



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

B-330187

July 10, 2018

The Honorable John Barrasso
Chairman
The Honorable Thomas R. 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 2018*

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 2018” (RIN: 3150-AJ95). We received the rule on June 25, 2018. It was published in the *Federal Register* as a final rule on June 25, 2018. 83 Fed. Reg. 29,622. The effective date of the final rule is August 24, 2018.

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.

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. Our review of the agency’s submissions to us 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 2018”
(RIN: 3150-AJ95)

(i) Cost-benefit analysis

The Nuclear Regulatory Commission (Commission) determined that it must bill approximately \$508.5 million through annual fees from its licensees, which the Commission stated is an amount identical to the annual fees collected by the FY 2017 final fee rule. Additionally, the total estimated 10 C.F.R. part 170 collections for this final rule is \$280.8 million, which, according to the Commission, is a decrease of \$16.6 million from the FY 2017 fee rule.

(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 regulatory flexibility analysis 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.*

The Commission received 13 written comment submissions on the proposed rule. 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 a collection of information as defined in 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.