



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OCT 27 1989

AD24-2 1

MEMORANDUM FOR: Donald H. Lanham, Service Manager
Document Control Unit
Division of Information Support Services
Office of Administration

FROM: Duane G. Kidd, Chief
Facilities Security and Operational
Support Branch
Division of Security
Office of Administration

SUBJECT: REGULATORY HISTORY PROCEDURES - "ACCESS AUTHORIZATION FEE
SCHEDULE FOR LICENSEE PERSONNEL AND IMPLEMENTATION OF THE
STANDARD FORM 312

Enclosed are copies of all documents relevant to the final rule involving the "Revised Fee Schedule (Parts 11 and 25) and Implementation of the SF 312 (Parts 25 and 95) for publication in the Federal Register. These documents are forwarded in accordance with the procedures set forth in a memorandum dated April 5, 1985, by the Executive Director for Operations, for ensuring that a complete regulatory history is compiled for each rulemaking action undertaken by an office under his purview.

Please note that the designators "AD24-2" and "PDR" have been placed in the upper right hand corner of each document to assist you in the preparation of an index of the enclosed documents.

As stated in the above procedures, we should receive a printout listing of the documents submitted in approximately two weeks. We will submit a copy to the Regulatory Publications Branch for future access.

If you have any questions, please contact Patricia Smith, of my staff, on x24118.

Duane G. Kidd, Chief
Facilities Security and Operational
Support Branch
Division of Security
Office of Administration

Enclosures: As stated

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AD24-2 "PDR"

the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and County Officials. See the notice related to 7 CFR part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

As a result of certain changes made by the peanut industry concerning the handling of peanuts, 7 CFR part 1446 was amended by an interim rule published in the Federal Register on September 15, 1988 (53 FR 35984) to provide a shrink allowance of 2.0 percent for the 1988 through 1990 crops for those handlers who choose nonphysical supervision and abide by such use restrictions as the Executive Vice President, CCC, specified.

That interim rule was adopted in a final rule published in the Federal Register on July 20, 1989 (54 FR 30306). However, as a result of the comments received in response to the interim rule, a proposed rule was published concurrently (54 FR 30395) which, if adopted, would have increased the shrink allowance for such nonphysical supervision handlers to 4 percent for the 1989 and 1990 crops if use restrictions were agreed to and complied with by the handler.

On August 14, 1989, the Disaster Assistance Act of 1989 (the Act) was enacted. Section 601 of the Act requires, effective for the 1988 through 1990 crops of peanuts, that the export obligation of a handler choosing nonphysical supervision shall be reduced by a shrinkage allowance, as determined by the Secretary, to reflect actual dollar value shrinkage experienced by handlers in commercial operations except that the allowance may not be less than 4.5 percent. However, section 601 also provides that the Secretary may establish a lower shrinkage allowance for handlers who fail to comply with restrictions on the use of peanuts as may be specified by CCC to take into account common industry practices.

The comment period for the July 20, 1989, proposed rule ended August 20, 1989. Five comments were received representing one area sheller group, one national and two area grower groups, and one State commodity commission. The sheller organization, although indicating that actual shrink of peanuts exceeded 4.5 percent, supported a 4.5 percent shrink adjustment. The three grower groups supported the proposed rule on the condition that a study be conducted to determine the actual

shrink amount of peanuts. The State commission neither supported nor opposed the proposed rule but expressed concern that the shrink adjustment should represent the actual amount of shrink during storage and handling and that the shrink adjustment be fair to all segments of the peanut industry.

Based on prior information and comments, this interim rule, issued in response to the Act, amends 7 CFR part 1446 to permit for the 1988-90 crops of peanuts a shrink allowance 4.5 percent for nonphysical supervision handlers who comply with CCC-specified use restrictions. With respect to handlers who do not certify compliance with such restrictions, or do not comply with the restrictions, the shrink allowance will remain at 0.5 percent. This rule does not affect handlers who have chosen physical supervision.

All public comments are invited. This rule is issued as an interim rule since the Act amended section 359 of the Agricultural Adjustment Act of 1938 to specify a new conditional minimum of 4.5 percent and marketing of the 1988 crop is almost complete. In order that a final rule may be issued promptly so as to avoid undue uncertainty, it has been determined that the comment period should be limited to 90 days.

List of Subjects in 7 CFR Part 1446

Loan Programs—Agriculture, Peanuts
Price support programs, Warehouse.

Interim Rule

Accordingly, 7 CFR part 1446, Subpart Warehouse Storage Loans and Handler Operations for the 1988 Through 1990 Crops, is amended as follows:

PART 1446—[AMENDED]

1. The authority citation for part 1446 continues to read as follows:

Authority: 7 U.S.C. 1359, 1375, 1421 *et seq.*;
15 U.S.C. 714 *et seq.*

§ 1446.138 [Amended]

2. Section 1446.138(b) is amended by removing "2.0" and adding "4.5" in its place.

Signed at Washington, DC, on September 28, 1989.

Keith D. Bjerke,
Executive Vice President, Commodity Credit Corporation.

[FR Doc. 89-23405 Filed 9-28-89; 1:47 pm]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 11, 25, and 95

RIN 3150-AD24

Access Authorization Fee Schedule for Licensee Personnel and Implementation of the Standard Form 312

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to revise the fee schedule for background investigations of licensee personnel who require access to National Security Information and/or Restricted Data and access to or control over Special Nuclear Material. These amendments comply with current regulations requiring NRC to publish fee adjustments concurrent with notifications of any changes in the rate charged the NRC by the Office of Personnel Management (OPM) for conducting investigations. The amendments also inform licensees that they have the option, for an additional cost, to have their applications processed in an expedited manner. The NRC is also amending its regulations to require each person to complete a Standard Form 312, "Classified Information Nondisclosure Agreement," when granted an NRC access authorization.

EFFECTIVE DATE: October 4, 1989.

FOR FURTHER INFORMATION CONTACT: Duane G. Kidd, Chief, Facilities Security and Operational Support Branch, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-4124.

SUPPLEMENTARY INFORMATION: The OPM conducts access authorization background investigations for the NRC and sets the rate charged for these investigations. Effective October 1, 1989, OPM plans to increase the rate it charges NRC for conducting access authorization background investigations. Because the fees that NRC charges its licensees for material access authorizations and personnel security clearances are dependent on the rates charged by OPM for conducting the background investigations, the fee schedules in NRC regulations must be amended to reflect OPM's rate increase. OPM has increased the rate it charges for background investigations by approximately 8 percent. NRC is passing

this additional cost to licensees. The amendments also inform licensees that they have the option, for an additional cost, of having their applications processed in an expedited manner. These changes comply with current regulations requiring NRC to publish fee adjustments concurrent with notification of any changes in the rate charged the NRC by OPM for conducting the investigations.

As a result of a legal challenge to portions of the SF 189-A, "Classified Information nondisclosure Agreement," the Information Security Oversight Office has issued a final rule that implements the use of the SF 312, of the same title, in lieu of the SF 189-A. National Security Decision Directive 64 requires that all persons authorized access to classified information sign a nondisclosure agreement as a condition of access. The SF 312 replaces the SF 189-A to fulfill that requirement.

Because these amendments deal solely with agency practice and procedure, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). Good cause exists to dispense with the usual 30-day delay in effective date because the amendments are of a minor and administrative nature dealing with an adjustment in access authorization fees and implementation of the SF 312, in lieu of the SF 189-A.

Environmental Impact: Categorical Exclusion

The NRC has determined that this regulation is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(5). Therefore, neither an environmental impact statement nor an environmental assessment have been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150-0046, 3150-0047, and 3150-0062.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 2120 "L" Street, NW. (Lower Level), Washington, DC. Single copies of the analysis may be obtained from Duane G. Kidd, Division of Security, Office of

Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 492-4124.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule, and therefore, that a backfit analysis is not required for this final rule, because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 11

Hazardous materials—Transportation, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Special nuclear material.

10 CFR Part 25

Classified information, Investigations, Penalty, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 95

Classified information, Penalty, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and the Independent Office Appropriation Act of 1952 and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 11, 25, 95.

PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

1. The authority citation for part 11 continues to read as follows:

Authority: Sec. 161, 88 Stat. 946, as amended (42 U.S.C. 2201), sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 11.15(e) also issued under sec. 501, 85 Stat. 290 (31 U.S.C. 483a).

2. In § 11.15, paragraph (e)(1) is revised to read as follows:

§ 11.15 Application for special nuclear material access authorization.

(e)(1) Each application for special nuclear material access authorization, renewal, or change in level must be accompanied by the licensee's remittance, payable to the U.S. Nuclear Regulatory Commission, according to the following schedule:

i	NRC-U requiring full field investigation.	\$2,415
ii	NRC-U requiring full field investigation (expedited processing).	2,932
iii	NRC-U based on certification of comparable full field background investigation.	10
iv	NRC-R or R renewal.	115
v	NRC-R	115
vi	NRC-R based on certification of comparable investigation.	10

¹ If the NRC determines, based on its review of available data, that a full field investigation is necessary, a fee of \$2,415.00 will be assessed prior to the conduct of the investigation.

² If the NRC determines, based on its review of available data that a National Agency Check Investigation is necessary, a fee of \$15.00 will be assessed prior to the conduct of the investigation; however, if a full field investigation is deemed necessary by the NRC based on its review of available data, a fee of \$2,415.00 will be assessed prior to the conduct of the investigation.

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

3. The authority citation for part 25 continues to read as follows:

Authority: Secs. 145, 161, 88 Stat. 942, 946, as amended (42 U.S.C. 2165, 2201), sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841), E.O. 10866, as amended, 3 CFR 1950-1983 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

Appendix A also issued under 98 Stat. 1051 (31 U.S.C. 9701).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 25.13, 25.17 (a), 25.33 (b) and (c) are issued under sec. 1611, 68 Stat. 949, as amended (42 U.S.C. 2201(i)), and §§ 25.13 and 25.33(b) are also issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

§ 25.18 [Removed]

4. Section 25.18 is removed.

§ 25.23 [Amended]

5. In the second and fourth sentence of the introductory paragraph to § 25.23, the references to "SF 189-A" are changed to read "SF 312."

6. Appendix A to part 25 is revised to read as follows:

APPENDIX A TO PART 25—FEES FOR NRC ACCESS AUTHORIZATION

Category	Fee
Initial "L" access authorization	\$ 15
Reinstatement of "L" access authorization	15
Extension or transfer of "L" access authorization	15
Initial "Q" access authorization	2,415
Initial "Q" access authorization (expedited processing)	2,932
Reinstatement of "Q" access authorization	2,415
Reinstatement of "Q" access authorization (expedited processing)	2,932
Extension or transfer of "Q"	2,415

APPENDIX A TO PART 25—FEES FOR NRC
ACCESS AUTHORIZATION—Continued

Category	Fee
Extension or transfer of "Q" (Expedited processing).....	* 2,932

* If the NRC determines, based on its review of available data, that a full field investigation is necessary, a fee of \$2,415.00 will be assessed prior to the conduct of the investigation.

* Full fee will only be charged if investigation is required.

PART 95—SECURITY FACILITY
APPROVAL AND SAFEGUARDING OF
NATIONAL SECURITY INFORMATION
AND RESTRICTED DATA

7. The authority citation for part 95 continues to read as follows:

Authority: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201), sec. 201, 68 Stat. 1242, as amended (42 U.S.C. 5641); E.O. 10965, as amended, 3 CFR 1959-1963 COMP., p. 396 (50 U.S.C. 401, note), E.O. 12356, 47 FR 14874, April 6, 1982.

For the purposes of sec. 223, 68 Stat. 956, as amended (42 U.S.C. 2273); §§ 95.13, 95.15(a), 95.25, 95.27, 95.29(b), 95.31, 95.33, 95.35, 95.37, 95.39, 95.41, 95.43, 95.45, 95.47, 95.51, 95.53, and 95.57 are also issued under sec. 1611, 69 Stat. 949, as amended (42 U.S.C. 2201(i)).

§ 95.33 (Amended)

8. In the third sentence in § 95.33, the reference of "SF 189-A" is changed to read "SF 312."

Dated at Rockville, Maryland this 22nd day of September, 1989.

For the Nuclear Regulatory Commission,
James M. Taylor,

Acting Executive Director for Operations.
[FR Doc. 89-23403 Filed 10-3-89; 8:45 am]

BILLING CODE 7590-01-8

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 770, 771, and 799

[Docket No. 90806-9206]

Corrections and Revisions to the
Export Administration Regulations;
General License GCG and ECCN
6490F; Intransit Shipments

AGENCY: Bureau of Export
Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule makes several corrections and revisions to the Export Administration Regulations (EAR). The corrections and revisions are designed to change certain provisions that could

prove confusing to exporters. These changes are as follows:

(a) Section 771.14, which authorizes certain shipments of U.S. commodities to agencies of cooperating governments under General License GCG, is amended by inserting language to provide that crime control and detection instruments and equipment may be exported under General License GCG only to COCOM participating countries.

(b) Supplement No. 1 to § 799.1 (the Commodity Control List) is amended by inserting language that was inadvertently omitted from the "Validated License Required" paragraph for ECCN 6490F.

(c) Section 770.5—which currently exempts certain intransit shipments from Commerce Department validated licensing requirements if the shipments are made, without unloading, on board vessels—is revised to include intransit shipments, without unloading, on board aircraft as well as vessels.

EFFECTIVE DATE: This rule is effective October 4, 1989.

FOR FURTHER INFORMATION CONTACT:
Willard Fisher, Regulations Branch,
Bureau of Export Administration,
Telephone: (202) 377-3856.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. This rule complies with Executive Order 12291 and Executive Order 12661.

2. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0694-0005.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. Section 13(a) of the Export Administration Act of 1979, as amended (EAA) (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these

APA requirements because it involves a foreign and military affairs function of the United States. Section 13(b) of the EAA does not require that this rule be published in proposed form because this rule does not impose a new control. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Willard Fisher, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Parts 770, 771,
and 799

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 770, 771, and 799 of the Export Administration regulations (15 CFR parts 730-799) are amended as follows:

1. The authority citation for 15 CFR Part 770 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, by Pub. L. 99-64 of July 12, 1985, and by Pub. L. 100-418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. The authority citation for 15 CFR Parts 771 and 799 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, by Pub. L. 99-64 of July 12, 1985, and by Pub. L. 100-418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

PART 770—[AMENDED]

3. Section 770.5 is revised to read as follows:

§ 770.5 Intransit shipments without unloading.

Commodities or technical data shipped on board a vessel or aircraft and passing through the United States in transit from one foreign country to another may be exported without a license from the Office of Export Licensing provided that:

[7590-01]

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 11, 25, and 95
RIN: 3150-AD24
Access Authorization Fee Schedule
for Licensee Personnel and
Implementation of the SF 312

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to revise the fee schedule for background investigations of licensee personnel who require access to National Security Information and/or Restricted Data and access to or control over Special Nuclear Material. These amendments comply with current regulations requiring NRC to publish fee adjustments concurrent with notifications of any changes in the rate charged the NRC by the Office of Personnel Management (OPM) for conducting investigations. The amendments also inform licensees that they have the option, for an additional cost, to have their applications processed in an expedited manner. The NRC is also amending its regulations to require each person to complete a Standard Form 312, "Classified Information Nondisclosure Agreement," when granted an NRC access authorization.

EFFECTIVE DATE: (Date of publication in the Federal Register)

FOR FURTHER INFORMATION CONTACT: Duane G. Kidd, Chief, Facilities Security and Operational Support Branch, Division of Security, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-4124.

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SUPPLEMENTARY INFORMATION: The OPM conducts access authorization background investigations for the NRC and sets the rate charged for these investigations. Effective October 1, 1989, OPM plans to increase the rate it charges NRC for conducting access authorization background investigations. Because the fees that NRC charges its licensees for material access authorizations and personnel security clearances are dependent on the rates charged by OPM for conducting the background investigations, the fee schedules in NRC regulations must be amended to reflect OPM's rate increase. OPM has increased the rate it charges for background investigations by approximately 8 percent. NRC is passing this additional cost to licensees. The amendments also inform licensees that they have the option, for an additional cost, of having their applications processed in an expedited manner. These changes comply with current regulations requiring NRC to publish fee adjustments concurrent with notification of any changes in the rate charged the NRC by OPM for conducting the investigations.

As a result of legal challenge to portions of the SF 189-A, "Classified Information Nondisclosure Agreement," the Information Security Oversight Office has issued a final rule that implements the use of the SF 312, of the same title, in lieu of the SF 189-A. National Security Decision Directive 84 requires that all persons authorized access to classified information sign a nondisclosure agreement as a condition of access. The SF 312 replaces the SF 189-A to fulfill that requirement.

Because these amendments deal solely with agency practice and procedure, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). Good cause exists to dispense with the usual

30-day delay in effective date because the amendments are of a minor and administrative nature dealing with an adjustment in access authorization fees and implementation of the SF 312, in lieu of the SF 189-A.

Environmental Impact: Categorical Exclusion

The NRC has determined that this regulation is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(a). Therefore, neither an environmental impact statement nor an environmental assessment have been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150-0046, 3150-0047, and 3150-0062.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 2120 "L" Street, NW (Lower Level), Washington, DC. Single copies of the analysis may be obtained from Duane G. Kidd, Division of Security, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 492-4124.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule, and therefore, that a backfit analysis is not required for

this final rule, because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 11

Hazardous materials - Transportation, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Special nuclear material.

10 CFR Part 25

Classified information, Investigations, Penalty, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 95

Classified information, Penalty, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and the Independent Office Appropriation Act of 1952 and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to CFR Parts 11, 25, 95.

PART 11 - CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY
FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

1. The authority citation for Part 11 continues to read as follows:

AUTHORITY: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201), sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 11.15(e) also issued under sec. 501, 85 Stat. 290 (31 U.S.C. 483a).

2. In §11.15 paragraph (e)(1) is revised to read as follows:

§ 11.15 Application for special nuclear material access authorization.

* * * * *

(e)(1) Each application for special nuclear material access authorization, renewal, or change in level must be accompanied by the licensee's remittance, payable to the U.S. Nuclear Regulatory Commission, according to the following schedule:

i	NRC-U requiring full field investigation.....	\$2,415
ii	NRC-U requiring full field investigation (expedited processing).....	\$2,932
iii	NRC-U based on certification of comparable full field background investigation.....	¹ \$0
iv	NRC-U or R renewal.....	¹ \$15
v	NRC-R.....	¹ \$15
vi	NRC-R based on certification of comparable investigation.....	² \$0

- 1 If the NRC determines, based on its review of available data, that a full field investigation is necessary, a fee of \$2,415.00 will be assessed prior to the conduct of the investigation.
- 2 If the NRC determines, based on its review of available data that a National Agency Check Investigation is necessary, a fee of \$15.00 will be assessed prior to the conduct of the investigation; however, if a full field investigation is deemed necessary by the NRC based on its review of available data, a fee of \$2,415.00 will be assessed prior to the conduct of the investigation.

* * * * *

PART 25 - ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

3. The authority citation for Part 25 continues to read as follows:

AUTHORITY: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201), sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841), E.O. 10865, as amended, 3 CFR 1959-1963 COMP., p. 398 (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

Appendix A also issued under 96 Stat. 1051 (31 U.S.C. 9701).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§25.13, 25.17 (a), 25.33 (b) and (c) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)), and §§25.13 and 25.33(b) are also issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

§25.18 [Removed]

4. Section 25.18 is to be removed.

§25.23 [Amended]

5. In the second and fourth sentence of the introductory paragraph to §25.23, the references to SF 189-A are changed to read SF 312.

6. Appendix A is revised to read as follows:

APPENDIX A - FEES FOR NRC ACCESS AUTHORIZATION

<u>Category</u>	<u>Fee</u>
Initial "L" Access Authorization.....	¹ \$15
Reinstatement of "L" Access Authorization.....	¹ \$15
Extension or Transfer of "L" Access Authorization.....	¹ \$15
Initial "Q" Access Authorization.....	\$2,415
Initial "Q" Access Authorization (expedited processing).....	\$2,932
Reinstatement of "Q" Access Authorization.....	² \$2,415
Reinstatement of "Q" Access Authorization (expedited processing).....	² \$2,932
Extension or Transfer of "Q".....	² \$2,415
Extension or Transfer of "Q" (expedited processing).....	² \$2,932

1 If the NRC determines, based on its review of available data, that a full field investigation is necessary, a fee of \$2,415.00 will be assessed prior to the conduct of the investigation.

2 Full fee will only be charged if investigation is required.

PART 95 - SECURITY FACILITY APPROVAL AND SAFEGUARDING OF
NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

7. The authority citation for Part 95 continues to read as follows:

AUTHORITY: Secs. 145, 161, 68 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201), sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959-1963 COMP., p. 398 (50 U.S.C. 401, note), E.O. 12356, 47 FR 14874, April 6, 1982.

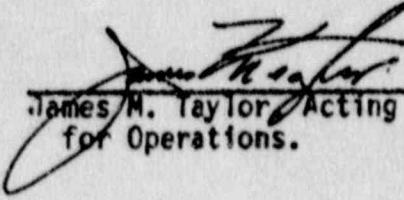
For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§95.13, 95.15(a), 95.25, 95.27, 95.29(b), 95.31, 95.33, 95.35, 95.37, 95.39, 95.41, 95.43, 95.45, 95.47, 95.51, 95.53, and 95.57 are also issued under sec. 1611, 68 Stat. 949, as amended (42 U.S.C. 2201(i)).

§ 95.33 [Amended]

8. In the third sentence in § 95.33, the reference to SF 189-A is changed to read SF 312.

Dated at Rockville, Maryland this 22nd day Sept, 1989.

For the Nuclear Regulatory Commission.


James M. Taylor Acting Executive Director
for Operations.

Approval for Publication

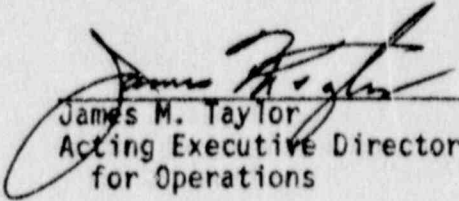
The Commission delegated to the EDO (10 CFR 1.31(a)(3)) the authority to develop and promulgate rules as defined in the APA (5 U.S.C. 551(4)) subject to the limitations in NRC Manual Chapter 0103, Organization and Functions, Office of the Executive Director for Operations, paragraphs 0213, 038, 039, and 0310.

The enclosed rule, entitled "Access Authorization Fee Schedule for Licensee Personnel and Implementation of the SF 312," will amend Parts 11, 25, and 95 by increasing the fee NRC charges its licensees for background investigations that are used to determine eligibility for a special nuclear material access authorization or personnel security clearance for access to Restricted Data or National Security Information, and require each person to complete a "Classified Information Nondisclosure Agreement" (SF 312), in lieu of the SF 189-A when granted an NRC access authorization.

- This final rule does not constitute a significant question of policy, nor does it amend regulations contained in 10 CFR Parts 7, 8, 9 or Subpart C concerning matters of the policy. I, therefore, find that this rule is within the scope of my rulemaking authority and am proceeding to issue it.

9/22/89

Date


James M. Taylor
Acting Executive Director
for Operations