3. Petitioners' Request for Initiation of NRC Investigations

The Petitioners request that the NRC investigate the ''willful falsification'' of a company business record and the cause of ''transcripts found missing'' in the DOL proceeding.[9] During the meeting held with the NRC on July 14, 1997, Mr. Saporito also raised what he asserted were certain improprieties which occurred during the DOL hearing and specifically requested that the NRC investigate an additional concern that the licensee or its attorneys may have ''whited out'' a page of a document he had requested during the DOL proceeding. Mr. Saporito stated that he was adding this request to his Petition.

This matter relates solely to the conduct of a DOL proceeding. The NRC staff has, therefore, referred these issues to DOL. The Petitioners' request that the NRC investigate these matters is denied.

4. Other Petition Issues

The Petitioners request that the NRC require the licensee to post a written notice alongside each NRC Form 3 currently posted at the licensee's nuclear facilities that alerts employees that they can directly contact the NRC about nuclear safety concerns without first identifying the safety concerns to the licensee. In addition, the Petitioners request that the NRC require the licensee to provide a copy of this posted communication to all employees and ensure that all employees are made aware of those communications through the licensee's General Employee Training Program. Finally, the Petitioners request that the NRC require the licensee to provide the Commission with documents authored by an officer of the licensee under affirmation affirming that the licensee has complied with these requests.

This request is similar to a request made by Mr. Saporito in a Petition filed on March 8, 1995, and responded to in a Director's Decision issued on May 25, 1995 (DD–95–8, 41 NRC 346 (1995)). In that Petition, Mr. Saporito requested that each licensee be required to report to the Commission under oath or affirmation that it had completed a review of its station operating procedures to determine whether those procedures included restrictions that would prevent an employee from bringing safety concerns directly to the NRC and that it had communicated to its employees that they were free to bring concerns directly to the NRC without following the normal chain of command. As explained in that Director's Decision, the Secretary of Labor did not hold in his decision of June 3, 1994, that employees have an ''absolute right'' to refuse to inform licensee management of public health and safety concerns and to bypass the licensee's management in order to bring safety concerns directly to the NRC. Although an employee may not be discriminated against by the employer for coming directly to the NRC with safety concerns, an employee may also be required by the employer to bring these same concerns to the employee's management. Whether an employee must bring issues to licensee management is dependent on the facts of each specific case.

As further explained in DD–95–8, the NRC requires in 10 CFR 19.11(c) that all licensees and applicants for a specific license post NRC Form 3, ''Notice to Employees,'' which describes employee rights and protections. In addition, 10 CFR 50.7 and associated regulations were amended in 1990 to prohibit agreements and/or conditions of employment that would restrict, prohibit, or otherwise discourage employees from engaging in protected activity. Finally, in November 1996, the NRC issued a brochure, ''Reporting Safety Concerns to the NRC'' (NUREG/BR–0240), which provided information to nuclear workers on how to report safety concerns to the NRC, the degree of protection that was afforded the worker's identity, and the NRC process for handling a worker's allegations of discrimination. These measures are sufficient to (1) alert employees in the nuclear industry that they may take their concerns to the NRC and (2) alert licensees that they shall not take adverse action against an employee who exercises the right to take concerns directly to the NRC.

The NRC staff believes that these existing requirements for posting and making other information available to workers are adequate. The Petitioners have not provided a sufficient basis for requiring their suggested additional measures. Therefore, Petitioners' requests related to a supplemental posting are denied.

As previously stated, a public meeting was held with Mr. Saporito enabling him to fully present information regarding the issues raised in the Petition. In addition, the NRC will monitor the DOL proceeding referenced in the Petition to determine whether there has been a violation of NRC regulations. In view of these facts, there is no basis to hold any hearing at this time. Therefore, the Petitioners' requests related to a public hearing are denied.

III. Conclusion

For the reasons discussed above, no basis exists for taking the enforcement actions requested in the Petition and its supplements. Nonetheless, as previously described, on July 14, 1997, a public meeting was held between Mr. Saporito and representatives of the NRC staff, the purpose of which was to provide Mr. Saporito with the opportunity to provide additional information regarding the substance of this Petition. Therefore, to the extent that the Petitioners have requested that the NRC conduct an interview with the Petitioners regarding the substance of their 10 CFR 2.206 Petition, the Petition has been granted. With regard to all other aspects of the Petition, the Petition has been denied.

A copy of this Decision will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 CFR 2.206(c). As provided by that regulation, the Decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland, this 8th day of September 1997.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 97–24220 Filed 9–11–97; 8:45 am]

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[9] Mr. Saporito elaborated on these alleged falsifications at the meeting held on July 14, 1997. Specifically, Mr. Saporito asserted, with regard to the missing transcript pages, that 20 pages containing testimony by the licensee's vice president were missing from the initial copy of the transcript that he was provided (although the record was eventually amended to contain these pages). With regard to the falsification of a business record, he asserted that minutes of a meeting held between him and licensee officials did not accurately reflect the real reason that his site access was being revoked; that is, that union officials had told licensee management officials that he might sabotage the plant.

NUCLEAR REGULATORY COMMISSION

Appointments to Performance Review Boards for Senior Executive Service

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Appointment to Performance Review Boards for Senior Executive Service.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has announced the following appointments to the NRC Performance Review Boards. The appointments were recently published

but are being republished to indicate several changes in the membership.

The following individuals are appointed as members of the NRC Performance Review Board (PRB) responsible for making recommendations to the appointing and awarding authorities on performance appraisal ratings and performance awards for Senior Executives:

Patricia G. Norry, Deputy Executive Director for Management Services
Richard L. Bangart, Director, Office of State Programs
Stephen G. Burns, Associate General Counsel, Office of the General Counsel
Guy P. Caputo, Director, Office of Investigations
James E. Dyer, Deputy Regional Administration, Region IV
Jesse L. Funches, Chief Financial Officer
Edward L. Halman, Director, Office of Administration
Malcolm R. Knapp, Deputy Director, Office of Nuclear Material Safety and Safeguards
Joseph A. Murphy, Division Director, Office of Nuclear Regulatory Research
Marylee M. Slosson, Deputy Division Director, Office of Nuclear Reactor Regulation
Roy P. Zimmerman, Associate Director for Projects, Office of Nuclear Reactor Regulation

The following individuals will serve as members of the NRC PRB Panel that was established to review appraisals and make recommendations to the appointing and awarding authorities for NRC PRB members:

Hugh L. Thompson, Jr., Deputy Executive Director for Regulatory Programs
Karen D. Cyr, General Counsel, Office of the General Counsel
Ashok C. Thadani, Acting Deputy Executive Director for Regulatory Effectiveness

All appointments are made pursuant to Section 4314 of Chapter 43 of Title 5 of the United States Code.

EFFECTIVE DATE: September 12, 1997.

FOR FURTHER INFORMATION CONTACT: Carolyn J. Swanson, Secretary, Executive Resources Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 415–7103.

Dated at Rockville, Maryland, this 2nd day of September 1997.

For the U.S. Nuclear Regulatory Commission.

Carolyn J. Swanson,

Secretary, Executive Resources Board.

[FR Doc. 97–24217 Filed 9–11–97; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Notice of Board Meeting

Board Meeting: *October 22 (beginning 9:30 a.m.) & 23, 1997—Fairfax, Virginia:* Department of Energy (DOE) program update, underground repository design, waste package (design, performance, and modeling), repository concept of operations, and DOE-owned spent fuel.

Pursuant to its authority under section 5051 of Public Law 100–203, the Nuclear Waste Policy Amendments Act of 1987, the Nuclear Waste Technical Review Board will hold its fall meeting on Wednesday and Thursday, October 22–23, 1997, in Fairfax, Virginia. The meeting, which is open to the public, will be held at the Hyatt Fair Lakes, 12777 Fair Lakes Circle, Fairfax, Virginia 22033; Tel (703) 818–1234; Fax (703) 818–3140. Reservations for accommodations must be made by October 16, 1997, and you must indicate that you are attending the Nuclear Waste Technical Review Board meeting to receive the preferred rate.

The meeting will include an update on the DOE's nuclear waste management program and activities at Yucca Mountain, Nevada, and sessions on the underground repository design; waste package design, performance, and modeling; repository concept of operations; and DOE-owned spent fuel. A detailed agenda will be available approximately two weeks prior to the meeting by fax or email, or at the Board's website, www. nwtrb.gov.

Time has been set aside for public comment and questions on both days. Those wishing to speak are encouraged to sign the Public Comment Register at the check-in table. A time limit may have to be set on the length of individual remarks; however, written comments of any length may be submitted for the record.

Transcripts of this meeting will be available via e-mail, on computer disk, or on a library-loan basis in paper format from Davonya, Barnes, Board staff, beginning November 18, 1997. For further information, contact Frank Randall, External Affairs, 2300 Clarendon Boulevard, Suite 1300, Arlington, Virginia 22201–3367; (Tel) 703–235–4473; (Fax) 703–235–4495; (E-mail) info@nwtrb.gov.

The Nuclear Waste Technical Review Board was created by Congress in the Nuclear Waste Policy Amendments Act of 1987 to evaluate the technical and scientific validity of activities undertaken by the DOE in its program to manage the disposal of the nation's commercial spent nuclear fuel and defense high-level waste. In the same legislation, Congress directed the DOE to characterize a site at Yucca Mountain, Nevada, for its suitability as a potential location for a permanent repository for the disposal of that waste.

Dated: September 9, 1997.

William Barnard,

Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 97–24200 Filed 9–11–97; 8:45 am]

BILLING CODE 6820–AM–M

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Notice of Panel Meeting

Panel meeting: *October 21, 1997—Fairfax, Virginia:* Biosphere modeling and the Yucca Mountain performance standard currently being used by the Department of Energy.

Pursuant to its authority under section 5051 of Public Law 100–203, the Nuclear Waste Policy Amendments Act of 1987, the Nuclear Waste Technical Review Board's Panel on the Environment, Regulations, and Quality Assurance will hold a meeting October 21, 1997, beginning at 8:30 a.m. The meeting, which is open to the public, will cover biosphere modeling and the Yucca Mountain performance standard. The Department of Energy currently is using this standard until the Environmental Protection Agency standard is announced and a Nuclear Regulatory Commission rule promulgated. A detailed agenda will be available approximately two weeks prior to the meeting by fax or email, or on the Board's website at www.nwtrb.gov.

The meeting will be held at the Hyatt Fair Lakes, 12777 Fair Lakes Circle, Fairfax, Virginia 22033; (Tel) 703–818–1234; (Fax) 703–818–3140. Reservations for accommodations must be made by October 16, 1997, and you must indicate that you are attending the Nuclear Waste Technical Review Board meeting to receive the preferred rate.

Time has been set aside on the agenda for comments and questions from the public. Those wishing to speak are encouraged to sign the Public Comment Register at the check-in table. A time limit may have to be set on the length of individual remarks; however, written comments of any length may be submitted for the record.

Transcript of this meeting will be available on computer disk, via e-mail, or on a library-loan basis in paper format from Davonya Barnes, Board staff, beginning November 18, 1997. For further information, contact Frank