



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

B-331069

June 3, 2019

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

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

Subject: *Nuclear Regulatory Commission: Revision of Fee Schedules; Fee Recovery for Fiscal Year 2019*

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 (the Commission) entitled "Revision of Fee Schedules; Fee Recovery for Fiscal Year 2019" (RIN: 3150-AJ99). We received the rule on May 17, 2019. It was published in the *Federal Register* as a final rule on May 17, 2019. 84 Fed. Reg. 22331. The effective date of the rule is July 16, 2019.

The final rule amends the licensing, inspection, special project, and annual fees the Commission charges its applicants and licensees. The Commission is required to recover approximately 90 percent of its annual budget through fees. 42 U.S.C. § 2214. The Commission determined that it must bill approximately \$782.5 million in fees in fiscal year 2019 to licensees and applicants.

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 Janet Temko-Blinder, Assistant General Counsel, at (202) 512-7104.

signed

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 2019”  
(RIN: 3150-AJ99)

(i) Cost-benefit analysis

The Nuclear Regulatory Commission (the Commission) determined that it must bill approximately \$782.5 million in fees in fiscal year 2019 to licensees and applicants. Of this amount, the Commission estimates that \$252.1 million will be recovered through user fees and approximately \$530.5 million to be recovered through annual fees.

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

The Commission stated that it prepared a regulatory flexibility analysis for 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 31, 2019, the Commission published a proposed rule. 84 Fed. Reg. 578. The Commission received 14 written comments on the proposed rule, to which it responded to 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 requirement as defined in the Act.

Statutory authorization for the rule

The Commission promulgated this final rule under the authority of sections 11, 161(w), 223, and 234 of the Atomic Energy Act of 1954 (42 U.S.C. §§ 2014, 2201(w)); section 201 of the Energy Reorganization Act of 1974 (42 U.S.C. § 5841); and section 2214 of title 42; sections 901, 902, 9701 of title 31; and section 3504 note of title 44, United States Code.

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.