

with a copy submitted to the NRC at least 7 days earlier.

5. Mr. Sharp agrees to continue to incorporate his lessons learned into the training opportunities afforded him in the nuclear industry for a minimum period of 1 year from the date of the Confirmatory Order.

6. Mr. Sharp and the NRC agree that Mr. Sharp may share the terms of this Agreement in Principle with his current workplace supervisors prior to the issuance of the Confirmatory Order.

7. The NRC agrees not to pursue any further enforcement action in connection with the NRC's July 12, 2007, letter to Mr. Mark Sharp. This does not prohibit NRC from taking enforcement action in accordance with the NRC Enforcement Policy if Mr. Sharp commits a similar violation in the future or violates this order.

On October 16, 2007, Mr. Mark Sharp consented to issuing this Order with the commitments, as described in Section V below. APS further agreed that this Order is to be effective upon issuance and that it has waived its right to a hearing.

#### IV

Since Mr. Sharp has agreed to take actions to address NRC concerns, as set forth in item III above, the NRC has concluded that its concerns can be resolved through issuance of this Order.

I find that Mr. Sharp's commitments as set forth in section V are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Mr. Sharp's commitments be confirmed by this Order. Based on the above and Mr. Sharp's consent, this Order is immediately effective upon issuance.

#### V

Accordingly, pursuant to sections 104, 161b, 161i, 161o, and 186 of the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 55, *It is hereby ordered*, effective immediately, that:

1. Mr. Sharp will not participate in activities requiring a 10 CFR Part 55 license until items 2–4 below are completed. Mr. Sharp is not prohibited from engaging in activities related to training of operators or any other 10 CFR Part 50 regulated activities.

2. Mr. Sharp will submit a letter to the NRC Region IV Regional Administrator, to be included in his docket file, articulating why the NRC should have confidence that he can be trusted to engage in activities under NRC

jurisdiction in the future with the integrity such activities demand. This letter will be submitted within 30 days of the date of this Confirmatory Order.

3. Mr. Sharp will submit an article to the "Communicator" (a publication of the Professional Reactor Operator Society) articulating lessons learned from this incident and emphasizing the importance of self-reporting and not covering up errors. This article will be submitted within 60 days of the date of this Confirmatory Order with a copy submitted to the NRC Region IV Regional Administrator at least 7 days before submission to the "Communicator."

4. Mr. Sharp will prepare and submit an operating experience report to the Institute for Nuclear Power Operations regarding his actions on November 8, 2006, and the lessons learned from that experience. This report will be submitted within 60 days of the date of this Confirmatory Order with a copy submitted to the NRC Region IV Regional Administrator at least 7 days before submission to the Institute.

5. Mr. Sharp will continue to incorporate his lessons learned into the training opportunities afforded him in the nuclear industry for a minimum period of one year from the date of this Confirmatory Order.

The Regional Administrator, NRC Region IV, may relax or rescind, in writing, any of the above conditions upon a showing by Mr. Sharp of good cause.

#### VI

Any person adversely affected by this Confirmatory Order, other than Mr. Mark Sharp, may request a hearing within 20 days of its issuance. 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 20555-0001, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, *Attn:* Chief, Rulemakings and Adjudications Staff, Washington, DC 20555-0001. Copies of the hearing request shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011-4005, and to Mr. Mark Sharp. Because of the possible

disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301-415-1101 or by e-mail to [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov) and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). If a person other than Mr. Sharp 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 2.309(d) and (f).

If a hearing is requested by 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 Confirmatory Order should be sustained.

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 V 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 V 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.

Dated this 19th day of October 2007.

For the Nuclear Regulatory Commission.

**Elmo E. Collins,**

*Regional Administrator.*

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment (PRA) will hold a meeting on November 27, 2007, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Tuesday, November 27, 2007—8:30 a.m. until the conclusion of business*

The Subcommittee will discuss the estimation of frequencies of occurrence of loss-of-coolant accidents (LOCAs) through the expert elicitation process and the frequencies of occurrence of LOCAs due to seismically-induced loads. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Officer, Mr. Girija S. Shukla (Telephone: 301-415-6855) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 26, 2007 (72 FR 54695).

Further information regarding this meeting can be obtained by contacting the Designated Federal Officer between 7:15 a.m. and 5 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: *October 23, 2007.*

**Cayetano Santos,**

*Chief, Reactor Safety Branch.*

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## OFFICE OF PERSONNEL MANAGEMENT

### Privacy Act of 1974; New Computer Matching Program Between the Office of Personnel Management and Social Security Administration

**AGENCY:** Office of Personnel Management (OPM).

**ACTION:** *Notice*—computer matching between the Office of Personnel Management and the Social Security Administration.

**SUMMARY:** In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503), Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818 published June 19, 1989), and OMB Circular No. A-130, revised November 28, 2000, "Management of

Federal Information Resources," the Office of Personnel Management (OPM) is publishing notice of its new computer matching program with the Social Security Administration (SSA).

**DATES:** OPM will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will begin 30 days after the **Federal Register** notice has been published or 40 days after the date of OPM's submissions of the letters to Congress and OMB, whichever is later. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months thereafter. Subsequent matches will run until one of the parties advises the other in writing of its intention to reevaluate, modify and/or terminate the agreement.

**ADDRESSES:** Send comments to Sean Hershey, Chief, Management Information Branch, Office of Personnel Management, Room 4316, 1900 E Street, NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** James Sparrow on (202) 606-1803.

#### SUPPLEMENTARY INFORMATION:

##### A. General

The Privacy Act (5 U.S.C. 552a), as amended, establishes the conditions under which computer matching involving the Federal government could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for such individuals.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. Among other things, it requires Federal agencies involved in computer matching programs to:

- (1) Negotiate written agreements with the other agency for agencies participating in the matching programs;
- (2) Obtain the approval of the match agreement by the Data Integrity Boards (DIB) of the participating Federal agencies;
- (3) Furnish detailed reports about matching programs to Congress and OMB;

(4) Notify applicants and beneficiaries that their records are subject to matching;

(5) Verify match findings before reducing, suspending, termination or denying an individual's benefits or payments.

#### B. OPM Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of OPM's computer matching programs comply with the requirements of the Privacy Act, as amended.

#### Notice of Computer Matching Program, Office of Personnel Management (OPM) With the Social Security Administration (SSA).

##### A. Participating Agencies

OPM and SSA

##### B. Purpose of the Matching Program

The purpose of this agreement is to establish the conditions under which SSA agrees to the disclosure of tax return information to OPM. The SSA records will be used in a matching program in which OPM will match SSA's tax return records with OPM's records on disability retirees under age 60, disabled adult child survivors, certain retirees in receipt of a supplemental benefit under the Federal Employees Retirement System (FERS), and certain annuitants receiving a discontinued service retirement benefit under the Civil Service Retirement System (CSRS). By law, these annuitants and survivors are limited in the amount they can earn and still retain benefits paid to them. In the case of the discontinued service annuitants, retirement benefits cease upon re-employment in Federal service. OPM will use the SSA data to determine continued eligibility for benefits being paid.

##### C. Authority for Conducting the Matching Program

Chapters 83 and 84 of title 5 of the United States Code and 26 United States Code 6103(1)(11).

##### D. Categories of Records and Individuals Covered by the Match

SSA will disclose data from its MBR file (60-0090, Master Beneficiary Record, SSA/OEEAS) and MEF file (60-0059, Earnings Recording and Self-Employment Income System, SSA/OEEAS). OPM will provide SSA with an electronic finder file from the OPM system of records published as OPM/Central-1 (Civil Service Retirement and Insurance Records) on October 8, 1999 (64 FR 54930), as amended on May 3, 2000 (65 FR 25775). The systems of