

June 11, 2010

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Joseph J. Holonich, Director */RA/*
Information and Records Services Division
Office of Information Services

SUBJECT: FINAL RULE TO AMEND 10 CFR 9.37, FEES FOR SEARCH
AND REVIEW OF AGENCY RECORDS BY NRC PERSONNEL
(RIN 3150-A187)

Enclosed, for your signature, is a Federal Register Notice (FRN) final rule, amending U.S. Nuclear Regulatory Commission (NRC) Freedom of Information Act (FOIA) regulations, by revising the fees for search and review of agency records by NRC personnel in 10 CFR part 9.

This amendment is considered to be noncontroversial because NRC continues to base its FOIA fee charges by grade and step levels rather than by a specific dollar amount in accordance with guidance from the Office of Management and Budget (OMB). Additionally, at the lower grade level the fee is being reduced. Therefore, we are using the direct final rule approach to simplify the process and to shorten the time before the rule becomes effective.

Background: These changes are necessary due to the Biennial Review of Fees for the FOIA, as required by the Chief Financial Officer's Act of 1990 and OMB Circular No. A-25. Specifically, 10 CFR part 9, Section 9.37(a) will be changed from GG-7/7 to GG-7/6 and Section 9.37(c) will be changed from ES-4 to ES-Maximum.

Notices: A notice to the Commission that the EDO has signed the enclosed final rule is enclosed (Enclosure 2).

Resources: No additional resources will be needed to implement this rule.

Coordination: The Office of Administration concurs with this amendment. The Office of the General Counsel has no legal objection.

Enclosures:

1. FRN for Final Rule
2. Notice of Final Rule Signed by the EDO
3. Approved for Publication

CONTACT: Becky Wood, OIS
(301) 415-6968

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