

position to licensed activities. In discrimination cases where an adverse action was initiated or approved by mid-level management within the organization but the specific manager cannot be identified, the Severity Level determination will consider the action taken as though a specific individual manager was identified. For example, during the course of an otherwise legitimate reduction in force, an employee is subject to the layoff, at least in part, due to engaging in a protected activity. In this example, a panel of mid-level managers approves the list of employees affected by the layoff, including the employee wrongly laid off, but no single mid-level manager is specifically identified as responsible for the adverse action. Therefore, Severity Level consideration would be based, in part, on mid-level management involvement.

Potential site or organizational impact is the negative impact on the work environment that could occur if the adverse action is conspicuous and widely known to other employees. The NRC recognizes that this would be the most subjective of the proposed severity level factors and that precise criteria would likely be difficult to establish. Therefore, the NRC anticipates that this factor will only be used when the adverse action is clearly widely-known. Widely-known actions which could affect the organization by affecting the work environment for other employees include, for example, those actions that result in an individual being absent from the workplace, as a result of a termination, suspension, or relocation of work space. Adverse actions involving performance appraisals do not typically result in an employee's absence and may not necessarily be known by other employees. Therefore, actions related to such things as performance appraisals would not typically be considered widely-known under this factor, unless evidence suggests otherwise.

Although not specifically included as a severity level factor in the proposed revision, the NRC notes that the threat of an adverse action is also considered to constitute an adverse action because the threat affects the terms and conditions of employment, thereby affecting the work environment. The NRC recognizes, however, that the threat of an adverse action does not have the same consequences to an individual as an actual tangible adverse action. Under the proposed revision, a SL II violation, for example, could be appropriate, if a mid-level manager threatened to terminate an employee and the threat had widespread site or

organizational impact, i.e., was widely-known among employees.

Accordingly, the proposed revision to the NRC Enforcement Policy, Supplement VII, reads as follows:

#### NRC Enforcement Policy

\* \* \* \* \*

#### Supplement VII—Miscellaneous Matters

\* \* \* \* \*

#### A. Severity Level I—Violations Involving for Example

\* \* \* \* \*

4. Employee Discrimination in violation of 10 CFR 50.7, or similar regulations, by a senior corporate officer or manager involving a significant tangible adverse action (e.g., substantial monetary action, such as termination or job demotion).

#### B. Severity Level II—Violations Involving for Example

\* \* \* \* \*

4. Employee Discrimination in violation of 10 CFR 50.7, or similar regulations where a tangible adverse action (e.g., an actual, negative effect on an employee, such as denial of training, lower performance rating, or denial of a small, routine annual pay increase) was taken or approved by a senior manager; or violations in which at least two of the following factors apply:

(a) The adverse action was approved by at least a mid-level manager (e.g., a manager above a first-line supervisor) or at a level within the organization corresponding to a mid-level manager (in those cases where the specific mid-level manager cannot be identified); or

(b) The adverse action was tangible and significant (e.g., substantial monetary action, such as termination or job demotion); or

(c) The adverse action was widely-known; or

(d) The adverse action was taken because an employee came to the NRC or other government agency with a concern; or

(e) The licensee, contractor or subcontractor's management failed to followup on a discrimination complaint made by one of its own employees or the licensee's management failed to followup on a discrimination complaint made to the licensee by a contractor or subcontractor employee.

#### A. Severity Level III—Violations Involving for Example

\* \* \* \* \*

5. Employee Discrimination in violation of 10 CFR 50.7, or similar regulations where at least one of the following factors apply:

(a) The adverse action was approved by at least a mid-level manager (e.g., a manager above a first-line supervisor) or at a level within the organization corresponding to a mid-level manager (in those cases where the specific mid-level manager cannot be identified); or

(b) The adverse action was tangible (e.g., an actual, negative effect on an employee, such as a denial of a small, routine annual pay increase, denial of training, or lower performance rating); or

(c) The adverse action was widely-known; or

(d) The adverse action was taken because an employee came to the NRC or other government agency with a concern; or

(e) The licensee, contractor or subcontractor's management failed to followup on a discrimination complaint made by one of its own employees or the licensee's management failed to followup on a discrimination complaint made to the licensee by a contractor or subcontractor employee.

#### D. Severity Level IV—Violations Involving for Example

\* \* \* \* \*

7. Employee Discrimination in violation of 10 CFR 50.7, or similar regulations which, in itself, does not warrant a Severity Level III categorization.

Dated at Rockville, MD, this 27th day of September, 2005.

For the Nuclear Regulatory Commission.

**Michael R. Johnson,**

*Director, Office of Enforcement.*

[FR Doc. E5-5578 Filed 10-11-05; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Sunshine Federal Register Notice

**DATES:** Weeks of October 10, 17, 24, 31, November 7, 14, 2005.

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

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

#### Week of October 10, 2005

There are no meetings scheduled for the Week of October 10, 2005.

#### Week of October 17, 2005—Tentative

*Tuesday, October 18, 2005*

9:30 a.m.—Briefing on Decommissioning Activities and Status (Public Meeting) (Contact: Dan Gillen, 301-415-7295).

*This meeting will be webcast live at the Web address—www.nrc.gov.*

**Week of October 24, 2005—Tentative**

*Wednesday, October 26, 2005*

1:30 p.m.—Discussion of Security Issues (Closed—Ex.1).

*Thursday, October 27, 2005*

10 a.m.—Discussion of Security Issues (Closed—Ex.1).

**Week of October 31, 2005—Tentative**

*Tuesday, November 1, 2005*

9:30 a.m.—Briefing on Implementation of Davis-Besse Lessons Learned Task Force (DBLLTF) Recommendations (Public Meeting) (Contact: Brendan Moroney, 301-415-3974).

*This meeting will be webcast live at the Web address—www.nrc.gov.*

**Week of November 7, 2005—Tentative**

There are no meetings scheduled for the Week of November 7, 2005.

**Week of November 14, 2005—Tentative**

There are no meetings scheduled for the Week of November 14, 2005.

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: Michelle Schroll, (301) 415-1662.

\* \* \* \* \*

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)

\* \* \* \* \*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, August Spector, at 301-415-7080, TDD: 301-415-2100, or by e-mail at [aks@nrc.gov](mailto:aks@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

\* \* \* \* \*

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 electronic message to [dkw@nrc.gov](mailto:dkw@nrc.gov).

Dated: October 6, 2005.

**Debra L. McCain,**

*Office of the Secretary.*

[FR Doc. 05-20494 Filed 10-7-05; 10:10 am]

BILLING CODE 7590-01-M

**PENSION BENEFIT GUARANTY CORPORATION**

**Proposed Submission of Information Collection for OMB Review; Comment Request; Survey of Nonparticipating Single Premium Group Annuity Rates**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of intention to request extension of OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") intends to request that the Office of Management and Budget ("OMB") extend approval, under the Paperwork Reduction Act, of a collection of information that is not contained in a regulation (OMB control number 1212-0030; expires January 31, 2006). This voluntary collection of information is a quarterly survey of insurance company rates for pricing annuity contracts. The survey is conducted by the American Council of Life Insurers for the PBGC. This notice informs the public of the PBGC's intent and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by December 12, 2005.

**ADDRESSES:** Comments may be mailed or delivered to the Legislative & Regulatory Department Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026. Comments also may be submitted by e-mail to [paperwork.comments@pbgc.gov](mailto:paperwork.comments@pbgc.gov) or by fax to 202-326-4112. The PBGC will make all comments available on its Web site [www.pbgc.gov](http://www.pbgc.gov).

Copies of the collection of information may be obtained without charge by writing to the PBGC's Communications and Public Affairs Department at Suite 240 at the above address or by visiting that office or calling 202-326-4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040.)

**FOR FURTHER INFORMATION CONTACT:** Thomas H. Gabriel, Attorney, Legislative & Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4024. (TTY and

TDD users may call the Federal relay service toll-free at 1-800-877-8339 and request connection to 202-326-4024).

**SUPPLEMENTARY INFORMATION:** The Pension Benefit Guaranty Corporation's regulations prescribe actuarial valuation methods and assumptions (including interest rate assumptions) to be used in determining the actuarial present value of benefits under single-employer plans that terminate (29 CFR Part 4044) and under multiemployer plans that undergo a mass withdrawal of contributing employers (29 CFR Part 4281). Each month the PBGC publishes the interest rates to be used under those regulations for plans terminating or undergoing mass withdrawal during the next month.

The interest rates are intended to reflect current conditions in the annuity markets. To determine these interest rates, the PBGC gathers pricing data from insurance companies that are providing annuity contracts to terminating pension plans through a quarterly "Survey of Nonparticipating Single Premium Group Annuity Rates." The survey is distributed by the American Council of Life Insurers and provides the PBGC with "blind" data (*i.e.*, is conducted in such a way that the PBGC is unable to match responses with the companies that submitted them). The information from the survey is also used by the PBGC in determining the interest rates it uses to value benefits payable to participants and beneficiaries in PBGC-trusted plans for purposes of the PBGC's financial statements.

The survey is directed at insurance companies that have volunteered to participate, most or all of which are members of the American Council of Life Insurers. The survey is conducted quarterly and will be sent to approximately 22 insurance companies. Based on experience under the current approval, the PBGC estimates that 11 insurance companies will complete and return the survey. The PBGC further estimates that the average annual burden of this collection of information is 41 hours and \$110.

The collection of information under the regulation has been approved by OMB under control number 1212-0030 through January 31, 2006. The PBGC intends to request that OMB extend its approval for another three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The PBGC is soliciting public comments to—

- Evaluate whether the collection of information is necessary for the proper