



441 G St. N.W.  
Washington, DC 20548

B-329248

August 1, 2017

The Honorable John Barrasso  
Chairman  
The Honorable Tom Carper  
Ranking Member  
Committee on Environment and Public Works  
United States Senate

The Honorable Greg Walden  
Chairman  
The Honorable Frank Pallone, Jr.  
Ranking Member  
Committee on Energy and Commerce  
House of Representatives

Subject: *Nuclear Regulatory Commission: Revision of Fee Schedules; Fee Recovery for Fiscal Year 2017*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Nuclear Regulatory Commission (Commission) entitled “Revision of Fee Schedules; Fee Recovery for Fiscal Year 2017” (RIN: 3150-AJ73). We received the rule on July 19, 2017. It was published in the *Federal Register* as a final rule on June 30, 2017, with an effective date of August 29, 2017. 82 Fed. Reg. 30,682.

The final rule amends the licensing, inspection, special project, and annual fees charged to the Commission’s applicants and licensees. The Commission stated that these amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990, which requires the Commission to recover approximately 90 percent of its annual budget through fees.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). This final rule was published in the *Federal Register* on June 30, 2017. 82 Fed. Reg. 30,682. It was received July 19, 2017, and has a stated effective date of August 29, 2017. Therefore, the final rule does not have the required 60-day delay in its effective date.

Enclosed is our assessment of the Commission’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. With the exception of the 60-day delay in effective date requirement, our review of the procedural steps taken indicates that the Commission complied with the applicable requirements.

If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Shirley A. Jones, Assistant General Counsel, at (202) 512-8156.

signed

Robert J. Cramer  
Managing Associate General Counsel

Enclosure

cc: Eugene Dacus  
Director, Office of Congressional Affairs  
Nuclear Regulatory Commission

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE  
ISSUED BY THE  
NUCLEAR REGULATORY COMMISSION  
ENTITLED  
“REVISION OF FEE SCHEDULES;  
FEE RECOVERY FOR FISCAL YEAR 2017”  
(RIN: 3150-AJ73)

(i) Cost-benefit analysis

The Nuclear Regulatory Commission (Commission) determined that it must bill approximately \$805.9 million in fiscal year (FY) 2017 to licensees. Of this amount, the Commission estimates that \$297.3 million will be recovered through 10 C.F.R. part 170 user fees, which the Commission found leaves approximately \$508.6 million to be recovered through 10 C.F.R. part 171 annual fees. In the final rule, the Commission provided a table summarizing the fee recovery amounts for the FY 2017 final fee rule using the enacted budget and taking into account excluded activities, the 10 percent appropriation, and net billing adjustments.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603-605, 607, and 609

The Commission stated that, as required by RFA, it prepared a RFA relating to this final rule.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

As an independent regulatory agency, the Commission is not subject to the Act.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

On January 3, 2017, the Commission published a proposed fee rule. 82 Fed. Reg. 8696. The Commission received four written comment submissions. The Commission responded to comments in the final rule.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501-3520

The Commission determined that this final rule does not contain new or amended information collection requirements that are subject to PRA.

Statutory authorization for the rule

The Commission stated that this rule was promulgated pursuant to 42 U.S.C. §§ 2014, 2201(w); 42 U.S.C. 5841; 42 U.S.C. § 2214; 31 U.S.C. §§ 901, 902, 9701; and 44 U.S.C. § 3504 note.

Executive Order No. 12,866 (Regulatory Planning and Review)

As an independent regulatory agency, the Commission is not subject to the Order.

Executive Order No. 13,132 (Federalism)

As an independent regulatory agency, the Commission is not subject to the Order.