

which FENOC submitted to the NRC in FENOC's supplemental written response to the Bulletin, dated October 30, 2001 (Serial Letter 2744). For instance, Mr. Siemaszko produced, assembled and labeled the pictures which were included in Serial Letter 2744 as further proof of the safe condition of the head. However, Mr. Siemaszko mislabeled some of the pictures and knew that the collection of the pictures that were provided to the NRC did not accurately reveal the true condition of the head which in reality was substantially worse than shown through those images.

#### IV

The NRC determined, in the April 21, 2005 Order, that Mr. Siemaszko's submission of inaccurate and incomplete information in condition report No. 2000-1037 and Work Order No. 00-001846-000 was of very high safety and regulatory significance. Had the NRC been aware of this incomplete and inaccurate information, the NRC would likely have taken immediate regulatory action to shut down the Davis-Besse plant and require FENOC to implement appropriate corrective actions. The additional examples cited above provide further support for the determination in the April 21, 2005 Order that NRC cannot have reasonable assurance that Mr. Siemaszko will conduct NRC-licensed activities in compliance with regulatory requirements. The NRC is not proposing to modify the sanctions which were imposed on Mr. Siemaszko in the April 21, 2005 Order or otherwise alter the statement or terms of that Order by the citation of these three additional examples.

#### V

In accordance with 10 CFR 2.202, Mr. Siemaszko must, and any other person adversely affected by this Amendment of Order may, submit an answer to this Amendment of Order within 20 days of the date hereof. The answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Amendment of Order and shall set forth the matters of fact and law on which Mr. Siemaszko or other person adversely affected relies and the reasons as to why the Amendment of Order should not have been issued. Any answer shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Rulemakings and Adjudications Staff, Washington, DC 20555-0001. Copies also shall 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 III, 2443 Warrenville Road, Lisle, IL 60532-4352, and to Mr. Siemaszko if the answer is by a person other than Mr. Siemaszko. Because of a potential disruption in delivery of mail to United States Government offices, it is requested that answer 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). In light of the fact that Mr. Siemaszko filed a timely request for hearing relating to the April 21, 2005 Order, which hearing has been commenced, a further request

for hearing is not required to be filed for this Amendment of Order.

Nuclear Regulatory Commission.

Dated this 17th day of October 2006.

**Martin J. Virgilio,**

*Deputy Executive Director for Materials, Research, State and Compliance Programs, Office of the Executive Director for Operations.*

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## NUCLEAR REGULATORY COMMISSION

### Request for a License To Import Radioactive Waste

Pursuant to 10 CFR 110.70 "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following request for an import license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <http://www.nrc.gov/NRC/ADAMS/index.html> at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning this import license application follows.

#### NRC IMPORT LICENSE APPLICATION

Name of applicant, date of application, date received, Application No., Docket No.	Description of material		End use	Country of origin
	Material type	Total quantity		
UniTech Services Group, Inc., August 17, 2006, September 7, 2006, IW019, 11005650.	Class A radioactive waste consisting of source, special nuclear and byproduct materials as contaminants of various materials including paper, cardboard, plastic, metals, cloth, rubber, wood, etc.	Up to 30,000 lbs. or 5,000 cubic feet of various contaminated materials.	Imported materials will be characterized and sorted by type and by levels of radioactivity. All materials imported will be returned (see export license application XW011) to Canadian customers for appropriate disposition. No materials imported under this license will remain or be disposed of in the U.S.	Canada.

Dated this 13th day of October 2006 at Rockville, Maryland.  
For the Nuclear Regulatory Commission.

**Margaret M. Doane,**  
*Deputy Director, Office of International Programs.*  
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**NUCLEAR REGULATORY COMMISSION**

**Request for a License To Export Radioactive Waste**

Pursuant to 10 CFR 110.70 "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following request for an export license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <http://www.nrc.gov/NRC/ADAMS/index.html> at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning this import license application follows.

**NRC EXPORT LICENSE APPLICATION**

Name of applicant date of application, date received, Application No., Docket No.	Description of material		End use	Country of origin
	Material type	Total quantity		
UniTech Services Group, Inc., August 17, 2006, September 7, 2006, XW011, 11005649.	Class A radioactive waste consisting of source, special nuclear and byproduct materials including paper, cardboard, plastic, metals, cloth, rubber, wood, etc.	Up to 30,000 lbs. Or 5,000 cubic feet of contaminated materials.	All contaminated materials imported from Canada under NRC License IW019 will be returned to Canadian customers for appropriate disposition.	Canada.

Dated this 13 day of October 2006 at Rockville, Maryland.  
For the Nuclear Regulatory Commission.  
**Margaret M. Doane,**  
*Deputy Director, Office of International Programs.*  
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**NUCLEAR REGULATORY COMMISSION**

[EA-06-249]

**In the Matter of Certain Licensees Authorized To Possess and Transfer Items Containing Radioactive Material Quantities of Concern; Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Materials and Modification of the Additional Security Measures (Effective Immediately)**

**I**

The Licensees identified in Attachment 1<sup>1</sup> to this Order hold licenses issued in accordance with the Atomic Energy Act (AEA) of 1954, as amended, by the U.S. Nuclear Regulatory Commission (NRC or Commission) or Agreement States, authorizing them to possess and transfer items containing radioactive materials

<sup>1</sup> Attachment 1 contains sensitive information and will not be released to the public.

in quantities of concern. On August 8, 2005, the Energy Policy Act of 2005 (EPAct) was enacted. Section 652 of the EPAct amended section 149 of the AEA to require fingerprinting and a Federal Bureau of Investigation (FBI) identification and criminal history records check of any person who is permitted unescorted access to radioactive materials subject to regulation by the Commission, and which the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant fingerprinting and background checks. NRC has decided to implement this requirement, in part, prior to the completion of the rulemaking to implement the provisions under the EPAct, which is underway, because a deliberate malevolent act by an individual with unescorted access to these radioactive materials has a potential to result in significant adverse impacts to the public health and safety or the common defense and security. Those exempted from fingerprinting requirements under 10 CFR 73.59 (71 FR 33,989 (June 13, 2006)) for access to Safeguards Information<sup>2</sup> (SGI) are also exempt from the fingerprinting requirements under this Order. In addition, individuals who have a favorably-decided U.S. Government

<sup>2</sup> Safeguards Information is a form of sensitive, unclassified, security-related information that the Commission has the authority to designate and protect under section 147 of the AEA.

criminal history record check within the last five (5) years, or individuals who have an active federal security clearance (provided in each case that they make available the appropriate documentation), have satisfied the EPAct fingerprinting requirement and need not be fingerprinted again. Individuals who have been fingerprinted and granted access to SGI by the reviewing official under EA-06-155 do not need to be fingerprinted again.

**II**

Subsequent to the terrorist events of September 11, 2001, the NRC issued a security Order requiring certain Licensees who may transport radioactive material quantities of concern to implement Additional Security Measures (ASMs) for radioactive materials. The requirements imposed by that Order (RAMQC Order), and certain measures licensees have developed to comply with that Order, were designated by the NRC as SGI and were not released to the public. One specific ASM imposed by the RAMQC Order required licensees to conduct local background checks to determine the trustworthiness and reliability of individuals needing unescorted access to radioactive materials. "Access" to these radioactive materials means that an individual could exercise some physical control over the material or device. At that time, the NRC did not