



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW, SUITE 23T85  
ATLANTA, GEORGIA 30303-8931

July 23, 2009

IA-09-007

Mr. Brian S. Watt  
[HOME ADDRESS REMOVED  
PER 10 CFR § 2.390]

Dear Mr. Watt:

SUBJECT: NOTICE OF VIOLATION (NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS REPORT NO. 2-2008-045)

Dear Mr. Watt:

This refers to the investigation initiated on June 6, 2008, by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) at AREVA NP, Inc. in Richland, Washington. The purpose of the investigation was to review the facts and circumstances of your involvement in connection with the inappropriate issuance of unescorted badges at AREVA NP on five occasions between January 2007 and March 2008. A factual summary describing the results of the OI investigation, including the identification of two apparent violations of 10 CFR § 70.10, Deliberate Misconduct, was forwarded to you in our letter of February 12, 2009.

The letter transmitting the factual summary provided you the opportunity to address the apparent violations by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter dated February 26, 2009, you provided a written response to the apparent violations. In your response, you provided information related to the circumstances and your decision-making process surrounding the apparent violations as well as the actions you would take should you be involved in similar activities in the future. You did not contest the factual information or apparent violations documented in our letter of February 12, 2009.

Based on the information developed during the investigation and the information you provided in your written response, the NRC has determined that violations of 10 CFR § 70.10, "Deliberate misconduct", occurred. The violations are cited in the enclosed Notice of Violation (Notice) (Enclosure 1). In summary, the first violation involves the requirements of 10 CFR § 70.10(a)(1), and relate to actions you took while performing duties as a security officer at AREVA NP, Inc., Richland, Washington. On five separate occasions between January 2007 and March 2008, you engaged in deliberate misconduct that caused AREVA NP, Inc., to be in violation of Procedure E09-01-004, Security Management Control Procedure - Security Badges. Specifically, without authorization or approval, you signed the name of an authorizing individual on Site Access

Authorization - Unescorted forms, instead of obtaining the signature of an individual listed on the Authorization List, as required by E09-01-004. As a result, individuals were granted access to the site without proper authorization. The AREVA NP procedure is required by Materials License Number SNM-1227, and AREVA NP, Inc., Richland, Washington Fuel Fabrication Facility Physical Protection Plan for SNM for Low Strategic Significance, Revision 3.0.

The second violation involves the requirements of 10 CFR § 70.10(a)(2), which state in part, that any employee of a licensee who knowingly provides to any licensee any components, equipment, materials, or other goods or services that relate to a licensee's activities in this part, may not deliberately submit to the NRC or a licensee, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC. On the aforementioned five occasions, you deliberately submitted information to an NRC licensee, AREVA NP, Inc., that you knew to be inaccurate in a material respect. Specifically, you knowingly submitted access authorization records to the licensee that did not have the actual signatures of individuals authorized to grant access to individuals entering the facility. The inaccurate information was material because it concealed that individuals had not been authorized access in the manner required by AREVA NP Procedure E09-01-004.

The falsification of access authorization records on multiple occasions is significant because the NRC regulatory framework is based, in part, on the trustworthiness and integrity of individuals and their willingness to comply with regulatory requirements. Your deliberate misconduct is of particular concern to the NRC because of the responsibility that was entrusted to you by AREVA NP for ensuring that proper approvals and authorizations were obtained prior to the grant of access to the facility. Enclosure 2 includes a copy of the Confirmatory Order (Effective Immediately) that was issued to AREVA NP concerning this matter. Given the significance of this issue and the deliberate nature of your actions, these violations have been categorized as a Severity Level III problem, in accordance with the NRC Enforcement Policy.

You should be aware that if you are involved in NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal prosecution.

The NRC has concluded that your letter dated February 26, 2009, adequately addresses the reason for the violations, the corrective actions taken and corrective actions that you plan to take in order to prevent recurrence. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR § 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>. In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3,

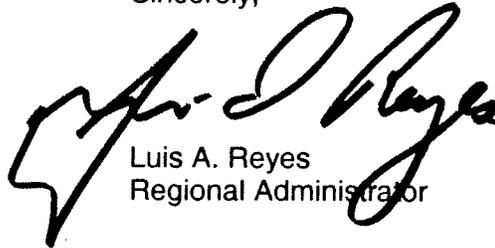
Mr. Brian S. Watt

3

"Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Please feel free to contact Mr. Mike Ernstes, Chief, Plant Support Branch 2, Division of Reactor Safety, at 404-562-4450, should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Luis A. Reyes". The signature is fluid and cursive, with a large initial "L" and "R".

Luis A. Reyes  
Regional Administrator

Enclosures:

1. Notice of Violation
2. Confirmatory Order to AREVA NP

CERTIFIED MAIL 7006 2760 0000 8494 2533  
RETURN RECEIPT REQUESTED

Distribution w/encls:

- W. Borchardt, OEDO
- M. Virgilio, OEDO
- B. Mallett, OEDO
- D. Dorman, NMSS
- C. Marco, OGC
- C. Carpenter, OE
- E. Julian, SECY
- B. Keeling, OCA
- Enforcement Coordinators
  - RI, RIII, RIV
- E. Hayden, OPA
- G. Caputo, OI
- H. Bell, OIG
- M. Ashley, NRR
- D. Furst, NSIR
- L. Reyes, RII
- V. McCree, RII
- K. Kennedy, RII
- C. Evans, RII
- S. Sparks, RII
- J. Shea, RII
- D. Rich, RII
- M. Ernstes, RII
- ~~K. Clark, RII~~ *J. Ledford*
- R. Hannah, RII
- R. Trojanowski, RII
- OEMAIL
- OEWEB
- PUBLIC

PUBLICLY AVAILABLE    
  NON-PUBLICLY AVAILABLE    
  SENSITIVE    
  NON-SENSITIVE

ADAMS:  Yes     ACCESSION NUMBER: \_\_\_\_\_

OFFICE	RII:ORA	RII:DRS		RII:ORA		
SIGNATURE	<i>CEVANS</i>	<i>KKENNEDY</i>				
NAME	CEVANS	KKENNEDY		VMCCREE		
DATE	<i>6/19</i>	<i>6/22</i>				
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO
OFFICE	OGC	NSIR	OE	NMSS		
SIGNATURE						
NAME						
DATE						
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YESNO	YESNO

OFFICIAL RECORD COPY     DOCUMENT NAME

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- M. Ernstes, RII
- J. Ledford, RII
- R. Hannah, RII
- R. Trojanowski, RII
- OEMAIL
- OEWEB
- PUBLIC

*\*see previous concurrences*

X PUBLICLY AVAILABLE     NON-PUBLICLY AVAILABLE     SENSITIVE     NON-SENSITIVE

ADAMS:  Yes    ACCESSION NUMBER: \_\_\_\_\_

OFFICE	RII:ORA	RII:DRS		RII:ORA		
SIGNATURE						
NAME	CEVANS	KKENNEDY		VMCCREE		
DATE				7/16/16		
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO
OFFICE	OGC	NSIR	OE	NMSS		
SIGNATURE	<i>by email of</i>	<i>by email</i>	<i>email of</i>	<i>by email</i>		
NAME						
DATE	7/16	7/16	7/16	7/19		
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YESNO	YESNO

OFFICIAL RECORD COPY    DOCUMENT NAME

## NOTICE OF VIOLATION

Mr. Brian S. Watt  
[HOME ADDRESS DELETED  
UNDER 10 CFR § 2.390]

IA-09-007

During an NRC investigation initiated on June 6, 2008, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR § 70.10(a)(1) states, in part, that any employee of a licensee or any contractor, who knowingly provides to any licensee, any goods or services that relate to a licensee's or applicant's activities in this part, may not engage in deliberate misconduct that causes or would have caused, if not detected, a licensee to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license issued by the Commission.

Materials License Number SNM-1227, Safeguards Condition Section 2.0 - Physical Protection of SNM of Low Significance, SG-2.1, states that the licensee shall follow the Physical Protection Plan entitled "Physical Protection Plan for SNM for Low Strategic Significance," Revision 3.0 for AREVA NP, Inc., Richland, Washington Fuel Fabrication Facility, dated October 20, 2006; and as it may be further revised in accordance with the provisions of 10 CFR § 70.32(e).

AREVA NP, Inc., Richland, Washington Fuel Fabrication Facility Physical Protection Plan for SNM for Low Strategic Significance, Revision 3.0, Section 3.2, states in part, that the duties of security personnel are defined in written procedures and include enforcing security regulations and performing special duties as required.

AREVA NP, Inc., Richland, Washington Fuel Fabrication Facility Licensee EHS&L Document E09-01-004, Security Management Control Procedure - Security Badges, Version 1.0, and Version 2.0, Section 3.0, Control System, states in part, that permanent badges for employees are issued upon receipt of an e-mail notification or Site Access Authorization – unescorted, from Human Resources. Non-employee badges color coded yellow are issued on the authority of company personnel on the "Authorization List" who have been authorized by the site management team.

Contrary to the above, on January 26, 2007; May 22, 2007; September 24, 2007; February 19, 2008; and March 4, 2008, Mr. Brian Watt engaged in deliberate misconduct that caused AREVA NP, Inc., Richland, Washington, an NRC licensee, to be in violation of its license. Specifically, while employed as a security officer at AREVA NP, Inc., Richland, Washington Fuel Fabrication Facility, Mr. Watt, without authorization or approval, signed the name of an authorizing individual on Site Access Authorization - Unescorted forms, instead of obtaining the signature of an individual listed on the Authorization List, as required by procedure. As a result, individuals were granted unescorted access to the site without proper authorization.

- B. 10 CFR § 70.10(a)(2) states, in part, that any employee of a licensee or any contractor, who knowingly provides to any licensee, any goods or services that relate to a licensee's or applicant's activities in this part, may not deliberately submit to the NRC, a licensee, an applicant, or a licensee's or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

Contrary to the above, on January 26, 2007; May 22, 2007; September 24, 2007; February 19, 2008; and March 4, 2008, Mr. Brian Watt deliberately submitted information to AREVA NP, an NRC licensee, that he knew at the time to be incomplete or inaccurate in a material respect. Specifically, Mr. Watt knowingly submitted Site Access Authorization - Unescorted forms which did not contain the actual signature of an individual listed on the Authorization List as having authority to grant access, as required by AREVA NP Procedure E09-01-004. The inaccurate information was material to the NRC because it concealed that individuals had not been authorized access in the manner required by the subject procedure.

This is a Severity Level III problem (Supplement III).

The NRC has concluded that information regarding the circumstances surrounding the violations is adequately discussed in your letter of February 26, 2009. However, if the description therein does not accurately reflect your position, you are required to submit a written statement or explanation pursuant to 10 CFR § 2.201. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IA-09-007" and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S., Nuclear Regulatory Commission, Region II, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, any response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR § 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 23<sup>rd</sup> day of July 2009

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of  
AREVA NP, Inc.  
AREVA NP – Richland

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Docket No.: 70-1257  
License No.: SNM-1227  
EA-08-278

CONFIRMATORY ORDER  
(EFFECTIVE IMMEDIATELY)

I

AREVA NP - Richland (AREVA or Licensee) is the holder of Operating License No. SNM-1227 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 70. The license in effect at the time of the incident described below was most recently amended via Amendment 49, issued on July 9, 2007. The NRC renewed Operating License No. SNM-1227, effective April 22, 2009. The license authorizes the operation of AREVA in accordance with the conditions specified therein. The facility is located on the Licensee's site in Richland, Washington.

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on June 2, 2009.

II

On September 12, 2008, the NRC's Office of Investigations (OI) completed an investigation (OI Case No. 2-2008-045) regarding activities at the AREVA facility located in Richland, Washington. Based on the evidence developed during the investigation, the NRC staff concluded that on five separate occasions from January 2007 through March 2008, a security guard deliberately falsified a Site Access Authorization-Unescorted form by signing the name of

an individual listed on the Authorization List. As a result, individuals were granted access to the site without proper authorization. These actions caused AREVA to be in violation of Procedure E09-01-004, Security Management Control Procedure - Security Badges, Materials License Number SNM-1227, and AREVA NP Inc., Richland, Washington Fuel Fabrication Facility Physical Protection Plan for SNM for Low Strategic Significance, Revision 3.0.

### III

On June 2, 2009, the NRC and AREVA met in an ADR session mediated by a professional mediator, which was arranged through Cornell University's Institute on Conflict Resolution. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement or resolving any differences regarding their dispute. This confirmatory order is issued pursuant to the agreement reached during the ADR process. The elements of the agreement consist of the following:

1. The NRC and AREVA agreed that a security officer signed for (i.e., falsified) an authorizing individual on the Site Access Authorization - Unescorted form, instead of obtaining the signature of an individual listed on the Authorization List, as required by procedure. As a result, individuals were granted unescorted access to the site without proper authorization. These actions placed AREVA in violation of Procedure E09-01-004, Security Management Control Procedure - Security Badges, Materials License Number SNM-1227, and AREVA NP Inc., Richland, Washington Fuel Fabrication Facility Physical Protection Plan for SNM for Low Strategic Significance, Revision 3.0.
2. Based on its review and investigation, AREVA identified three additional examples in which the former security officer signed for an authorizing individual, thus allowing

individuals unescorted access to the site without proper authorization.

3. Based on AREVA's review of the incident and NRC concerns associated with precluding recurrence of the violation, AREVA completed the following corrective actions and enhancements:
  - a. Individuals who were granted unescorted access were confirmed to have met the criteria for access;
  - b. Confirmation that the violation was limited to the actions of the security officer in question;
  - c. Determination of extent of condition;
  - d. Prompt notification of AREVA senior management and onsite NRC personnel;
  - e. Disciplinary action as appropriate;
  - f. Conducted a causal analysis of the access authorization violation.
4. In addition to the actions completed by AREVA as discussed above, AREVA agreed to additional corrective actions and enhancements, as fully delineated below in Section V of the Confirmatory Order.
5. At the ADR session, the NRC and AREVA agreed that (1) the actions referenced in Section III.3 and Section V, would be incorporated into a Confirmatory Order, and (2) the resulting Confirmatory Order would be considered by the NRC for any assessment of AREVA, as appropriate.
6. In consideration of the completed corrective actions delineated in Section III.3 and the commitments delineated in Section V of this Confirmatory Order, the NRC agreed to refrain from proposing a civil penalty or issuing a Notice of Violation for all matters

discussed in the NRC's letter to AREVA of February 11, 2009 (EA-08-278), and the additional three examples discussed in Paragraph III.2 above.

7. This agreement is binding upon successors and assigns of AREVA NP, Inc. Richland, Washington.

On July 8, 2009, the Licensee consented to issuance of this Order with the commitments, as described in Section V below. The Licensee further agreed that this Order is to be effective upon issuance and that it has waived its right to a hearing.

#### IV

Since the licensee has completed the actions as delineated in Section III.3, and agreed to take the actions as set forth in Section V, the NRC has concluded that its concerns can be resolved through issuance of this Order.

I find that the Licensee'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 the Licensee's commitments be confirmed by this Order. Based on the above and the Licensee's consent, this Order is immediately effective upon issuance.

Accordingly, pursuant to Sections 104b, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 70, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT LICENSE NO. SNM-1227 BE MODIFIED AS FOLLOWS:

- a. AREVA will maintain the practice of rotating security officers from post to post;
- b. AREVA will incorporate audits of the site access badging process into the site audit program.
- c. AREVA will incorporate lessons learned from this incident into new employee training, and annual refresher training for all AREVA Richland employees.
- d. AREVA will communicate lessons learned from this incident to all other U.S. AREVA SNM licensed facilities within AREVA NP Inc.
- e. AREVA will provide annual reinforcement regarding procedural requirements of site access authorization process to all AREVA NP Inc. – Richland security officers.
- f. AREVA will evaluate planned site access authorization software to assess potential enhancements to preclude or mitigate similar incidents.
- g. AREVA agrees to complete the above items within 12 months of issuance of the Confirmatory Order.
- h. Within three months of completion of the terms of the Confirmatory Order, AREVA will provide the NRC with a letter discussing its basis for concluding that the Order has been satisfied.

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

## VI

Any person adversely affected by this Confirmatory Order, other than the Licensee, 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 directed 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.

If a person other than AREVA 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.

A request for a hearing must be filed in accordance with the NRC E-Filing rule, which became effective on October 15, 2007. The NRC E-filing Final Rule was issued on August 28, 2007 (72 Federal Register 49,139) and was codified in pertinent part at 10 CFR Part 2, Subpart B. The E-Filing process requires participants to submit and serve documents over the internet or, in some cases, to mail copies on electronic optical storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements associated with E-Filing, at least five (5) days prior to the filing deadline the requestor must contact the Office of the Secretary by e-mail at HEARINGDOCKET@NRC.GOV, or by calling (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any NRC proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances when the requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate also is available on NRC's public website at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, he/she can then submit a request for a hearing through EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public website at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its document through EIE. To be timely, electronic filings must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or

representative) must apply for and receive a digital ID certificate before a hearing request is filed so that they may obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the "Contact Us" link located on the NRC website at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397-4209 or locally, (301) 415-4737.

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

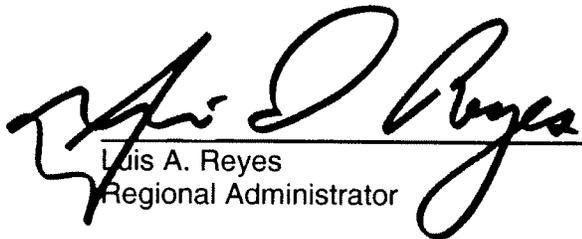
Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket, which is available to the public at [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the

adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their works.

## VII

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. A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

FOR THE NUCLEAR REGULATORY COMMISSION



Luis A. Reyes  
Regional Administrator

Dated this 23<sup>rd</sup> day of July 2009