

## Congressional Review Act Summary

AGENCY: U.S. Nuclear Regulatory Commission

TITLE OF ACTION: Price Anderson Adjustment of Deferred Premiums for Inflation

TYPE OF ACTION: Final Rule

LEVEL OF SIGNIFICANCE: Major

AGENCY IDENTIFICATION: 3150

RIN AND/OR DOCKET ID: NRC-2023-0110

DATE OF ISSUANCE: September 2023

STATUTORY OR JUDICIAL DEADLINE: The Price Anderson Act (Pub. L. 109-58, 119 Stat. 780 U.S.C. 2210); Due: December 31, 2023

### DESCRIPTION OF ACTION:

The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to adjust for inflation the maximum total and annual standard deferred premiums. The Atomic Energy Act of 1954 (AEA), as amended, requires the NRC to perform this adjustment at least once during each 5-year period following August 20, 2003. Part 140 of title 10 of the *Code of Federal Regulations* (10 CFR), "Financial Protection Requirements and Indemnity Agreements" implement the financial protection requirements of certain licensees and other persons under section 170 of the AEA, also known as the Price-Anderson Act. The proposed adjustment for inflation to the maximum total and annual standard deferred premiums must be in accordance with the aggregate percentage change in the Consumer Price Index since the previous adjustment. The final rule is estimated to be published in December 2023, and become effective January 1, 2024. Because this action is mandated by statute and the premiums must be assessed through rulemaking, the NRC did not consider alternatives to this action.

### **Is there an annual effect on the economy of \$100 million or more?**

Yes, there is an annual effect on the economy of \$100 million or more.

As amended, the Atomic Energy Act of 1954 (AEA) requires the NRC to adjust the maximum total and annual standard deferred premiums for inflation at least once during each 5-year period. Therefore, the inflation adjustment for this rule is based on the change in the Consumer Price Index (CPI) between March 2019 and April 2023.

During this period, the CPI changed from 243.801 to 303.363, representing an increase of 24.44 percent. When this increase is applied to the maximum total and annual standard deferred premiums, the new maximum total deferred premium is \$158,026,000, and the maximum annual deferred is \$24,714,000. Based on the last inflation adjustment completed in 2018, this

represents an increase of \$26,971,000 for the maximum total deferred premium and \$4,218,000 for the maximum annual deferred premium. Based on 94 commercially operating U.S. nuclear power plants, the maximum total deferred premium annual increase is \$396,492,000 which reflects the inflation adjustment over the four years. Because of the rulemaking costs and for regulatory efficiency, this inflation adjustment is performed once in a 5-year period rather than each year. If this inflation adjustment had been conducted annually, the maximum total deferred premium increase would have increased by approximately \$99,123,000 annually.

**Is there a major increase (typically 10% – 20%) in costs for consumers, individual industries, Federal, State, or local government agencies, or to geographical regions?**

There is no major increase in costs for consumers, individual industries, or geographical regions.

The NRC does not foresee any major increase in costs or prices for consumers, individual industries, or geographical regions as a result of the inflation adjustment to the Price-Anderson Act premiums. In addition, the NRC is unaware of any major increase in these areas from previous periodic premium inflation adjustments reflecting changes in the Consumer Price Index as mandated by the AEA.

The 94 nuclear power units in the U.S. generate between \$80 and \$90 billion in electricity sales and revenue each year. The maximum annual premium increase of \$396 million would result in a small impact of less than 1 percent when evaluated against electricity sales and revenue each year.

**Is there significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S. –based enterprises to compete with foreign-based enterprises in domestic and export markets?**

There are no significant adverse effects on competition, employment, investment, productivity, innovation, or United States based enterprises' ability to compete with foreign-based enterprises in domestic and export markets.

The NRC does not foresee any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

The NRC is unaware of any significant adverse effects on these areas from past periodic premium inflation adjustments reflecting changes in the Consumer Price Index as mandated by the AEA.

Industry economic benefit studies show that the typical nuclear plant generates approximately \$900 million in sales of goods and services in the local community and nearly \$44 million in total labor income. These figures include both direct and secondary effects.

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