

# Rules and Regulations

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 11 and 25

[NRC-2011-0161]

RIN 3150-AJ00

#### Access Authorization Fees; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is correcting the preamble, or statement of considerations (SOC), and codified text in a direct final rule that was published in the **Federal Register** on May 3, 2012 (77 FR 26149) and confirmed on June 22, 2012 (77 FR 37553). The direct final rule amended the NRC's access authorization fees charged to licensees for work performed under the Material Access Authorization Program (MAAP) and the Information Access Authority Program (IAAP). This document is necessary to correct an email address, a codification error, a misspelled abbreviation, and the authority citations.

**DATES:** The correction is effective on August 3, 2012 and applicable to June 22, 2012, the date the original rule became effective.

**FOR FURTHER INFORMATION CONTACT:** Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Office of Administration, U.S. Nuclear

Regulatory Commission, Washington, DC 20555-0001; telephone: 301-492-3667; email: *Cindy.Blahey@nrc.gov*.

**SUPPLEMENTARY INFORMATION:** The NRC published a direct final rule in the **Federal Register** on May 3, 2012 (77 FR 26149) and a confirmation of the effective date on June 22, 2012 (77 FR 37553). The direct final rule amended the NRC's access authorization fees charged to licensees for work performed under the MAAP and the IAAP. This document is necessary to correct an email address, a codification error, a misspelled abbreviation, and the authority citations in the codified text. The following corrects the SOC to the May 3, 2012, document:

1. On page 26150, in the second column before the table, the first paragraph, the last sentence is corrected to read as follows:

The NRC's licensees can also obtain the current OPM investigation billing rates schedule by contacting the NRC's Personnel Security Branch (PSB), Division of Facilities and Security (DFS), Office of Administration (ADM) by email to *Licensee\_Access\_Authorization\_Fee.Resource@nrc.gov*.

2. On page 26150, in the first column after the table, the first paragraph, the fifth sentence is corrected to read as follows:

Copies of the current NRC access authorization fee can be obtained by contacting the NRC's Personnel Security Branch, Division of Facilities Security, Office of Administration by email to *Licensee\_Access\_Authorization\_Fee.Resource@nrc.gov*.

#### List of Subjects

#### 10 CFR Part 11

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

The NRC application fee for an access authorization of type\* \* \*

i. NRC-R<sup>1</sup> .....

Is the sum of the current OPM investigation billing rate charged for an investigation of type\* \* \*

NACLC—National Agency Check with Law and Credit (Standard Service, Code C).

## Federal Register

Vol. 77, No. 150

Friday, August 3, 2012

### 10 CFR Part 25

Classified information, Criminal penalties, Investigations, 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 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 11 and 25.

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

- 1. Revise the authority citation for part 11 to read as follows:

**Authority:** Atomic Energy Act sec. 161 (42 U.S.C. 2201); Energy Reorganization Act sec. 201 (42 U.S.C. 5841); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note).

Section 11.15(e) also issued under Independent Offices Appropriations Act sec. 501, (31 U.S.C. 9701); Omnibus Reconciliation Act of 1990 sec. 6101 (42 U.S.C. 2214).

- 2. In § 11.15:

- a. In paragraph (e)(2), second sentence, and paragraph (e)(3), sixth sentence, remove the reference “*Licensee\_Access\_Authorization\_Fee@nrc.gov*” and add, in its place, the reference “*Licensee\_Access\_Authorization\_Fee.Resource@nrc.gov*”; and

- b. In paragraph (e)(3), in the table, revise the first row.

The revision reads as follows:

#### § 11.15 Application for special nuclear material access authorization.

\* \* \* \* \*

(e) \* \* \*

(3) \* \* \*

Plus the NRC's processing fee (rounded to the nearest dollar), which is equal to the OPM investigation billing rate for the type of investigation referenced multiplied by \* \* \* 55.8%.

<sup>1</sup> If the NRC, having reviewed the available data, deems it necessary to perform a single scope investigation, the appropriate NRC-U fee will be assessed before the conduct of the investigation.

\* \* \* \* \*

## PART 25—ACCESS AUTHORIZATION

- 3. Revise the authority citation for part 25 to read as follows:

**Authority:** Atomic Energy Act secs. 145, 161, 223, 234 (42 U.S.C. 2165, 2201, 2273, 2282); Energy Reorganization Act sec. 201 (42 U.S.C. 5841); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); E.O. 10865, as amended, 3 CFR, 1959—

1963 Comp., p. 398 (50 U.S.C. 401, note); E.O. 12829, 3 CFR, 1993 Comp., p. 570; E.O. 13526, 3 CFR, 2010 Comp., pp. 298–327; E.O. 12968, 3 CFR, 1995 Comp., p. 396.

Section 25.17(f) and Appendix A also issued under 31 U.S.C. 9701; Omnibus Reconciliation Act of 1990 sec. 6101 (42 U.S.C. 2214).

### § 25.17 [Corrected]

- 4. In § 25.17, paragraph (f)(2), second sentence, and paragraph (f)(3), sixth

sentence, remove the reference “*Licensee\_Access\_Authorization\_Fee@nrc.gov*” and add, in its place, the reference “*Licensee\_Access\_Authorization\_Fee.Resource@nrc.gov*.”

- 5. In appendix A to part 25, revise the third row.

The revision reads as follows:

### Appendix A to Part 25—Fees for NRC Access Authorization

The NRC application fee for an access authorization of type \* \* \*

Is the sum of the current OPM investigation billing rate charged for an investigation of type \* \* \*

Plus the NRC's processing fee (rounded to the nearest dollar), which is equal to the OPM investigation billing rate for the type of investigation referenced multiplied by \* \* \*

Renewal of “L” access authorization<sup>1</sup> .....

NACLC—National Agency Check with Law and Credit (Standard Service, Code C).

55.8%.

<sup>1</sup> If the NRC determines, based on its review of available data, that a single scope investigation is necessary, the appropriate fee for an initial “Q” access authorization will be assessed before the conduct of investigation.

\* \* \* \* \*

Dated at Rockville, Maryland, this 30th day of July 2012.

For the Nuclear Regulatory Commission.

**Cindy Bladie,**

*Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.*

[FR Doc. 2012-18934 Filed 8-2-12; 8:45 am]

**BILLING CODE 7590-01-P**

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 235

[Regulation II; Docket No. R-1404]

RIN 7100-AD 63

### Debit Card Interchange Fees and Routing

**AGENCY:** Board of Governors of the Federal Reserve System

**ACTION:** Final rule.

**SUMMARY:** The Board has amended the provisions in Regulation II (Debit Card Interchange Fees and Routing) that govern adjustments to debit card interchange transaction fees to make an allowance for fraud-prevention costs incurred by issuers. The amendments permit an issuer to receive or charge an amount of no more than 1 cent per transaction (the same amount currently permitted) in addition to its interchange transaction fee if the issuer develops and implements policies and procedures that are reasonably designed to take effective steps to reduce the occurrence of, and costs to all parties from, fraudulent electronic debit

transactions. The amendments set forth fraud-prevention aspects that an issuer's policies and procedures must address and require an issuer to review its policies and procedures at least annually, and update them as necessary in light of their effectiveness, cost-effectiveness, and changes in the types of fraud, methods used to commit fraud, and available fraud-prevention methods. An issuer must notify its payment card networks annually that it complies with the Board's fraud-prevention standards. Finally, the amendments provide that an issuer that is substantially noncompliant with the Board's fraud-prevention standards is ineligible to receive or charge a fraud-prevention adjustment and set forth a timeframe within which an issuer must stop receiving or charging a fraud-prevention adjustment.

**DATES:** This rule is effective October 1, 2012.

### FOR FURTHER INFORMATION CONTACT:

Dena L. Milligan, Attorney (202/452-3900), Legal Division, or David Mills, Manager and Economist (202/530-6265), Division of Reserve Bank Operations and Payment Systems; for users of Telecommunications Device for the Deaf (TDD) only, contact (202/263-4869); Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

### SUPPLEMENTARY INFORMATION:

#### I. Section 920 of the Electronic Fund Transfer Act

The Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Dodd-Frank Act”) (Pub. L. 111-203, 124 Stat. 1376 (2010)), was enacted on

July 21, 2010. Section 1075 of the Dodd-Frank Act amends the Electronic Fund Transfer Act (“EFTA”) (15 U.S.C. 1693 *et seq.*) by adding a new section 920 regarding debit card interchange transaction fees and rules for payment card transactions.

Section 920 of the EFTA provides that, effective July 21, 2011, the amount of any interchange transaction fee that an issuer receives or charges with respect to an electronic debit transaction must be reasonable and proportional to the cost incurred by the issuer with respect to the transaction.<sup>1</sup> This section requires the Board to establish standards for assessing whether an interchange transaction fee is reasonable and proportional to the cost incurred by the issuer with respect to the transaction and requires the Board to establish rules prohibiting network exclusivity on debit cards and issuer and network inhibitions on merchant transaction routing choice. The Board's final rule (Regulation II, Debit Card Interchange Fees and Routing) implementing standards for assessing whether interchange transaction fees meet the requirements of Section 920(a) and establishing rules regarding network exclusivity and routing choice required by Section 920(b) became effective October 1, 2011, although issuers had until April 1, 2012, or later to comply

<sup>1</sup> An “electronic debit transaction” means the use of a debit card (including a general-use prepaid card) as a form of payment. EFTA Section 920(c)(5); 12 CFR 235.2(h). For purposes of Regulation II, the term does not include transactions initiated at automated teller machines (ATM).