

A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent to Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated October 18, 2006, which is available for public inspection at the Commission'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 Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site <http://www.nrc.gov/>

*reading-rm.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 by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 20th day of October 2006.

For the Nuclear Regulatory Commission.

**Alan Wang,**

*Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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**BILLING CODE 7590-01-P**

**NUCLEAR REGULATORY COMMISSION**

**Application for a License To Export High-Enriched Uranium**

Pursuant to 10 CFR 110.70(b)(2) "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 can be accessed through the Public Electronic Reading Room (PERR) link <http://www.nrc.gov/reading-rm/adams.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.

In its review of the application for a license to export special nuclear material as defined in 10 CFR Part 110 and noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the material to be exported. The information concerning the application follows.

**NRC EXPORT LICENSE APPLICATION FOR HIGH-ENRICHED URANIUM**

Name of Applicant Date of Application	Description of material		End use	Recipient country
	Material type	Total quantity		
DOE/NNSA-Y12 National Security Complex October 5, 2006	High-Enriched Uranium (93.35%)	Up to 15.5 kg Uranium (14.46925 kg U-235)	To fabricate targets for irradiation in the National Research Universal (NRU) Reactor to produce medical radioisotopes.	Canada.
October 10, 2006 XSNM03473 11005654				

Dated this 17th day of October 2006 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

**Margaret M. Doane,**

*Deputy Director, Office of International Programs.*

[FR Doc. E6-18021 Filed 10-26-06; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[EA-06-248]

### **In the Matter of Holders of Material Licenses Authorized to Use Sealed Sources in Panoramic and Underwater Irradiators and Possess Greater Than 370 Terabecquerels (10,000 Curies); Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material and Modification of the Compensatory 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 possession of greater than 370 Terabecquerels (10,000 curies) of byproduct material, in the form of sealed sources, either in panoramic irradiators that have dry or wet storage of the sealed sources, or in underwater irradiators in which both the source and the product being irradiated are underwater. 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

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

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 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 Order 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 large panoramic and underwater irradiator licensees to implement Compensatory Measures (CMs) for radioactive materials. The requirements imposed by that Order (Irradiator Order), and 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 CM imposed by the Irradiator Order required licensees to conduct local criminal history checks to determine the trustworthiness and reliability of individuals needing unescorted access to the panoramic or underwater irradiator sealed sources. "Access," means that an individual could exercise some physical control over the material or device. At that time, the NRC did not have the authority, except in the case of power reactor licensees, to require licensees to submit fingerprints for FBI criminal history records checks of individuals being considered for unescorted access to radioactive materials subject to NRC regulations. Therefore, in accordance with Section 149 of the AEA, as amended by the EPAct, the Commission is imposing the FBI criminal history records check requirements, as set forth in this Order, including Attachment 2 to this Order, on all Licensees identified in Attachment 1 to this Order, that possess greater than 370 Terabecquerels (10,000 curies) of byproduct material in the

<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.

form of sealed sources. These requirements will remain in effect until the Commission determines otherwise.

In addition, pursuant to 10 CFR 2.202, find that in light of the common defense and security matters identified above, which warrant the issuance of this Order, the public health, safety, and interest require that this Order be effective immediately.

#### III

Accordingly, pursuant to Sections 81, 149, 161b, 161i, 161o, 182, and 186 of the AEA of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR Part 30, and 10 CFR Part 36, *it is hereby ordered*, effective immediately, that all licensees identified in attachment 1 to this order shall comply with the requirements set forth in this order.

A. All licensees identified in Attachment 1 to this Order shall comply with the following requirements:

1. The Licensee shall, within twenty (20) days of the date of this Order, establish and maintain a fingerprinting program that meets the requirements of Attachment 2 to this Order, for unescorted access to the panoramic or underwater irradiator sealed sources.

2. The Licensee shall, in writing, within twenty (20) days of the date of this Order, notify the Commission (1) receipt and confirmation that compliance with the Order will be achieved, or (2) if it is unable to comply with any of the requirements described in Attachment 2, or (3) if compliance with any of the requirements is unnecessary in its specific circumstances. The notification shall provide the Licensee's justification for seeking relief from, or variation of, any specific requirement.

B. In accordance with the NRC's "Order Imposing Fingerprinting and Criminal History Check Requirements for Access to Safeguards Information" (EA-06-155) issued on August 21, 2006, only the NRC-approved reviewing official shall review results from an FBI criminal history records check. The reviewing official shall determine whether an individual may have, or continue to have, unescorted access to the panoramic or underwater irradiator sealed sources that equal or exceed 370 Terabecquerels (10,000 curies). Fingerprinting and the FBI identification and criminal history records check are not required for individuals exempted from fingerprinting requirements under 10 CFR 73.59 [71 FR 33,989 (June 13, 2006)] for access to SGI. In addition, individuals who have a favorably decided U.S. Government criminal