

BR-0254. In addition, at the time payment is made, the licensee shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

## V

The Licensee may request a hearing within 30 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 20555-0001, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and 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, and to the Regional Administrator, NRC Region I, 475 Allendale Rd., King of Prussia, PA 19406. If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, or if written approval of an extension of time in which to request a hearing has not been granted, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General, for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

- (a) Whether the Licensee was in violation of the Commission's requirements as set forth in the Notice referenced in Section II above, and
- (b) Whether, on the basis of such violation, this Order should be sustained.

For the Nuclear Regulatory Commission.  
Dated this 30th day of April 2007.

**Cynthia A. Carpenter,**

*Director, Office of Enforcement.*

[FR Doc. E7-8672 Filed 5-4-07; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Revised

The 179th Advisory Committee on Nuclear Waste (ACNW) meeting scheduled to be held on May 16-17, 2007, Room T-2B3, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland has been revised as noted below. Notice of this meeting was previously published in the **Federal Register** on Thursday, April 26, 2007 (72 FR 20889).

The discussion of the item on *Yucca Mountain Preclosure Repository Design: NRC Staff Review Readiness and Views on the Issues*, scheduled between 1 p.m. and 4 p.m. on Wednesday, May 16, 2007, is now scheduled between 1 p.m. and 3:30 p.m.

The discussion of the topic on *NCRP Study on Radiation Exposure of U.S. Population*, scheduled between 4 p.m.—6 p.m. on Wednesday, May 16, 2007 has been canceled. A discussion of *ACNW Letter Reports* will now take place between 3:45 p.m. and 5:30 p.m. on Wednesday, May 16, 2007. All the other items remain the same as previously published in the **Federal Register** on Thursday, April 26, 2007 (72 FR 20889).

For further information, contact Mr. Antonio L. Dias, (Telephone 301-415-6805), between 6:45 a.m. and 4:30 p.m., ET.

Dated: May 1, 2007.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

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## NUCLEAR REGULATORY COMMISSION

[EA-07-086]

### In the Matter of Certain Fuel Cycle Licensees and All Other Persons Who Seek or Obtain Authorized Unescorted Access to Radioactive Material or Other Property Described Herein; Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material or Other Property (Effective Immediately)

## I

The Licensees identified in Attachment 1 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), authorizing them to possess radioactive materials. 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 individual who is permitted unescorted access to radioactive material or other property 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. Though a rulemaking to implement the fingerprinting provisions of the EPAct is currently underway, the NRC has decided to implement this particular requirement by Order, in part, prior to the completion of the rulemaking because a deliberate malevolent act by an individual with unescorted access to radioactive material or other property 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 73.61 [72 FR 4945 (February 2, 2007)] are also exempt from the fingerprinting requirements under this Order. In addition, individuals who have had a favorably-decided U.S. Government criminal history records check within the last five (5) years, or individuals who have an active federal security clearance (provided in either case that they make available the appropriate documentation), have satisfied the EPAct fingerprinting requirement and need not be fingerprinted again. Also, individuals who have been fingerprinted and granted access to SGI by the reviewing official under the previous fingerprinting order, "Order Imposing Fingerprinting and Criminal History Check Requirements for Access to Safeguards Information," do not need to be fingerprinted again.

Subsequent to the terrorist events of September 11, 2001, the NRC issued security Orders requiring certain entities to implement Additional Security Measures (ASMs) or Interim Compensatory Measures (ICMs) for certain radioactive material. The requirements imposed by these Orders and the measures licensees have developed to comply with that Order, were designated by the NRC as Safeguards Information (SGI) and were not released to the public. These Orders included a local criminal history records check to determine trustworthiness and reliability of individuals seeking unescorted access to