

Nuclear Regulatory Commission's (NRC's) Division of Facilities and Security, Mail Stop T-6E46, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ) or, where practicable, other fingerprint records for each individual seeking unescorted access to the spent fuel storage facility, to the Director of the Division of Facilities and Security, marked for the attention of the Division's Criminal History Check Section. Copies of these forms may be obtained by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by calling (301) 415-5877, or via e-mail to forms@nrc.gov. Practicable alternative formats are set forth in 10 CFR 73.4. The licensee shall establish procedures to ensure that the quality of the fingerprints taken results in minimizing the rejection rate of fingerprint cards due to illegible or incomplete cards.

The NRC will review submitted fingerprint cards for completeness. Any Form FD-258 fingerprint record containing omissions or evident errors will be returned to the licensee for corrections. The fee for processing fingerprint checks includes one resubmission if the initial submission is returned by the FBI because the fingerprint impressions cannot be classified. The one free resubmission must have the FBI Transaction Control Number reflected on the resubmission. If additional submissions are necessary, they will be treated as initial submittals and will require a second payment of the processing fee.

Fees for processing fingerprint checks are due upon application. Licensees shall submit payment with the application for processing fingerprints by corporate check, certified check, cashier's check, money order, or electronic payment, made payable to "U.S. NRC." [For guidance on making electronic payments, contact the Facilities Security Branch, Division of Facilities and Security, at (301) 415-7404]. Combined payment for multiple applications is acceptable. The application fee (currently \$27) is the sum of the user fee charged by the FBI for each fingerprint card or other fingerprint record submitted by the NRC on behalf of a licensee, and an NRC processing fee, which covers administrative costs associated with NRC handling of licensee fingerprint submissions. The Commission will directly notify licensees, who are subject to this regulation of any fee changes.

The Commission will forward, to the submitting licensee, all data received from the FBI as a result of the licensee's application(s) for criminal history records checks, including the FBI fingerprint record.

#### *Right To Correct and Complete Information*

Prior to any final adverse determination, the licensee shall make available, to the individual, the contents of any criminal records, obtained from the FBI, for the purpose of assuring correct and complete information. Written confirmation by the individual of receipt of this notification must be maintained by the licensee for a period of one (1) year from the date of the notification.

If, after reviewing the record, an individual believes that the record is incorrect or

incomplete in any respect and wishes to change, correct, or update the alleged deficiency, or to explain any matter in the record, the individual may initiate challenge procedures. These procedures include either direct application, by the individual challenging the record, to the agency (i.e., law enforcement agency) that contributed the questioned information, or direct challenge as to the accuracy or completeness of any entry on the criminal history record to the Assistant Director, Federal Bureau of Investigation Identification Division, Washington, DC 20537-9700 (as set forth in 28 CFR 16.30 through 16.34). In the latter case, the FBI forwards the challenge to the agency that submitted the data and requests that agency to verify or correct the challenged entry. Upon receipt of an official communication directly from the agency that contributed the original information, the FBI Identification Division makes any changes necessary, in accordance with the information supplied by that agency. The licensee must allow at least ten (10) days for an individual to initiate an action challenging the results of an FBI criminal history records check after the record is made available for his/her review. The licensee may make a final determination for unescorted access to the spent fuel storage facility based on the criminal history records check, only upon receipt of the FBI's ultimate confirmation or correction of the record. Upon a final adverse determination for unescorted access to the spent fuel storage facility, the licensee shall provide the individual its documented basis for denial. During this review process for assuring correct and complete information, unescorted access to the spent fuel storage facility shall not be granted to an individual.

#### *Protection of Information*

1. Each licensee that obtains a criminal history records check for an individual, pursuant to this Order, shall establish and maintain a system of files and procedures for protecting the record and the personal information from unauthorized disclosure.

2. The licensee may not disclose the record nor personal information collected and maintained to persons other than the subject individual, his/her representative, or to those who have a need to access the information in performing assigned duties in the process of determining unescorted access to the spent fuel storage facility. No individual authorized to have access to the information may disseminate the information to any other individual who does not have a need-to-know.

3. The personal information obtained on an individual from a criminal history records check may be transferred to another licensee if the licensee holding the criminal history record receives the individual's written request to disseminate the information contained in his/her file, and the gaining licensee verifies information such as the individual's name, date of birth, social security number, sex, and other applicable physical characteristics, for identification purposes.

4. The licensee shall make criminal history records, obtained under this section,

available for examination by an authorized NRC representative, to determine compliance with the regulations and laws.

5. The licensee shall retain all fingerprint and criminal history records received from the FBI, or a copy, if the individual's file has been transferred, for three (3) years after termination of employment or denial to unescorted access to the spent fuel storage facility. After the required three (3) year period, these documents shall be destroyed by a method that will prevent reconstruction of the information in whole, or in part.

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## NUCLEAR REGULATORY COMMISSION

### Notice of Availability; Draft NUREG-1574, Revision 2, "Standard Review Plan on Transfer and Amendment of Antitrust License Conditions and Antitrust Enforcement"

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Standard Review Plan.

**SUMMARY:** The NRC is seeking public comment on draft NUREG-1574, Revision 2, entitled "Standard Review Plan on Transfer and Amendment of Antitrust License Conditions and Antitrust Enforcement." This standard review plan (SRP) documents procedures and guidance to be used by the staff to analyze license transfer applications and license amendment applications involving existing antitrust license conditions, to report to the Attorney General information indicating that a licensee's use of atomic energy appears to have violated the antitrust laws, and to take appropriate enforcement action for a licensee's violation of its antitrust license conditions. Because the SRP describes internal agency procedures and is based on existing Commission guidance in this area, the SRP is being published for interim use. However, the Commission is inviting public comment on the SRP and is interested in possible improvements to it. Public comments will be considered in evaluating the NRC review process in this area.

**DATES:** The public is invited to submit comments on the SRP by July 9, 2007. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date. On the basis of the submitted comments, the Commission will determine whether to modify the SRP before issuing it in final form.

**ADDRESSES:** You may submit comments by any one of the following methods. Comments submitted in writing or electronic form will be made available for public inspection. Mail comments to: Chief, Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Mail Stop T6-D59, Washington, DC 20555-0001. Hand deliver comments, addressed to the above, to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

Publicly available documents may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), One White Flint North, 11555 Rockville Pike, Room O1-F21, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. The public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS) through the agency's public Web site at <http://www.nrc.gov>. This web site provides text and image files of the NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference Staff at 1-800-397-4209, 301-415-4737 or by email to [pdr@nrc.gov](mailto:pdr@nrc.gov).

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F21, Rockville, Maryland.

**FOR FURTHER INFORMATION CONTACT:** Steven R. Hom, Office of Nuclear Reactor Regulation, Division of Policy and Rulemaking, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-1537, e-mail [srh@nrc.gov](mailto:srh@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The draft NUREG-1574, Revision 2, entitled "Standard Review Plan on Transfer and Amendment of Antitrust License Conditions and Antitrust Enforcement" [ML070160586] reflects the Energy Policy Act of 2005's removal of the NRC's antitrust review responsibilities for applications for licenses under sections 103 and 104 of the Atomic Energy Act of 1954, as amended. The SRP provides guidance on the appropriate disposition of antitrust license conditions during license transfers and for the review of applications to amend antitrust license conditions outside of license transfers. The SRP also provides guidance regarding the NRC's responsibility to

refer certain antitrust matters to the Attorney General, and regarding the NRC's enforcement of antitrust license conditions. The SRP supersedes NUREG-1574, Standard Review Plan on Antitrust Reviews, published December 1997, in its entirety.

Dated at Rockville, Maryland, this 29th day of May, 2007.

For the Nuclear Regulatory Commission.

**Michael J. Case,**

*Director, Division of Policy and Rulemaking,  
Office of Nuclear Reactor Regulation.*

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## OFFICE OF PERSONNEL MANAGEMENT

### Civil Service Retirement System; Normal Cost Percentages

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** The Office of Personnel Management (OPM) is providing notice of revised normal cost percentages for employees covered by the Civil Service Retirement System (CSRS).

**DATES:** The revised normal cost percentages are effective at the beginning of the first pay period commencing on or after October 1, 2007.

**ADDRESSES:** Send or deliver requests for actuarial assumptions and data to the Board of Actuaries, care of Gregory Kissel, Manager, Office of Actuaries, Strategic Human Resources Policy Division, Office of Personnel Management, Room 4307, Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Jessica Johnson, (202) 606-0299.

**SUPPLEMENTARY INFORMATION:** Most Federal employees hired before 1984 are under the Civil Service Retirement System (CSRS). Section 8334 of title 5, United States Code, provides for the mandated percentage of basic pay as an employee deduction and agency contributions that are paid into the Civil Service Retirement and Disability Fund (Fund) for CSRS. The "normal cost" is the percentage of salary that must be contributed at the time service is performed in order to pay the full cost of retirement benefits, assuming that the contributions begin at first creditable employment, and that the system will continue. The normal cost percentages change from time to time based upon changes in the underlying economic assumptions. To fully fund the retirement system, the normal cost percentage of basic pay must be paid

into the Retirement Fund at the time service is performed. Under CSRS, the employee deductions and agency contributions are statutorily mandated and unlike FERS, CSRS is not fully funded. The normal costs for CSRS reflect the percentage of basic pay that would have to be contributed to the Fund for CSRS to be fully funded. Additionally, there are a few entities that must pay the full normal cost for their CSRS employees.

CSRS offset refers to those employees who are simultaneously covered by the Old Age, Survivors, and Disability Insurance (OASDI) tax and CSRS. Section 8334(k) of title 5, United States Code, and subpart J of part 831 of title 5, Code of Federal Regulations, describe the employee deductions and agency contributions for CSRS offset. Normal cost percentages are different for regular CSRS and CSRS offset because of differences in their benefit structures.

Recently, the Board of Actuaries of the Civil Service Retirement System approved a revised set of economic assumptions for use in the dynamic actuarial valuations of CSRS. These assumptions were adopted after the Board reviewed statistical data prepared by the OPM actuaries and considered trends that may affect future experience under the System.

Based on its analysis, the Board concluded that it would be appropriate to assume a rate of investment return of 6.25 percent, with no difference from the current rate of 6.25 percent. The Board increased the anticipated inflation rate from 3.25 percent to 3.50 percent, and increased the projected rate of General Schedule salary increases from 4.00 percent to 4.25 percent. These salary increases are in addition to assumed within-grade increases that reflect past experience.

The new assumptions anticipate that, over the long term, the annual rate of investment return will exceed inflation by 2.75 percent and General Schedule salary increases will exceed inflation by .75 percent a year, as compared to 3 percent and .75 percent, respectively, under the previous assumptions.

The normal cost calculations depend on both the economic and demographic assumptions. The demographic assumptions are determined separately for each of a number of special groups, in cases where separate experience data is available. Based on the new economic assumptions and the change in the demographic assumption concerning the rate of early retirements, OPM has determined the normal cost percentage for each category of employees. The Government wide normal cost percentages for CSRS, without offset,