

Human Factors; and Subcommittee on Accident Analysis.

Any inquiries regarding this notice or any subsequent changes in the status and schedule of the meeting, may be made to the Designated Federal Officer, Dr. Jose Luis M. Cortez (telephone: 301-415-6596), between 8:15 am and 5:00 pm.

Dated at Rockville, Maryland this 12th day of June, 1996.

For the Nuclear Regulatory Commission.
Andrew L. Bates,
Federal Advisory Committee Management Officer.

[FR Doc. 96-15396 Filed 6-17-96; 8:45 am]

BILLING CODE 7590-01-P

Nuclear Safety Research Review Committee (NSRRC); Meeting of the Materials and Engineering Subcommittee

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

The Materials and Engineering Subcommittee will hold a meeting on June 26, 1996. The meeting will take place, starting at 9:00 a.m., in room T-2B1, Two White Flint North (TWFN) Building, 11545 Rockville Pike, Rockville, MD and will be open to public attendance.

The Materials and Engineering Subcommittee will review the general nuclear safety research activities of the Division of Engineering Technology, including:

- Recent research activities in the area of reactor pressure vessel integrity including developments in the vessel thermal annealing demonstration program,
- Progress in the research program on the equipment qualification of electric cables,
- Steam generator tube integrity activities,
- Assessment of degraded structures and components,
- Generic Safety Issues, and
- Other items of interest to the Subcommittee.

A detailed agenda will be made available at the meeting. Oral statements may be presented by members of the public with the concurrence of the presiding Subcommittee Chairman; written statements will be accepted and made available to the Subcommittee. Questions may be asked only by members of the NSRRC Subcommittee and the staff. Persons desiring to make oral statements should notify the Nuclear Regulatory Commission staff member named below as far in advance

as is practicable so that appropriate arrangements can be made.

During the initial portions of the meetings, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff regarding the topics to be discussed.

Further information regarding topics to be covered, the rescheduling and/or cancellation of meeting sessions, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted for discussion can be obtained by a telephone call to Dr. Jose Luis M. Cortez (telephone 301/415-6596) between 9:00 a.m. and 4:30 p.m. (EST). Persons planning to attend these meetings are urged to contact the above named individual one or two business days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: June 10, 1996.

Jose Luis M. Cortez,
Senior Research Program Coordinator, Office of Nuclear Regulatory Research.

[FR Doc. 96-15401 Filed 6-17-96; 8:45 am]

BILLING CODE 7590-01-P

[Docket Nos. 50-528, 50-529, 50-530]

Arizona Public Service Company (Palo Verde Nuclear Generating Station) (License Nos. NPF-41, NPF-51, NPF-74); Issuance of Director's Decision Under 10 CFR 2.206

A Petition was filed by Thomas J. Saporito, Jr. (Petitioner), in accordance with 10 CFR 2.206 on May 12, 1993. The Petition requested that the NRC: (1) Institute a show cause proceeding pursuant to 10 CFR 2.202 to modify, suspend, or revoke Arizona Public Service (APS) Company's operating licenses for Palo Verde Nuclear Generating Station (Palo Verde); (2) initiate actions to shut down Palo Verde; (3) take escalated enforcement action against APS, including the issuance of civil penalties against APS and/or licensee management personnel at Palo Verde; and (4) survey Palo Verde employees to gauge the chilling effect that may exist and whether the licensee's actions were effective in limiting the chilling effect. On May 28, 1993, Petitioner forwarded a New Times article to the NRC as a supplement to this petition. On October 26, 1993, Petitioner supplemented the May 12, 1993 Petition to include a copy of an October 23, 1993 discrimination

complaint filed by the Petitioner with the Department of Labor against APS and The Atlantic Group (TAG). In the October 26, 1993 supplement, Petitioner reiterated his earlier request for action and additionally requested escalated enforcement action against TAG and against any of its employees who are found to have engaged in wrongdoing.

Another Petition was filed by Petitioner on January 15, 1994. This Petition, which has been treated as a supplement to the May 12, 1993 Petition: (1) Reiterated the requests for escalated enforcement action against APS that were made in the May 12, 1993 Petition; (2) requested that APS be required to provide a make-whole remedy for Petitioner for terminating Petitioner and failing to rehire him as a result of Petitioner's engaging in protected activities; and (3) requested that APS be required to abate and obviate the chilling effect at APS arising from the failure to provide the Petitioner with employee protections afforded under 10 CFR 50.7.

As the bases for the May 12, 1993 request, Petitioner asserted that: (1) A Department of Labor (DOL) Administrative Law Judge (ALJ) ruled that APS discriminated against Petitioner; (2) the DOL case is evidence that "the licensee appears to have violated numerous NRC requirements regarding operation of the Palo Verde nuclear station; and (3) licensee managers have made questionable if not false statements to the NRC regarding the emergency lighting at Palo Verde. Petitioner's October 26, 1993 supplement to the original Petition bases the request for action on Petitioner's October 23, 1993 complaint filed with DOL and the ruling in favor of Ms. Sarah C. Thomas against APS. Petitioner's January 15, 1994 supplement to the original Petition bases the request for action on the admission by one of the witnesses at the Petitioner's DOL hearing that the witness lied under oath, as evidence of APS' intent to discriminate against Petitioner and that the discriminatory treatment of Petitioner has caused a chilling effect on other employees at Palo Verde.

Another Petition was filed by Petitioner and Florida Energy Consultants (Petitioners) on May 27, 1994. This Petition: (1) Reiterated the request for a show cause proceeding, and further requested that the NRC: (2) issue a notice of violation against the Licensee for continuing to employ TAG as a labor contractor at Palo Verde; (3) investigate alleged material false statements made by William F. Conway, Executive Vice President at Palo Verde,

during his testimony at a DOL hearing (ERA Case No. 92-ERA-030) and that, in the interim, the NRC require that Mr. Conway be relieved of any authority over operations at Palo Verde; (4) investigate the Licensee's statements regarding Petitioner Saporito in an August 10, 1993 letter from Mr. Conway to NRC Administrator, Mr. Bobby H. Faulkenberry, in which the Licensee said that Mr. Saporito gave materially false, inaccurate, and incomplete information on his application for unescorted access to Palo Verde so that, as a result of that event, Petitioner Saporito lacks trustworthiness and reliability for access to Palo Verde; (5) investigate the circumstances surrounding the February 1994 termination of Licensee employee Joseph Straub, a former radiation protection technician at Palo Verde, to determine if his employment was illegally terminated by the Licensee for having engaged in "protected activity" during the course of his employment; (6) require that the Licensee respond to a "chilling effect" letter regarding the circumstances surrounding Mr. Straub's termination from Palo Verde and whether any measures were taken to ensure that his termination did not cause a chilling effect at Palo Verde; (7) initiate appropriate actions to require the Licensee to immediately conduct eddy current testing on all steam generators at Palo Verde, because the steam generator tubes were recently subjected to cracking.

As the bases for these requests, Petitioners asserted that: (1) A show cause proceeding is necessary because the public health and safety concerns alleged are significant and to permit public participation to provide NRC with new and relevant information; (2) past practices of TAG demonstrate that employees of TAG were retaliated against for having raised safety concerns while employed at Palo Verde; (3) citations to testimony from transcripts and numerous newspaper articles (appended as exhibits to the Petition), demonstrate that Mr. Conway's testimony is not credible; (4) statements in the August 10, 1993 letter are inaccurate and materially false and characterize Mr. Saporito as an individual lacking trustworthiness and reliability for access to Palo Verde, so that such negative characterizations have blacklisted him from continued employment in the nuclear industry, which is all in retaliation for him raising safety concerns about operations at Palo Verde; thus, Petitioners ask that these statements be rescinded; (5) an investigation into the termination of Mr.

Straub is warranted in view of the fact that the Licensee has engaged in similar illegal conduct in the past where the NRC has required the Licensee to pay fines; (6) Mr. Straub is entitled to reinstatement with pay and benefits pending the NRC's investigation into his termination to offset any chilling effect his termination had on the Palo Verde workforce; and (7) the stress corrosion and cracking in the steam generators is a recurring problem of which the Licensee is aware and which the Licensee has failed to properly correct, in addition to cooling tower problems, so that the NRC should be concerned about proper maintenance of safety systems and equipment there.

Immediate action with respect to item 7 of the May 27, 1994 Petition, regarding eddy current testing of the steam generators, was denied by William T. Russell, Director, Office of Nuclear Reactor Regulation in a letter to the Petitioners dated July 26, 1994. The non-immediate portion of the request is being addressed in a separate Director's Decision by Mr. Russell and the issue will not be discussed further here.

On July 8, 1994, Petitioners filed a supplement to the May 27, 1994 Petition raising additional issues concerning technical matters unrelated to the issues addressed in this Decision. The requests filed in this July 8, 1994 supplement will be addressed in the above-noted Director's Decision by Mr. Russell and will not be addressed here.

Another Petition was filed by Thomas J. Saporito, Jr., Florida Energy Consultants, and Linda Mitchell (Petitioners) on November 14, 1994. The Petition requested that NRC: (1) Issue a confirmatory order requiring APS to reduce power at all Palo Verde units to 0% until APS can demonstrate corrective actions for the hostile work environment at Palo Verde; (2) issue a demand for information to APS asking (a) why NRC should have confidence that APS can operate Palo Verde without a hostile work environment; (b) about the current duties and responsibilities of certain listed employees, including whether any of those employees is currently involved in NRC-licensed activities; (c) why the Commission should have confidence that these employees will comply with NRC requirements; and (d) why the NRC should not take action to prohibit the involvement of these employees in NRC licensed activities.

As the bases for these requests, Petitioners assert that: (1) DOL found that Sarah Thomas was discriminated against by APS; (2) DOL found that Linda Mitchell was discriminated against by APS; (3) DOL found that

Thomas J. Saporito, Jr., was discriminated against by APS; (4) these matters could have been settled before adjudication by DOL; (5) recent other DOL complaints by Straub and Irick are indicators that discrimination is the normal course of business at Palo Verde; (6) Petitioner Linda Mitchell lives within 2 air miles of Palo Verde and, therefore, has standing to intervene in a hearing before the NRC Atomic Safety and Licensing Board (Board); (7) Petitioners Saporito and Florida Energy Consultants have requisite standing to intervene in a hearing before a Licensing Board through Ms. Mitchell; Petitioner Saporito has requisite standing to intervene in a hearing before the Board through Ms. Mitchell; (8) Petitioners are subject to physical harm and loss of personal property in the event of a nuclear accident at Palo Verde as a direct or indirect result of the hostile work environment fostered at Palo Verde; and (9) a hostile work environment exists and is pervasive at Palo Verde and is condoned and fostered by licensee management.

The request for enforcement action against APS has been granted. For the reasons discussed in the Director's Decision, the remaining requests, other than those being addressed by Mr. Russell in his separate Director's Decision, have been denied.

A copy of this Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206. As provided by this regulation, the Decision will constitute the final action of the Commission on the issues discussed herein 25 days after the date of issuance of the Decision unless the Commission on its own motion institutes a review of the Decision within that time.

Dated: at Rockville, Maryland, this 3rd day of June 1996.

For the Nuclear Regulatory Commission.
James Lieberman,
Director, Office of Enforcement.
[FR Doc. 96-15400 Filed 6-17-96; 8:45 am]
BILLING CODE 7590-01-P

Sunshine Act Meeting

DATES: Weeks of June 17, 24, July 1, and 8, 1996.

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

STATUS: Public and Closed.

MATTERS OF BE CONSIDERED:

Week of June 17

Tuesday, June 18
10:00 a.m.