

processing fee. As noted, the OPM billing rate is pulled directly from the current OPM fee schedule for investigations. The new tables in § 11.15(e)(2) and Appendix A to Part 25 cross-reference each type of NRC access authorization request to the appropriate investigation service listed on OPM's fee schedule. The NRC's in-house processing fee is 11.6% of the relevant OPM rate. The in-house processing fee of 11.6% is based on a recent NRC audit of actual in-house costs incurred in processing licensee applications for

access authorization. This fixed percentage of the OPM rate, when added to the base OPM investigations charge, yields the total access authorization fee assessed by the NRC {OPM rate + [(OPM rate × 11.6%), rounded to the nearest dollar] = NRC access authorization fee}. For example, a licensee seeking a special nuclear material "NRC-U" access authorization requiring a single scope background investigation is directed by the table in § 11.15(e)(2) to calculate the application fee based on the OPM billing rate for a "Code C" Single Scope Background Investigation

(SSBI). According to the current OPM investigations fee schedule (FIN 02-01), OPM charges \$2,725 for a "Code C" SSBI. The table instructs the licensee to calculate the NRC processing fee by multiplying \$2,725 by 11.6%, which equals \$316.10. The licensee then rounds the NRC processing fee to the nearest dollar, or \$316, and adds that amount to the OPM investigations fee of \$2,725 to determine the total assessed material access authorization fee: \$3041. The table below illustrates the calculation process:

| Current OPM billing rate for SSBI-C | Plus NRC application processing fee | | | | | Equals total NRC access authorization fee for NRC-U application |
|-------------------------------------|-------------------------------------|---|-------|---|----------------------------------|---|
| | OPM rate | × | 11.6% | = | NRC fee (rounded to nearest \$) | |
| \$2,725 | \$2,725 | × | 11.6% | = | \$316.10 (rounded to \$316) | = \$3,041 |

Licensees applying for restricted data or national security information access authorization follow a similar procedure. The table in Appendix A to Part 25 cross-references each type of "Q" or "L" access authorization to the corresponding OPM investigation type. The OPM billing rate for the type of investigation referenced is determined by consulting the current OPM schedule of billing rates. This rate is then plugged into the fee assessment formula {OPM rate + [(OPM rate × 11.6%), rounded to the nearest dollar] = NRC access authorization fee}, illustrated above, to calculate the correct NRC access authorization fee for the type of application submitted.

Section-by-Section Analysis

Section 11.15(e)

The revised paragraph § 11.15(e)(1) describes the relationship between OPM and NRC and provides the formula used in calculating the material access authorization fee. This paragraph also explains how to access the OPM billing schedule and specifies that changes to the access authorization fees become effective on the effective date of OPM's most recently published billing schedule.

The revised § 11.15(e)(2) directs licensees to remit the appropriate access authorization fee with each application submitted, in accordance with the table presented in that paragraph. The table cross-references each type of NRC material access authorization request to a type of investigation in the current OPM fee schedule, and directs licensees to calculate the application fee according to the stated formula {OPM rate + [(OPM rate × 11.6%), rounded to

the nearest dollar] = NRC access authorization fee}. New paragraph § 11.15(e)(3) indicates that applications for individuals that have a current access authorization from another Federal agency may be processed expeditiously at no cost to the licensee. Section 25.17(f) The revised paragraph § 25.17(f)(1) describes the relationship between OPM and NRC and provides the formula used in calculating national security information and restricted data access authorization fees. This paragraph also explains how to access the OPM billing schedule and specifies that changes to national security information and restricted data access authorization fees become effective on the effective date of OPM's most recently published billing schedule.

The revised § 25.17(f)(2) directs licensees to remit the appropriate national security information or restricted data access authorization fee with each application submitted. Applicants are instructed to calculate the appropriate fee by using the stated formula {OPM rate + [(OPM rate × 11.6%), rounded to the nearest dollar] = NRC access authorization fee} with reference to the table in appendix A to part 25. New paragraph § 25.17(f)(3) indicates that applications for individuals that have a current access authorization from another Federal agency may be processed expeditiously at no cost to the licensee.

Appendix A to Part 25

The revised table in Appendix A cross-references each type of NRC "Q" or "L" access authorization request to a

type of investigation in the current OPM fee schedule, and directs licensees to calculate the application fee according to the stated formula.

Administrative Procedure Act

Because this final rule deals solely with agency practice and procedure, the notice and comment provisions of the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(A). The final rule is effective upon publication in the Federal Register. Good cause exists to dispense with the usual 30-day delay in the effective date because the amendments are of a minor and administrative nature.

Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104-113, requires agencies to use technical standards developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or is otherwise impractical. This final rule replaces the NRC's published access authorization fee schedules with a formula for calculating access authorization fees based on current Office of Personnel Management billing rates for personnel background investigations. This action is administrative in nature and does not involve the establishment or application of a technical standard containing generally applicable requirements.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusions 10 CFR 51.22(c)(1) and (2). Therefore, neither an environmental impact statement nor an