclusion of business

The Subcommittee will discuss proposed ACRS activities and related matters. 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 Subcommittee, its

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.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, 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 the Designated Federal Official, Sam Duraiswamy (telephone: 301/415-7364) between 7:30 a.m. and 4:15 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 changes in schedule that may have occurred.

Dated: April 16, 2002.

**Sher Bahadur,**

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

[FR Doc. 02-9890 Filed 4-22-02; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Meeting

*Agency Holding the Meeting:* Nuclear Regulatory Commission.

*Date:* Weeks of April 22, 29, May 6, 13, 20, 27, 2002.

*Place:* Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

*Status:* Public and Closed.

### Matters To Be Considered

#### Week of April 22, 2002

There are no meetings scheduled for the Week of April 22, 2002.

#### Week of April 29, 2002—Tentative

Tuesday, April 30, 2002

9:30 a.m. Discussion of Intergovernmental Issues (Closed—Ex. 1)

Wednesday, May 1, 2002

8:55 a.m. Affirmation Session (Public Meeting) (If needed)

9 a.m. Briefing on Results of Agency Action Review Meeting—Reactors (Public Meeting) (Contact: Robert Pascarelli, 301-415-1245)

This meeting will be Webcast live at the Web address—[www.nrc.gov](http://www.nrc.gov).

#### Week of May 6, 2002—Tentative

There are no meetings scheduled for the Week of May 6, 2002.

#### Week of May 13, 2002—Tentative

Thursday, May 16, 2002

9:25 a.m. Affirmation Session (Public Meeting) (If needed)

9:30 a.m. Meeting with World Association of Nuclear Operators (WANO) (Public Meeting)

This meeting will be Webcast live at the Web address—[www.nrc.gov](http://www.nrc.gov).

2 p.m. Discussion of Intergovernmental Issues (Closed—Ex. 9)

#### Week of May 20, 2002—Tentative

There are no meetings scheduled for the Week of May 20, 2002.

#### Week of May 27, 2002—Tentative

Tuesday, May 28, 2002

9:30 a.m. Briefing on Nuclear Material Licensee Decommissioning and Bankruptcy Issues (Public Meeting) (Contact: Larry Camper, 301-415-7234)

This meeting will be Webcast live at the Web address—[www.nrc.gov](http://www.nrc.gov).

Wednesday, May 29, 2002

9:25 a.m. Affirmation Session (Public Meeting) (If needed) Briefing on the Status of New Reactor Licensing Activities (Public Meeting) (Contact: Joseph Williams, 301-415-1470)

9:30 a.m. This meeting will be Webcast live at the Web address—[www.nrc.gov](http://www.nrc.gov).

\*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292. Contact person for more information: David Louis Gamberoni (301) 415-1651.

### Additional Information

By a vote of 5-0 on April 11 and 12, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of (a) Pacific Gas & Electric Co. (Diablo Canyon Power Plant, Units 1 and 2), Docket Nos. 50-275-LT, 50-323-LT, (b) International Uranium (USA) Corporation (White Mesa Uranium Mill) Appeal of LBP-02-03 (MLA-10), (c) Duke Energy Corp. (McGuire Nuclear Station, Units 1 & 2; Catawaba Nuclear Station, Units 1 & 2), (d) Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72-22-ISFSI; Protective Order for Documents Submitted with Skull Valley Band's Brief in Response to CLI-02-08 (Granting Review of Environmental Justice Ruling, LBP-02-08), and (e) Re-Affirmation of the Final Rule on Part 35—Medical Use of Byproduct Material" be held on April 12, and on less than one week's notice to the public.

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet at: [www.nrc.gov/what-we-do/policy-making/schedule.html](http://www.nrc.gov/what-we-do/policy-making/schedule.html).

\* \* \* \* \*

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electric message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: April 18, 2002.

**David Louis Gamberoni,**

*Technical Coordinator, Office of the Secretary.*

[FR Doc. 02-9983 Filed 4-19-02; 10:35 am]

**BILLING CODE 7590-01-M**

## SECURITIES AND EXCHANGE COMMISSION

### Submission For OMB Review; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

### Extension Rule 17a-13; SEC File No. 270-27; OMB Control No. 3235-0035

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for the extension of the previously approved collection of information on the following rule: 17 CFR 240.17a-13 Quarterly Security Counts to be Made by Certain Exchange Members, Brokers, and Dealers.

Rule 17a-13(b) generally requires that at least once each calendar quarter, all registered brokers and dealers physically examine and count all securities held and account for all other securities not in their possession, but subject to the broker-dealer's control or direction. Any discrepancies between the broker-dealer's securities count and the firm's records must be noted and, within seven days, the unaccounted for difference must be recorded in the firm's records. Rule 17a-13(c) provides that under specified conditions, the securities counts, examination and verification of the broker-dealer's entire list of securities may be conducted on a cyclical basis rather than on a certain date. Although Rule 17a-13 does not