

NUCLEAR REGULATORY COMMISSION

10 CFR Part 25

Access Authorization Fees for Nuclear Industry

AGENCY: U.S. Nuclear Regulatory Commission

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is publishing Appendix A to 10 CFR Part 25 which establishes a fee schedule to cover costs related to the processing of access authorizations for personnel affected by 10 CFR Part 25, "Access Authorization for Licensee Personnel." This fee schedule shall be applied to requests filed by NRC licensees on behalf of their personnel or their contractor personnel, agents, or others who require access to NRC classified information about the protection of nuclear material.

EFFECTIVE DATE: **AUG 4 1980**

FOR FURTHER INFORMATION CONTACT: Duane G. Kidd, Chief, Security Policy Branch, Division of Security, Office of Administration, United States Nuclear Regulatory Commission, Washington, DC 20555, (301) 427-4415.

SUPPLEMENTARY INFORMATION: 10 CFR Part 25, "Access Authorization for Licensee Personnel," was published in the Federal Register on March 5, 1980. Section 25.17 of Part 25 indicates that access authorization fees will be published in December of each year and will be applicable to each access authorization request received during the following calendar year. Since Part 25 will become effective before December 1980, the fees reflected in Appendix A to Part 25 will be used for the remainder of this calendar year.

These fees are charged for access authorizations processed and services rendered by the Nuclear Regulatory Commission, at the request of an identifiable recipient of the services, and are authorized under Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a).

Enclosure 2

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The fees established in the schedule for both an "L" and "Q" access authorization are identical to those currently charged by the Department of Energy (DOE) under its Access Permit Program. These same fees will be used by the NRC, at least until December 1980. Thereafter, charges may be based on full cost recovery which could significantly affect the cost of an "L" access authorization.

The classified information being protected from unauthorized disclosure through the implementation of Parts 25 and 95 and through the application of the Classification Guide for Safeguards Information (Part 95, Appendix A) should not be classified higher than Secret National Security Information or Confidential Restricted Data. At these levels, only an "L" access authorization is needed by licensee or licensee contractor personnel or others affected by these parts. It is expected that very few, if any, NRC "Q" access authorizations will be required.

The investigative basis for an NRC "L" access authorization is a national agency check conducted by the Office of Personnel Management (OPM) for which NRC is charged \$7.25. The investigative basis for an NRC "Q" access authorization is a full field background investigation, also conducted by OPM, for which NRC is charged \$950.00. The fees reflected in Appendix A to Part 25 recover these costs plus a part of NRC's overhead associated with the processing of these access authorizations.

Since the fees set forth in Appendix A are based primarily upon the actual amounts charged to NRC by OPM for conducting the investigations, NRC has little control over the charges. Therefore, it is unlikely that public comment would result in reducing any of the fees. Furthermore, in order to keep the fees at the same

amount charged by DOE for providing these services, NRC's charges included in the fee for evaluating the investigative data prior to issuing an access authorization are less than NRC's actual costs. Under the circumstances, NRC, for good cause, finds that notice of proposed rulemaking and public procedure thereon are unnecessary. The amendments will become effective 30 days after publication.

Pursuant to the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) and 5 U.S.C. 553, notice is hereby given that Appendix A to 10 CFR Part 25 is published as a document subject to codification:

PART 25 - ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

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 | 1,095 |
| Reinstatement of "Q" Access Authorization | 1,095* |

| Category | Fee |
|--|--------|
| Extension or Transfer of "Q" Access Authorization | 1,095* |

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

(31 U.S.C. 483a (65 Stat. 290))

Dated at Washington, DC this 19th day of June 1980.

For the Nuclear Regulatory Commission.



William J. Dircks
Acting Executive Director for Operations