

*Agenda:*

October 16—Discussion of the 10-year Agenda for Environmental Research and Education, Update on recent NSF environmental activities, Panel presentations and discussion of Environmental Cyberinfrastructure.

October 17—Discussion of developments in freshwater resources, AC-ERE task group meetings and reports, Meeting with the Deputy Director.

Dated: September 24, 2002.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 02-24822 Filed 9-30-02; 8:45 am]

BILLING CODE 7555-01-M

## NATIONAL TRANSPORTATION SAFETY BOARD

### Sunshine Act Meeting

**TIME AND PLACE:** 9:30 a.m., Tuesday, October 8, 2002.

**PLACE:** NTSB Conference Center, 429 L'Enfant Plaza, SW., Washington, DC 20594.

**STATUS:** The one Item is open to the public.

**MATTER TO BE CONSIDERED:**

7264A Pipeline Accident Report—Pipeline Rupture and Subsequent Fire in Bellingham, Washington, on June 10, 1999.

*New Media Contact:* Telephone: (202) 314-6100.

Individuals requesting specific accommodations should contact Ms. Carolyn Dargan (202) 314-6305 by Friday, October 4, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Vicky D'Onofrio, (202) 314-6410.

Dated: September 27, 2002.

**Vicky D'Onofrio,**

*Federal Register Liaison Officer.*

[FR Doc. 02-24999 Filed 9-27-02; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[IA-02-017]

### Perry M. Beale; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

Perry M. Beale, a consultant in the field of health physics, provided consulting services to City Hospital in Martinsburg, West Virginia, Warren Memorial Hospital in Front Royal, Virginia, Culpeper Memorial Hospital in Culpeper, Virginia, Fauquier Hospital in Warrenton, Virginia, and Prince William Hospital in Manassas, Virginia (Licensee

or Licensees). City Hospital holds License No. 47-15501-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 35, last amended on June 25, 2001. Warren Memorial Hospital holds License No. 45-19566-01 issued by the NRC pursuant to 10 CFR part 35 on January 12, 1981, and last amended on October 12, 2001. Culpeper Memorial Hospital holds License No. 45-23040-01 issued by the NRC pursuant to 10 CFR part 35 on September 19, 1984, and last amended on June 12, 2002. Fauquier Hospital holds License No. 45-19484-01 issued by the NRC pursuant to 10 CFR part 35 on November 20, 1980 and last amended on August 2, 2001. Prince William Hospital holds License No. 45-19485-01 issued by the NRC pursuant to 10 CFR part 35 on October 27, 1980, and last amended on October 12, 2001. The licenses for each Licensee authorize the medical use of byproduct material in accordance with the conditions specified therein.

In March 2001, NRC inspections of licensed activities were conducted at City Hospital and Warren Memorial Hospital, and an in-office review was conducted of the Culpeper Memorial Hospital license file. Based on the results of the inspections and in-office review, the NRC's Office of Investigations (OI) initiated an investigation in April 2001, to review the circumstances surrounding the potential falsification of xenon gas clearance rate calculations, and dose calibrator accuracy evaluations. Xenon gas clearance rate calculations, required by 10 CFR 35.205(c), determine the amount of time that would be needed to clear accidentally spilled radioactive xenon gas from rooms where it was to be used. Dose calibrator accuracy tests, required by 10 CFR 35.50(b)(2), compare a known radiation activity to that measured by the calibrator. Mr. Beale had provided consulting services to each of the licensed facilities with respect to the foregoing calculations and evaluations. On March 27, 2002, OI completed its review of the matter. A predecisional enforcement conference was held between the NRC Staff and Mr. Beale on July 15, 2002, to discuss these matters.

Mr. Beale admitted that he had knowingly prepared and submitted inaccurate xenon gas clearance rate calculations to City Hospital, Warren Memorial Hospital and Culpeper Memorial Hospital, and had knowingly prepared and submitted inaccurate dose calibrator accuracy evaluations to Culpeper Memorial Hospital. Specifically, Mr. Beale submitted

numerous reports to City Hospital,<sup>1</sup> to Warren Memorial Hospital,<sup>2</sup> and to Culpeper Memorial Hospital,<sup>3</sup> stating that he had calculated xenon gas clearance rates according to the procedure specified in Appendix O to NRC Regulatory Guide 10.8, "Guide for the Preparation of Applications for Medical Use Programs." The reports stated that the rooms in question at the three hospitals all had the same volume of 0.697 x 10<sup>7</sup> ml, although in fact they each had different volumes. The reports further stated that all rooms at the three hospitals had a total room air exhaust rate of 1.5 x 10<sup>7</sup> ml per minute, although Mr. Beale did not measure or calculate that value. Although the values purportedly used to make the calculations were the same, reported calculated xenon gas clearance rates varied. Mr. Beale told OI investigators and NRC Staff, that in fact he had measured airflows into and out of the rooms at each of the three hospitals to determine that the rooms were under negative pressure, performed no calculations, and then "guessed" the clearance rates. In addition, Mr. Beale admitted that on a day after May 6, 1999, he had generated three dose calibrator accuracy evaluation reports for Culpeper Memorial Hospital dated May 16, 1998, December 10, 1998, and May 6, 1999. Mr. Beale stated that he had used published decay tables to determine the remaining activity in a calibration source, but the values he reported were markedly inconsistent with the values which would have been determined using published decay tables.<sup>4</sup> Mr. Beale submitted a report to Culpeper Memorial Hospital of a dose calibrator accuracy evaluation, which he purportedly performed on April 25, 1997, for a Cobalt-57 source, Serial No. 559186-9, which was certified as having been initially calibrated by the manufacturer on November 1, 1997. Mr. Beale could not explain these inaccuracies. Records of xenon clearance rate calculations and dose calibrator evaluations are required to be maintained by 10 CFR 35.205(d) and 10 CFR 35.50(e), respectively. These records are material to the NRC in that they are relied upon to demonstrate the Licensees' compliance with 10 CFR

<sup>1</sup> Dated February 6, 1998, August 7, 1998, February 5, 1999, August 2, 1999, February 4, 2000, August 24, 2000, and February 21, 2002.

<sup>2</sup> Dated January 8, 1999, July 14, 1999, January 7, 2000, January 11, 2000, July 7, 2000, and July 12, 2000.

<sup>3</sup> Dated May 14, 1998, November 12, 1998, May 3, 1999, November 19, 1999, and April 22, 2000.

<sup>4</sup> For May 6, 1999, 1.58 millicuries versus 1.37 millicuries. For December 10, 1998, 2.65 millicuries versus 1.99 millicuries. For May 16, 1998, 1.1 millicuries versus 3.34 millicuries.