

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.

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## 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

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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”.

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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