

118TH CONGRESS
1ST SESSION

H. R. 6326

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 2023

Mr. BUCSHON (for himself and Mr. PETERS) introduced the following bill;
which was referred to the Committee on Energy and Commerce

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), (5), (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 (4) by inserting after paragraph (5) (as so re-
4 designated) the following:

5 “(6) AGENCY SUPPORT.—The term ‘agency
6 support’ has the meaning given the term ‘agency
7 support (corporate support and the IG)’ in section
8 170.3 of title 10, Code of Federal Regulations (or
9 any successor regulation).”; and

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

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

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

22 (b) EXCLUDED ACTIVITIES.—Section 102(b)(1)(B)
23 of the Nuclear Energy Innovation and Modernization Act
24 (42 U.S.C. 2215(b)(1)(B)) is amended by adding at the
25 end the following:

1 “(iv) The total costs of mission-indi-
2 rect program support and agency support
3 that, under paragraph (2)(B)(ii), may not
4 be included in the professional hourly rate
5 charged for fees assessed and collected
6 from advanced nuclear reactor applicants.

7 “(v) The total costs of mission-indi-
8 rect program support and agency support
9 that, under paragraph (2)(C)(ii), may not
10 be included in the professional hourly rate
11 charged for fees assessed and collected
12 from advanced nuclear reactor
13 preapplicants.”.

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

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

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

1 to the Commission of providing the service or
2 thing of value.

3 “(B) ADVANCED NUCLEAR REACTOR AP-
4 PPLICANTS.—The professional hourly rate
5 charged for fees assessed and collected from an
6 advanced nuclear reactor applicant under this
7 paragraph relating to the review of a submitted
8 application for an advanced nuclear reactor may
9 not—

10 “(i) exceed the professional hourly
11 rate for mission-direct program salaries
12 and benefits of the Nuclear Reactor Safety
13 Program; and

14 “(ii) include the costs of mission-indi-
15 rect program support and agency support.

16 “(C) ADVANCED NUCLEAR REACTOR
17 PREAPPLICANTS.—The professional hourly rate
18 charged for fees assessed and collected from an
19 advanced nuclear reactor preapplicant under
20 this paragraph relating to the review of sub-
21 mitted materials as described in the licensing
22 project plan of such advanced nuclear reactor
23 preapplicant may not—

24 “(i) exceed the professional hourly
25 rate for mission-direct program salaries

1 and benefits of the Nuclear Reactor Safety
2 Program; and

3 “(ii) include the costs of mission-indi-
4 rect program support and agency support.

5 “(D) CALCULATION OF HOURLY RATE.—In
6 this paragraph, the professional hourly rate for
7 mission-direct program salaries and benefits of
8 the Nuclear Reactor Safety Program equals the
9 quotient obtained by dividing—

10 “(i) the full-time equivalent rate
11 (within the meaning of the document of
12 the Commission entitled ‘FY 2023 Final
13 Fee Rule Work Papers’ (or a successor
14 document)) for mission-direct program sal-
15 aries and benefits of the Nuclear Reactor
16 Safety Program (as determined by the
17 Commission) for a fiscal year; by

18 “(ii) the productive hours assumption
19 for that fiscal year, determined in accord-
20 ance with the formula established in the
21 document referred to in clause (i) (or a
22 successor document).”.

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

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

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

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