



NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 13

[NRC-2023-0211]

RIN 3150-AL13

Adjustment of Civil Penalties for Inflation for Fiscal Year 2026

AGENCY: Nuclear Regulatory Commission.

ACTION: Discontinuation of rulemaking activity.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is notifying the public that its civil monetary penalty amounts will not increase for the 2026 calendar year, and is discontinuing the rulemaking activity, “Adjustment of Civil Penalties for Inflation for Fiscal Year 2026.” This rulemaking activity will no longer be reported in the NRC’s portion of the Unified Agenda of Regulatory and Deregulatory Actions (the Unified Agenda).

DATES: Effective **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, the rulemaking activity discussed in this document is discontinued.

ADDRESSES: Please refer to Docket ID NRC-2023-0211 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0211. Address questions about NRC dockets to Helen Chang; telephone: 301-415-3228; email: Helen.Chang@nrc.gov.

- **NRC’s Agencywide Documents Access and Management System**

(ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin ADAMS Public Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the

reader, the ADAMS accession numbers are provided in the “Availability of Documents” section of this document.

- **NRC’s PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David Suchy, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-4130; email: David.Suchy@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Congress passed the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA) to allow for regular adjustment for inflation of civil monetary penalties (CMPs), maintain the deterrent effect of such penalties and promote compliance with the law, and improve the collection of CMPs by the Federal government (Pub. L. 101-410, 104 Stat. 890; 28 U.S.C. 2461 note). On November 2, 2015, Congress amended the FCPIAA through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Improvements Act) (Sec. 701, Pub. L. 114-74, 129 Stat. 599). The 2015 Improvements Act requires that the head of each agency continue to adjust CMP amounts, rounded to the nearest dollar, on an annual basis. Specifically, each CMP is to be adjusted based on the percentage change between the Consumer Price Index (CPI) for the month of October, and the CPI for the month of October for the previous year. The NRC most recently adjusted its civil penalties for inflation according to this statutory formula on January 15, 2025 (90 FR 3612).

II. Discussion

In a memorandum dated April 17, 2026, the Office of Management and Budget (OMB) directed all Executive Branch agencies to cancel the inflation adjustment for fiscal

year 2026 based on the lack of October 2025 Consumer Price Index for All Urban Consumers (CPI-U) data due to the lapse in appropriations at the beginning of fiscal year 2026.

Per the 2015 Improvements Act, the annual civil monetary penalties cost-of-living adjustment is based on the Bureau of Labor Statistics (BLS) data from the month of October of the prior year. Due to the government shutdown in October 2026, BLS was unable to produce the October 2025 data. Based on the lack of October 2025 CPI-U data, which is needed to make adjustments under the 2015 Improvements Act, there will be no updated cost-of-living adjustment multiplier for 2026. The NRC maximum civil monetary penalty for a violation of the Atomic Energy Act of 1954, as amended (AEA), or any regulation or order issued under the AEA, will remain \$372,240 per violation, per day. Additionally, the NRC provisions concerning program fraud civil penalties and the maximum civil monetary penalty under the Program Fraud Civil Remedies Act will remain \$14,308 for each false claim or statement.

III. Conclusion

The NRC is discontinuing the Adjustment of Civil Penalties for Inflation for Fiscal Year 2026 rulemaking. In the next edition of the Unified Agenda, the NRC will update the entry for this rulemaking activity and reference this document to indicate that the rulemaking activity is no longer being pursued. This rulemaking will appear in the completed actions section of that edition of the Unified Agenda but will not appear in future editions. The NRC will inform the public of future civil penalty adjustments to account for inflation through new rulemaking entries in the Unified Agenda.

Dated: May 28, 2026.

For the Nuclear Regulatory Commission.

Michael King,
Executive Director for Operations