



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

B-334413

July 1, 2022

The Honorable Thomas R. Carper
Chairman
The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
United States Senate

The Honorable Frank Pallone, Jr.
Chairman
The Honorable Cathy McMorris Rodgers
Republican Leader
Committee on Energy and Commerce
House of Representatives

Subject: *Nuclear Regulatory Commission: Revision of Fee Schedules, Fee Recovery for Fiscal Year 2022*

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 (NRC) entitled "Revision of Fee Schedules, Fee Recovery for Fiscal Year 2022" (RIN: 3150-AK44). We received the rule on June 13, 2022. It was published in the *Federal Register* as a final rule on June 22, 2022. 87 Fed. Reg. 37197. The effective date is August 22, 2022.

The final rule, according to NRC, amends the licensing, inspection, special project, and annual fees charged to its applicants and licensees. NRC stated these amendments are necessary to implement the Nuclear Energy Innovation and Modernization Act, 42 U.S.C. § 2215, which requires NRC to recover, to the maximum extent practicable, approximately 100 percent of its annual budget less certain amounts excluded from this fee-recovery requirement.

Enclosed is our assessment of NRC's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. 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 Shari Brewster, Assistant General Counsel, at (202) 512-6398.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive, flowing style.

Shirley A. Jones
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 2022”
(RIN: 3150-AK44)

(i) Cost-benefit analysis

The Nuclear Regulatory Commission (NRC) stated that it must recover approximately \$752.7 million in fees for fiscal year 2022. NRC further stated that it estimates it will collect \$198.8 million in 10 C.F.R. part 170 service fees and approximately \$553.9 million in 10 C.F.R. part 171 annual fees.

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

NRC prepared a Final Regulatory Flexibility Analysis on this final rule. NRC stated the analysis is available as indicated in the Availability of Documents section of the 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, NRC 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.*

NRC published a proposed rule on February 23, 2022. 87 Fed. Reg. 10081. NRC received four written comment submissions on the proposed rule and addressed them in this final rule.

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

NRC stated that this final rule does not contain a collection of information as defined under PRA and, therefore, is not subject to the requirements of PRA.

Statutory authorization for the rule

NRC promulgated the final rule pursuant to sections 2014, 2201(w), 2215, 2273, 2282, and 5841 of title 42; sections 901, 902, and 9701 of title 31; and section 3504 note of title 44, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

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

Executive Order No. 13132 (Federalism)

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