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(NOT ADMITTED IN D.C.)

February 7, 2006

**Via Facsimile: (301) 415-3431  
and U.S. Mail**

Ms. Sally Merchant  
Office Enforcement  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Consent and Waiver Form re: Confirmatory Order  
(NRC Office of Investigations Report No. 1-2003-011)

Dear Ms. Merchant:

Please accept the attached Consent and Waiver form from Mr. Theodore Simmons in connection with the above-stated matter.

Sincerely,

*Billie P. Garde*  
Billie Pirner Garde *sls*  
Counsel for Theodore Simmons

Attachment

Enclosure 1

**Consent and Hearing Waiver Form**

I, Theodore D. Simmons, II, hereby agree with the attached draft Confirmatory Order that will be immediately effective upon issuance. I recognize that, by signing below, I consent to the issuance of the Confirmatory Order, effective immediately, containing commitments which were agreed to following: (1) a joint Alternative Dispute Resolution (ADR) mediation session held at the NASA facility in Greenbelt, Maryland, on November 4, 2005, between me, NASA, and the NRC; and (2) an individual ADR session held in the Region I Office in King of Prussia, PA, on December 19, 2005, between me and the NRC, at which NASA participated in portions of the mediation. The commitments are incorporated into the draft Confirmatory Order. By agreeing to the Confirmatory Order, I waive the right to request a hearing, pursuant to 10 CFR 2.202(a)(3) and (d), on all or any part of the Confirmatory Order.

  
Theodore D. Simmons, II

2/1/2006  
Date