[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 ______

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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”.

SEC. 2. FEES FOR ADVANCED NUCLEAR REACTOR APPLICATION REVIEW.

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

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

(2) by inserting after paragraph (1) the following:

“(2) ADVANCED NUCLEAR REACTOR APPLICANT.—The term ‘advanced nuclear reactor applicant’ means an entity that has submitted to the Commission an application for a license for an advanced nuclear reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).”;

(3) by inserting after paragraph (3) (as so redesignated) the following:

“(4) ADVANCED NUCLEAR REACTOR PREAPPLICANT.—The term ‘advanced nuclear reactor preapplicant’ means an entity that has submitted to the Commission a licensing project plan for the purposes of submitting a future application for a license for an advanced nuclear reactor under the

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

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

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

“(13) MISSION-INDIRECT PROGRAM SUPPORT.—

The term ‘mission-indirect program support’ has the meaning given such term in section 170.3 of title 10, Code of Federal Regulations (or any successor regulation).”.

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

“(iv) Mission-indirect program support and agency support for review of ap-
applications for advanced nuclear reactors submitted by advanced nuclear reactor applicants.

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

(e) Fees for Service or Thing of Value.—Section 102(b) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215(b)) is amended by striking paragraph (2) and inserting the following:

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

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

“(B) ADVANCED NUCLEAR REACTOR APPLICANTS.—The hourly rate charged for fees assessed and collected from an advanced nuclear reactor applicant under this paragraph re-
lating to the review of a submitted application
for an advanced nuclear reactor may not exceed
the hourly rate for mission-direct program sala-
ries and benefits. The Commission may not as-
sess or collect a fee for any mission-indirect
program support or agency support related to
such review.

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

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

“(i) the full-time equivalent rate
(within the meaning of the document of
the Commission entitled ‘FY 2023 Final Fee Rule Work Papers’ (or a successor document)) for mission-direct program salaries and benefits (as determined by the Commission) for a fiscal year; by

“(ii) the productive hours assumption for that fiscal year, determined in accordance with the formula established in the document referred to in clause (i) (or a successor document).”.

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

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

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