

*Agenda:* To site visit the RADIUS project and review and evaluate its request for additional funding.

*Reason for Closing:* The activity being reviewed includes information of a proprietary or confidential nature, including technical information, and financial and personnel data. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Dated: August 22, 1997.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 97-22892 Filed 8-27-97; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[IA 97-033]

### Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

In the Matter of Robert J. Nelson.

#### I

Robert J. Nelson was employed by Duke Power Company (DPC) (Licensee) as an electrical systems support valve maintenance technician at the McGuire Nuclear Station. DPC holds License Nos. NPF-9 and NPF-17 (Licenses) for McGuire Nuclear Station, Units 1 and 2, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 50 on July 8, 1981 and May 27, 1983, respectively. The Licenses authorize DPC to operate the McGuire facility in accordance with the conditions specified therein. The facility is located on the Licensee's site in Huntersville, North Carolina.

#### II

During the McGuire Unit 1 refueling outage in January 1996, maintenance was being performed to replace valve 1NV233, a safety-related check valve in the mini-flow path for the 1B charging pump. On January 3, 1996, Mr. Robert J. Nelson initiated Step 11.4.5 of Procedure MP/O/A/7600/04, Kerotest "Y" Type Check Valve Corrective Maintenance, which stated: "Install NEW body to cover gasket in body." On the evening of January 3, 1996, valve 1NV233 was disassembled and DPC technicians identified that the gasket was not new, as it had been previously torqued. McGuire Technical Specification (TS) 6.8.1.c requires that written procedures be established, implemented and maintained covering the activities recommended in Regulatory Guide 1.33, Revision 2, February 1978. Regulatory Guide 1.33 states, in part, that maintenance which

can affect performance of safety-related equipment should be performed in accordance with written procedures. The failure to perform Step 11.4.5 of Procedure MP/O/A/7600/04 as prescribed is a violation of TS 6.8.1.c. Following an investigation, DPC terminated Mr. Nelson's employment on January 18, 1996, based on a finding that he had falsified Procedure MP/O/A/7600/04.

Between March 22, 1996, and March 31, 1997, the NRC Office of Investigations conducted an investigation and concluded that Mr. Nelson had purposely decided to use the old gasket and intentionally signed the procedure step falsely indicating that the gasket had been replaced with a new gasket. The Commission's regulation, 10 CFR 50.9(a) provides, in part, that information required by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects. The failure of DPC to maintain complete and accurate required records of maintenance activities performed on safety-related equipment is a violation of 10 CFR 50.9. Furthermore, during the investigation, Mr. Nelson was not forthright in providing information regarding the failure to follow procedures and intentional falsification of the record as evidenced by statements made by Mr. Nelson to the OI investigator.

On May 27, 1997, the NRC sent a certified letter to Mr. Nelson advising him that his actions appeared to have violated 10 CFR 50.5, "Deliberate Misconduct," and offering him the opportunity to attend a predecisional enforcement conference. The letter was returned to the NRC by the U.S. Postal Service with a note that the letter was unclaimed. The NRC also unsuccessfully attempted to contact Mr. Nelson by telephone on July 16 and 21, 1997.

#### III

Based on the above, it appears that Mr. Nelson engaged in deliberate misconduct when he intentionally signed a procedure step claiming that a gasket in a safety-related valve had been replaced with a new gasket when it had not been replaced. Mr. Nelson's deliberate misconduct caused the Licensee to be in violation of McGuire TS 6.8.1.c and 10 CFR 50.9(a), and is, therefore, a violation of 10 CFR 50.5(a)(1) and 10 CFR 50.5(a)(2). The NRC must be able to rely on licensees and their employees to fully comply with NRC requirements, including plant procedural requirements which ensure

the operability of safety-related equipment and requirements to maintain records that are complete and accurate in all material respects. Mr. Nelson's deliberate misconduct, in causing the Licensee to violate TS 6.8.1.c and 10 CFR 50.9(a), raises serious doubt as to whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to the NRC.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with Commission requirements and that public health and safety will be protected if Mr. Nelson were permitted at this time to be involved in NRC-licensed activities. Therefore, public health, safety and interest require that Mr. Nelson be prohibited from any involvement in NRC-licensed activities for a period of one year from the date of this Order and, if he is currently involved with another licensee in NRC-licensed activities, he must immediately cease such activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer. Additionally, Mr. Nelson is required to notify the NRC of his first employment in NRC-licensed activities for one year following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Nelson's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

#### IV

Accordingly, pursuant to Sections 103, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 50.5 and 10 CFR 150.20, *it is hereby ordered, effective immediately, that:*

A. Mr. Robert J. Nelson is prohibited for one year from the date of this Order from engaging in or exercising control over individuals engaged in NRC-licensed activities. If Mr. Nelson is currently involved in NRC-licensed activities, he must immediately cease such activities, inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer. For purposes of this Order, NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

B. For a period of one year following the period of prohibition set forth in

Paragraph IV.A. above, Mr. Robert J. Nelson shall, within 20 days of his acceptance of his first employment offer involving NRC-licensed activities as defined in Paragraph IV.A above, provide notice to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, of the name, address, and telephone number of the employer or the entity where he is, or will be, involved in NRC-licensed activities. The notice shall include a statement of his commitment to compliance with regulatory requirements and the basis for why the Commission should have confidence that he will now comply with applicable NRC requirements.

The Director, Office of Enforcement, may relax or rescind, in writing, any of the above conditions upon demonstration by Mr. Nelson of good cause.

## V

In accordance with 10 CFR 2.202, Mr. Nelson must, and any other person(s) adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 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. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Nelson or other person(s) adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, 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 Hearings and Enforcement at the same address, and to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, SW Suite 23T85, Atlanta, Georgia 30303 and to Mr. Nelson if the answer or hearing request is by a person other than Mr. Nelson. If a person other than Mr. Nelson requests a hearing, that person shall set forth with particularity

the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Nelson or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Nelson, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 18th day of August 1997.

**Ashok C. Thadani,**

*Acting Deputy Executive Director for Regulatory Effectiveness.*

[FR Doc. 97-22939 Filed 8-27-97; 8:45 am]

BILLING CODE 7590-01-P

## OFFICE OF PERSONNEL MANAGEMENT

### Proposed Collection; Comment Request

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management intends to submit to the Office of Management and Budget a request for the clearance of an information collection. The questions are intended to elicit from Federal contractors descriptions of successes in hiring workers directly off the welfare

rolls. The submissions are entirely voluntary.

**DATES:** Comments on this proposal should be received on or before October 27, 1997.

**ADDRESSES:** Send or deliver comments to—Donna Beecher, Director, Office of Contracting and Administrative Services, U.S. Office of Personnel Management, 1900 E St., NW, Room 1340, Washington, DC 20415.

For information regarding administrative coordination, contact—Kent Bailey, Publications Services Division, 202-606-2260.

**SUPPLEMENTARY INFORMATION:** On March 8, 1997, the President called for the Federal Government to support welfare reform by joining with other employers in offering jobs to welfare recipients. On April 10, 1997, the Office of Management and Budget's Office of Federal Procurement Policy asked Federal Agencies to emphasize to their contractors the importance of hiring people off the welfare rolls.

Federal agencies regularly report their welfare-to-work hires and related experiences. They would like to include in their reports success stories from their contractors. Success stories provide examples that help to inform the public and encourage additional hiring by other non-Federal employers.

This information collection is entirely voluntary and can be submitted whenever the contractor chooses to do so. The information requested and reporting instructions will be posted on the Acquisition Reform Network home page on the Internet ([www.arnet.gov](http://www.arnet.gov)) for a period of approximately four (4) years. A listing of agency contacts will be included in the posting. Government contractors will be invited to send their responses directly, via Internet e-mail, to their primary agency contact.

The information collection consists of a set of questions. Some of the questions are narrative and some statistical. The purpose of the statistical questions is not to gather statistically valid data but to provide a context for narrative descriptions of success. The responses should cover activity since March 8, 1997, and should apply to adults and teen heads of household who immediately prior to hiring were receiving assistance under the Temporary Assistance for Needy Families (TANF) program, Aid to Families with Dependent Children (AFDC), or Tribal Temporary Assistance for Needy Families program administered by an eligible Indian tribe.

The proposed information collection will consist of the following questions: