

**Response to Questions from the Post-Chevron Working Group
Letter Dated July 11, 2024**

Question 1: Did your agency, including its adjudicative bodies, conduct a review of ongoing adjudications that may be impacted, including on appeal, by the *Loper Bright* decision modification of agency rulemaking?

- a. If so, please list the adjudications you have identified which may be impacted.
- b. If a review of adjudications is ongoing, please provide the date it commenced, its status, the estimated completion date; and a list of the adjudications you have identified to-date which may be impacted.
- c. If not, why hasn't your agency commenced a review? And is a review planned, and if so, when will it commence and when does the agency estimate it will conclude?

Answer: Yes, the NRC reviewed the impact of the *Loper Bright* decision on ongoing adjudications. There are no ongoing matters in which the NRC is relying on an interpretation of statutory authority that depended upon *Chevron* deference prior to the Court's decision in *Loper Bright*.

Question 2: Has your agency conducted a review of ongoing civil enforcement actions that may be impacted, including on appeal, if *Chevron* is abrogated or significantly narrowed by the *Loper Bright* decision?

- a. If so, please list the civil enforcement actions you have identified which may be impacted.
- b. If a review is ongoing, please provide the date it commenced, its status, the estimated completion date, and a list of the recently civil enforcement actions you have identified to-date which may be impacted.
- c. If not, why hasn't the agency commenced a review? And is a review planned, and if so, when will it commence and when does the agency estimate it will conclude?

Answer: Yes, the NRC reviewed the impact of the *Loper Bright* decision on civil enforcement actions. There are no ongoing enforcements matters in which the NRC is relying on an interpretation of statutory authority that depended upon *Chevron* deference prior to the Court's decision in *Loper Bright*.

Question 3: Has the agency conducted a review of on-going rulemakings that may be impacted if *Chevron* is abrogated or significantly narrowed by the *Loper Bright* decision?

- a. If so, please list the ongoing rulemakings you have identified which may be impacted.
- b. If a review is ongoing, please provide the date it commenced, its status, the estimated completion date, and a list of the on-going rulemakings you have identified to-date which may be impacted.
- c. If not, why hasn't your agency commenced a review? And is a review planned, and if so, when will it commence and when does the agency estimate it will conclude?

Answer: Yes, the NRC reviewed the impact of the *Loper Bright* decision ongoing rulemakings. There are no ongoing rulemakings for which the NRC intends to rely on an interpretation of the Atomic Energy Act of 1954, as amended, or other statute that is impacted by the *Loper Bright* decision.

Enclosure

Question 4: Has your agency conducted a review of recently final rules that may be impacted if *Chevron* is abrogated or significantly narrowed by the *Loper Bright* decision?

- a. If so, please list the recently final rules you have identified which may be impacted.
- b. If a review is ongoing, please provide the date it commenced, its status, the estimated completion date, and a list of the recently final rules you have identified to-date which may be impacted.
- c. If not, why hasn't your agency commenced a review? And is a review planned, and if so, when will it commence and when does the agency estimate it will conclude?

Answer: No final rules published by the NRC recently (since January 2021) relied on *Chevron* deference to support its statutory interpretations.

Question 5: Please describe any other work that your agency did to prepare for the decision in *Loper Bright*, including when that work commenced, its status, and key insights produced from this work.

Answer: The NRC did not undertake any specific work to prepare for the decision in *Loper Bright*.

Question 6: If your agency hasn't done other work, please explain why. If other work is planned, please describe the nature of that work, the date it will commence and the date your agency estimates it will conclude.

Answer: The NRC did not undertake specific work to prepare for the Court's holding in *Loper Bright* because the NRC has not generally relied on *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.* to support its statutory interpretations underlying our regulatory process in recent years. Going forward, no such work is planned because the Supreme Court's holding in *Loper Bright* is clear and the NRC expects that holding will have a minimal impact on our regulatory activities.

Question 7: Please describe any guidance your agency has received from the Office of Management and Budget, the White House, or any other executive branch entity related to the core issues of *Loper Bright*, agency deference, the separation of powers, and your agency's authority.

Answer: The agency has received no such guidance.