



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

B-330402

October 9, 2018

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
Ranking Member
Committee on Energy and Commerce
House of Representatives

Subject: *Nuclear Regulatory Commission: Inflation Adjustments to the Price-Anderson Act
Financial Protection Regulations*

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 "Inflation Adjustments to the Price-Anderson Act Financial Protection Regulations" (RIN: 3150-AK01). We received the rule on September 26, 2018. It was published in the *Federal Register* as a final rule on September 24, 2018. 83 Fed. Reg. 48,202. The effective date of the final rule is November 1, 2018.

The final rule amends NRC's regulations to adjust for inflation the maximum total and annual standard deferred premiums specified in the Price Anderson Act. NRC states that it must perform this adjustment at least once during each 5-year period following August 20, 2003, as mandated by the Atomic Energy Act of 1954, as amended.

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). The rule was received by Congress on September 24, 2018, and was published in the *Federal Register* on September 24, 2018. 83 Fed. Reg. 48,202. The rule has a stated effective date of November 1, 2018. Therefore, the final rule does not have a 60-day delay in its effective date.

However, the 60-day delay in effective date can be waived, if the agencies find for good cause that delay is impracticable, unnecessary, or contrary to the public interest, and the agencies incorporate a statement of the findings and their reasons in the rule issued. 5 U.S.C. § 808(2). NRC found good cause to issue this regulation without solicitation of public comment because the Price Anderson Act requires these nondiscretionary adjustments. Therefore, NRC determined that the effective date of this rule will be November 1, 2018.

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 Shirley A. Jones, Assistant General Counsel, at (202) 512-8156.

signed

Julia C. Matta
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
“INFLATION ADJUSTMENTS TO THE
PRICE-ANDERSON ACT
FINANCIAL PROTECTION REGULATIONS”
(RIN: 3150-AK01)

(i) Cost-benefit analysis

The Nuclear Regulatory Commission (NRC) summarized the effect of inflation on the maximum total and annual standard deferred premiums. The inflation adjustment in this final rule is based on a Consumer Price Index (CPI) figure of 251.588 (May 2018). According to NRC, this represents an increase of approximately 8.08 percent. NRC stated that when this increase is applied to the maximum total and annual standard deferred premiums and rounded to the nearest thousand, the new maximum total deferred premium is \$131,056,000 and the maximum annual deferred premium is \$20,496,000.

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

NRC determined that the requirements of RFA do not apply 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, 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 found good cause that solicitation of public comment on this final rule is unnecessary because the Price-Anderson Act requires these non-discretionary adjustments in the maximum total and annual standard deferred premiums. NRC stated that requesting public comment on these adjustments, which are made pursuant to a formula required by statute, would not result in a change to the adjusted amount.

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.

Statutory authorization for the rule

NRC stated that it promulgated the rule under 42 U.S.C. §§ 2201, 2210, 2273, 2282, and 42 U.S.C. §§ 5841, 5842, and 42 U.S.C. § 3504 note.

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

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

Executive Order No. 13,132 (Federalism)

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