

intimidation and actions to prevent the establishment of a "questioning attitude" with regard to employees voicing safety concerns is denied.

B. Request for Investigation of NU Attempt To Destroy Focus 98 Document

The Petitioners also request that the NRC refer the Focus 98 document and NU's attempt to destroy the document to the Department of Justice for investigation of a potential coverup. The Petitioners base this request on reports that NU management attempted to destroy the document. The Petitioners consider the NRC to have a duty to refer this apparently deliberate attempt to evade the otherwise lawful exercise of authority by the NRC to the Department of Justice for a complete investigation.

In its March 12, 1998, letter to the NRC, NU states that participants at the January 21, 1998, management team meeting agreed that the words in the document were poorly chosen and, at the suggestion of a consultant who was facilitating the meeting, the participants agreed that the Focus 98 document should not be distributed further because of the deficient wording. NU states that most meeting participants dropped off their copy of the document with the consultant when the meeting was over at the end of the day, and others left it on tables in the room before they left. NU stated that no one attempted to ensure that all the Focus 98 documents were returned, counted the returned documents to determine if some had not been turned in, or ordered the participants to turn in the documents.

The NRC staff reviewed NU's responses to the NRC's February 10, 1998, letter, including NU's investigation report, and conducted separate interviews of individuals involved with the distribution and collection of the Focus 98 document. Information from interviews conducted by the staff confirmed that meeting participants generally concluded that certain wording in the Focus 98 document was inappropriate and susceptible to misinterpretation. Also, the staff's information was consistent with NU's report that there was general agreement by meeting participants to leave the document at the meeting. The staff concludes that NU's actions to address the Focus 98 document were not inappropriate. Therefore, the Petitioners' request to refer the Focus 98 document and its recall and destruction to the Department of Justice is denied.

III. Conclusion

The NRC staff has determined, for the reasons provided in the above

discussion, that the incident involving preparation and distribution of the Focus 98 document does not represent action by NU to discriminate against persons in the Nuclear Oversight Department. Although wording in the document may have been inappropriate, the process for preparation of the document, the informal nature of the document, and the use of the document as discussion points on organizational strengths and weaknesses, all indicate that the language in question in the document involved a matter of poor word choice. The NRC staff also has determined that efforts to collect the Focus 98 document after its distribution at the end of the January 21, 1998, Nuclear Oversight Department team-building session were not inappropriate, and that NU, given the nature and use of the document, had no regulatory obligation to provide it to the NRC or inform the NRC of its existence. As discussed previously, the NRC was concerned that a document prepared for use at an NU organizational function could contain such inappropriate language, even if unintended. The NRC was further concerned that the document could have a "chilling effect" on the NU workforce. The NRC's February 10, 1998, letter to NU required NU to respond to these NRC concerns. Based on the NRC staff's review of NU's response and the NRC's own independent assessment of the event, the NRC staff is satisfied with the actions taken by the licensee to assess the chilling effect of the incident and to prevent recurrence. Accordingly, the Petitioners' requests for revocation of NU's license to operate Millstone Units 1, 2, and 3 for reasons associated with development of the Focus 98 document are denied. The Petitioners' request that the NRC refer the matter of the document's collection and destruction to the Department of Justice for investigation is also denied.

As provided for in 10 CFR 2.206(c), a copy of this Director's Decision will be filed with the Secretary of the Commission for the Commission's review. This Decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the Decision in that time.

Dated at Rockville, Maryland, this 1st day of June 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

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OFFICE OF PERSONNEL MANAGEMENT

Submission For OMB Review; Comment Request For Reclearance of an Information Collection: OPM Form 2809

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for reclearance of an information collection. OPM Form 2809, Health Benefits Registration Form, is used by annuitants and former spouses to elect, cancel, or change health benefits enrollment during periods other than open season.

Comments are particularly invited on: Whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 34,800 OPM Form 2809s are completed annually. We estimate it takes approximately 45 minutes to complete the form. The annual burden is 26,100 hours.

For copies of this proposal, contact Jim Farron on (202) 418-3208, or E-mail to jmfarron@opm.gov

DATES: Comments on this proposal should be received on or before August 7, 1998.

ADDRESS: Send or deliver comments to—Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—

CONTACT: Mary Beth Smith-Toomey, Budget & Administrative Services Division, (202) 606-0623.

U.S. Office of Personnel Management.

Janice R. Lachance,
Director.

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