

November 3, 2003

The Honorable Joe Barton, Chairman  
Subcommittee on Energy and Air Quality  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The Nuclear Regulatory Commission (NRC) has forwarded to the Office of the Federal Register the enclosed *Federal Register* notice, a final rule amending NRC regulations to change the way licensee access authorization fees are assessed. Individuals who require access to special nuclear material, restricted data, or national security information must obtain an access authorization from the NRC. Applicants for access authorization are assessed a fee covering the combined cost of any personnel background investigation performed by the Office of Personnel Management (OPM) and all related NRC application processing activities.

In the past, NRC access authorization fee schedules were published in the Code of Federal Regulations and updated through rulemaking each time OPM changed the underlying personnel investigation billing rates. In the interest of administrative efficiency, the NRC is replacing its set fee schedules with a formula for calculating fees based on current OPM billing rates. The use of a fee assessment formula tied to current OPM rates will allow the NRC to recover the real costs of application processing from licensees while eliminating the need for the NRC to update its access authorization fee schedules through regular rulemakings.

Sincerely,

**/RA/ L. Portner for**

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: *Federal Register* Notice

cc: Representative Rick Boucher

November 3, 2003

The Honorable George V. Voinovich, Chairman  
Subcommittee on Clean Air, Climate Change,  
and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

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cc: Senator Thomas Carper

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cc: Representative Rick Boucher

IDENTICAL LETTER SENT TO: The Honorable George V. Voinovich  
cc: Senator Thomas Carper

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DATE	08/12/03		08/13/03		09/26/03		11/03/03	

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\* See previous concurrence.