



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

B-335388

June 29, 2023

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

The Honorable Cathy McMorris Rodgers  
Chair  
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 2023*

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) titled "Revision of Fee Schedules; Fee Recovery for Fiscal Year 2023" (RIN: 3150-AK58). We received the rule on June 13, 2023. It was published in the *Federal Register* as a final rule on June 15, 2023. 88 Fed. Reg. 39120. The effective date is August 14, 2023.

According to NRC, this final rule amends the licensing, inspection, special project, and annual fees charged to its applicants and licensees. NRC stated that these amendments are necessary to comply with the Nuclear Energy Innovation and Modernization Act (NEIMA), 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. See 42 U.S.C. § 2215 (this section was enacted as part of NEIMA).

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".

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  
TITLED  
“REVISION OF FEE SCHEDULES; FEE RECOVERY FOR FISCAL YEAR 2023”  
(RIN: 3150-AK58)

(i) Cost-benefit analysis

The Nuclear Energy Innovation and Modernization Act (NEIMA), requires the Nuclear Regulatory Commission (NRC) to recover, to the maximum extent practicable, approximately 100 percent of its annual budget less certain amounts excluded from this fee-recovery requirement. See 42 U.S.C. 2215. NRC provided an analysis of its user fee cost for the services it provides to identifiable recipients, such as licensing work, inspections, and special projects. NRC stated that it must recover approximately \$790.6 million in fees in fiscal year 2023.

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

NRC stated that it has prepared an RFA analysis related to this final rule. The regulatory flexibility analysis is available as indicated in the “Availability of Documents” section of the 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, NRC is not subject to the Act. See 2 U.S.C. §§ 658(1), 1502(1).

(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 March 3, 2023. 88 Fed. Reg. 13357. NRC stated that it received seven written comment submissions on the proposed rule. NRC also stated that it has carefully considered the public comments received on the proposed rule.

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

NRC stated that this final rule does not contain any new or amended collections of information subject to PRA. NRC also stated that existing collections of information were approved by the Office of Management and Budget (OMB) under OMB Control Number 3150-0190.

Statutory authorization for the rule

NRC promulgated this final rule pursuant to sections 9701 of title 31 and section 2215 of title 42, 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.