

17. Department of the Treasury, Internal Revenue Service (N1-58-09-61, 3 items, 3 temporary items). Master files, inputs, and system documentation associated with an electronic information system used to issue employee identification cards.

18. Department of the Treasury, Internal Revenue Service (N1-58-09-62, 4 items, 4 temporary items). Master files, outputs, and system documentation associated with an electronic information system used to identify qualified candidates for executive level positions in the agency.

19. Department of the Treasury, Internal Revenue Service (N1-58-09-63, 3 items, 3 temporary items). Master files, outputs, and system documentation associated with an electronic information system used to validate the addresses of taxpayers' spouses.

20. Department of the Treasury, Internal Revenue Service (N1-58-09-73, 3 items, 3 temporary items). Master files, outputs, and system documentation associated with an electronic information system used by agency agents to request the assistance of specialists in resolving taxpayer cases.

21. Department of the Treasury, Internal Revenue Service (N1-58-09-74, 3 items, 3 temporary items). Master files, outputs, and system documentation associated with an electronic information system used to track innocent spouse relief cases.

22. Department of the Treasury, Internal Revenue Service (N1-58-09-76, 3 items, 3 temporary items). Master files, outputs, and system documentation associated with an electronic information system used to create and distribute taxpayer settlement notices.

23. Agency for International Development, Bureau for Democracy, Conflict and Humanitarian Assistance (N1-286-09-4, 1 item, 1 temporary item). Master files of an electronic information system used to track deployment abroad of civilian personnel.

24. Export-Import Bank of the United States, Chief Information Office (N1-275-09-8, 1 item, 1 temporary item). Master files of an electronic information system used to facilitate processing of financial applications.

25. Institute of Museum and Library Services, Agency-wide (N1-288-09-1, 1 item, 1 temporary item). Master files of an electronic information system that contains data about projects funded by the agency.

26. Institute of Museum and Library Services, Agency-wide (N1-288-09-2, 2

items, 2 temporary items). Master files and outputs of an electronic information system that relates to the review of applications for grants and awards.

Dated: December 4, 2009.

Michael J. Kurtz,

Assistant Archivist for Records Services—Washington, DC.

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NUCLEAR REGULATORY COMMISSION

[NRC-2008-0066; DOCKET NO. 52-017]

Virginia Electric and Power Company D/B/A Dominion Virginia Power and Old Dominion Electric Cooperative Combined License Application for North Anna Unit 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.71(e)(3)(iii) [10 CFR 50.71(e)(3)(iii)], for the North Anna Unit 3 Combined License (COL) Application, Docket Number 52-017, submitted by Virginia Electric and Power Company, doing business as Dominion Virginia Power (Dominion), and Old Dominion Electric Cooperative (ODEC), for the proposed facility to be located in Louisa County, Virginia. In accordance with 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action is a one-time schedule exemption from the requirements of 10 CFR 50.71(e)(3)(iii). During the period from the docketing of a COL application until the Commission makes a finding under 10 CFR 52.103(g) pertaining to facility operation, the applicant must, pursuant to 10 CFR 50.71(e)(3)(iii), submit an annual update to the final safety analysis report (FSAR), a part of the application. The proposed exemption would allow the applicant to submit the FSAR update scheduled for 2009 by June 30, 2010, and to submit the subsequent FSAR update in 2011. The FSAR update schedule could not be changed absent the exemption. The NRC is authorized to grant the exemption pursuant to 10 CFR 50.12. The proposed action is in accordance with the applicant's request dated November 17, 2009 (Agencywide Documents Access and Management

System (ADAMS) Accession No. ML093240090).

Need for the Proposed Action

The proposed action is needed to provide the applicant sufficient time to fully incorporate into the FSAR update the most recent revision (Revision 6) of the Economic Simplified Boiling Water Reactor (ESBWR) Design Control Document (DCD) which was submitted to the NRC on August 31, 2009. The ESBWR design, referenced by the North Anna Unit 3 COL application, is currently undergoing NRC review for design certification and Revision 6 of the DCD was a comprehensive revision. The NRC expectation is that the FSAR update will fully incorporate Revision 6 of the DCD in an acceptable manner. The applicant has requested a one-time exemption from the schedule specified in 10 CFR 50.71(e)(3)(iii) to fully incorporate Revision 6 of the ESBWR DCD into the FSAR update.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there are no environmental impacts associated with the proposed exemption. The proposed exemption is solely administrative in nature in that it pertains to the schedule for submittal to the NRC of revisions to an application for a COL under 10 CFR Part 52 which has not been granted.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no significant increase in the amount of any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have any foreseeable impacts to land, air, or water resources, including impacts to biota. In addition, there are also no known socioeconomic or environmental justice impacts associated with the proposed action. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the “no-action” alternative). Denial of the application would result in no change in current environmental impacts. Therefore, the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The proposed action does not involve the use of any different resources than those previously considered in the Draft Supplemental Environmental Impact Statement (SEIS) related to the North Anna Unit 3 Combined License Application dated December 19, 2008.

Agencies and Persons Consulted

On November 30, 2009, the staff consulted with officials at the Commonwealth of Virginia, Virginia Department of Environmental Quality regarding the environmental impact of the proposed action. The representatives of the Commonwealth had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the applicant's letter dated November 17, 2009. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or send an e-mail to pdr.resource@nrc.gov.

Dated at Rockville, Maryland, this 2nd day of December 2009.

For the Nuclear Regulatory Commission.
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NUCLEAR REGULATORY COMMISSION

[IA-09-025; NRC-2009-0548]

In the Matter of Daniel Culver; Order Prohibiting Involvement in NRC-Licensed Activities

I

Daniel Culver (Mr. Culver) was previously employed as a maintenance supervisor at Exelon Generating Company, LLC's (Exelon or licensee) Peach Bottom Atomic Power Station (Peach Bottom or the facility). Exelon holds License Nos. DPR-44 and DPR-56 issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on October 25, 1973, and July 2, 1974, respectively. The license authorizes the operation of Peach Bottom Units 2 and 3 in accordance with the conditions specified therein. The facility is located on the licensee's site in Delta, Pennsylvania. Mr. Culver worked for Exelon from June 11, 2007, to July 29, 2008.

II

In a letter dated June 5, 2009, the NRC provided Mr. Culver the results of an investigation initiated by the NRC Office of Investigations (OI). The letter informed Mr. Culver that the NRC was considering escalated enforcement action against him for an apparent violation due to his failure to provide complete and accurate information to Exelon when completing a Personal History Questionnaire (PHQ) for unescorted access to Peach Bottom. Specifically, the NRC determined that Mr. Culver had deliberately provided incomplete and inaccurate information regarding: (1) The character of his military service, (2) his history of conduct in the military, and (3) the nature of his military discharge. The NRC offered Mr. Culver a choice to attend a Predecisional Enforcement Conference (PEC) or to request Alternate Dispute Resolution (ADR) to resolve any disagreement over: (1) whether a violation occurred, and (2) the appropriate enforcement action. At his request, a PEC was held between Mr. Culver and the NRC on July 17, 2009. During the PEC, Mr. Culver presented

information about the reasons he failed to provide certain information on the PHQ and why he did not believe he acted deliberately:

(1) The character of his military service—Mr. Culver listed his US Navy (USN) rank as Machinist Mate 1 (MM1) on the PHQ, however, the NRC investigation identified that he had served as a MM2 and had been demoted to a MM3 prior to his discharge, as a result of a non-judicial punishment (NJP) related to a misconduct incident. At the PEC, Mr. Culver stated that listing his naval rank as MM1 was a typographical error, and the result of attempting to complete the PHQ and other in-processing paperwork quickly so as to begin working.

(2) His history of conduct in the military—Mr. Culver was subject to an NJP during his USN service; however, the NRC investigation identified that he failed to report the NJP as required on the PHQ, even though the PHQ specifies that all arrests, including NJPs, must be listed. At the PEC, Mr. Culver stated that he had read on the PHQ that he was required to report all arrests, but had failed to read the subsequent explanation of the circumstances that constitute an arrest, including NJP. Therefore, he failed to recognize that the NJP had to be disclosed. He also stated that he had received counsel in the USN that he did not have to disclose the NJP unless he applied for a government job.

(3) The nature of his military discharge—Mr. Culver was released from the USN under a “General Discharge, Under Honorable Conditions,” however, the NRC investigation identified that he listed his discharge type on the PHQ as “Honorable.” At the PEC, Mr. Culver stated that, in his previous experience with applying for jobs, potential employers asked him to only state if he had received either an Honorable or a Dishonorable discharge because most did not understand the distinction with a General discharge. Consequently, on the Exelon PHQ, he listed his discharge as “Honorable,” which he felt to be the closest fit to “General.”

During the PEC, Mr. Culver also discussed certain information in the Application for Employment with Exelon that he submitted on April 12, 2007. Specifically, Mr. Culver provided information regarding why he listed a certain individual as his supervisor on the employment application, even though that individual was not Mr. Culver's supervisor at the time he submitted his application.