

[DISCUSSION DRAFT]

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Nuclear Energy Innovation and Modernization Act to reduce regulatory costs for advanced nuclear reactor application reviews, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Nuclear Energy Innovation and Modernization Act to reduce regulatory costs for advanced nuclear reactor application reviews, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Advanced Reactor Fee  
5 Reduction Act”.

1 **SEC. 2. FEES FOR ADVANCED NUCLEAR REACTOR APPLICA-**  
2 **TION REVIEW.**

3 (a) DEFINITIONS.—Section 3 of the Nuclear Energy  
4 Innovation and Modernization Act (42 U.S.C. 2215 note;  
5 Public Law 115–439) is amended—

6 (1) by redesignating paragraphs (2) through  
7 (15) as paragraphs (3), (6), (7), (8), (9), (10), (11),  
8 (14), (15), (16), (17), (18), (19), and (20), respec-  
9 tively;

10 (2) by inserting after paragraph (1) the fol-  
11 lowing:

12 “(2) ADVANCED NUCLEAR REACTOR APPLI-  
13 CANT.—The term ‘advanced nuclear reactor appli-  
14 cant’ means an entity that has submitted to the  
15 Commission an application for a license for an ad-  
16 vanced nuclear reactor under the Atomic Energy Act  
17 of 1954 (42 U.S.C. 2011 et seq.).”;

18 (3) by inserting after paragraph (3) (as so re-  
19 designated) the following:

20 “(4) ADVANCED NUCLEAR REACTOR  
21 PREAPPLICANT.—The term ‘advanced nuclear reac-  
22 tor preapplicant’ means an entity that has submitted  
23 to the Commission a licensing project plan for the  
24 purposes of submitting a future application for a li-  
25 cense for an advanced nuclear reactor under the

1 Atomic Energy Act of 1954 (42 U.S.C. 2011 et  
2 seq.).

3 “(5) AGENCY SUPPORT.—The term ‘agency  
4 support’ has the meaning given the term ‘agency  
5 support (corporate support and the IG)’ in section  
6 170.3 of title 10, Code of Federal Regulations (or  
7 any successor regulation).”; and

8 (4) by inserting after paragraph (11) (as so re-  
9 designated) the following:

10 “(12) MISSION-DIRECT PROGRAM SALARIES  
11 AND BENEFITS.—The term ‘mission-direct program  
12 salaries and benefits’ has the meaning given such  
13 term in section 170.3 of title 10, Code of Federal  
14 Regulations (or any successor regulation).

15 “(13) MISSION-INDIRECT PROGRAM SUPPORT.—  
16 The term ‘mission-indirect program support’ has the  
17 meaning given such term in section 170.3 of title 10,  
18 Code of Federal Regulations (or any successor regu-  
19 lation).”.

20 (b) EXCLUDED ACTIVITIES.—Section 102(b)(1)(B)  
21 of the Nuclear Energy Innovation and Modernization Act  
22 (42 U.S.C. 2215(b)(1)(B)) is amended by adding at the  
23 end the following:

24 “(iv) Mission-indirect program sup-  
25 port and agency support for review of ap-

1           plications for advanced nuclear reactors  
2           submitted by advanced nuclear reactor ap-  
3           plicants.

4           “(v) Mission-indirect program support  
5           and agency support for review of submitted  
6           materials as described in licensing project  
7           plans of advanced nuclear reactor  
8           preapplicants.”.

9           (c) FEES FOR SERVICE OR THING OF VALUE.—Sec-  
10          tion 102(b) of the Nuclear Energy Innovation and Mod-  
11          ernization Act (42 U.S.C. 2215(b)) is amended by striking  
12          paragraph (2) and inserting the following:

13           “(2) FEES FOR SERVICE OR THING OF  
14          VALUE.—

15           “(A) IN GENERAL.—In accordance with  
16          section 9701 of title 31, United States Code,  
17          the Commission shall assess and collect fees  
18          from any person who receives a service or thing  
19          of value from the Commission to cover the costs  
20          to the Commission of providing the service or  
21          thing of value.

22           “(B) ADVANCED NUCLEAR REACTOR AP-  
23          PLICANTS.—The hourly rate charged for fees  
24          assessed and collected from an advanced nu-  
25          clear reactor applicant under this paragraph re-

1           lating to the review of a submitted application  
2           for an advanced nuclear reactor may not exceed  
3           the hourly rate for mission-direct program sala-  
4           ries and benefits. The Commission may not as-  
5           sess or collect a fee for any mission-indirect  
6           program support or agency support related to  
7           such review.

8           “(C) ADVANCED NUCLEAR REACTOR  
9           PREAPPLICANTS.—The hourly rate charged for  
10          fees assessed and collected from an advanced  
11          nuclear reactor preapplicant under this para-  
12          graph relating to the review of submitted mate-  
13          rials as described in the licensing project plan  
14          of such advanced nuclear reactor preapplicant  
15          may not exceed the hourly rate for mission-di-  
16          rect program salaries and benefits. The Com-  
17          mission may not assess or collect a fee for any  
18          mission-indirect program support or agency  
19          support related to such review.

20          “(D) CALCULATION OF HOURLY RATE.—In  
21          this paragraph, the hourly rate for mission-di-  
22          rect program salaries and benefits equals the  
23          quotient obtained by dividing—

24                  “(i) the full-time equivalent rate  
25                  (within the meaning of the document of

1 the Commission entitled ‘FY 2023 Final  
2 Fee Rule Work Papers’ (or a successor  
3 document)) for mission-direct program sal-  
4 aries and benefits (as determined by the  
5 Commission) for a fiscal year; by

6 “(ii) the productive hours assumption  
7 for that fiscal year, determined in accord-  
8 ance with the formula established in the  
9 document referred to in clause (i) (or a  
10 successor document).”.

11 (d) SUNSET.—Section 102 of the Nuclear Energy In-  
12 novation and Modernization Act (42 U.S.C. 2215) is  
13 amended by adding at the end the following:

14 “(g) CESSATION OF EFFECTIVENESS.—Paragraphs  
15 (1)(B)(v) and (2)(C) of subsection (b) shall cease to be  
16 effective on September 30, 2029.”.

17 (e) EFFECTIVE DATE.—The amendments made by  
18 this section shall take effect on October 1, 2024.