



March 21, 2025
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: NIA Comments on NRC's Rulemaking on the Fee Schedules; Fee Recovery for Fiscal Year 2025
(NRC-2023-0069-0002)

Dear U.S. Nuclear Regulatory Commission Staff:

The Nuclear Regulatory Commission (NRC) is currently amending the fee rule to establish a reduced hourly rate for advanced nuclear reactor applicants and pre-applicants for certain licensing activities as required by the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act). We thank the NRC staff, management, and Commission for their ongoing efforts to implement the ADVANCE Act and to make changes that the Nuclear Innovation Alliance believes can enable the safe and timely deployment of advanced nuclear energy.

The Nuclear Innovation Alliance (NIA) is a non-profit, non-partisan "think and do" tank pursuing the public's interest in new nuclear energy. We believe an effective risk-informed, performance-based, and technology-inclusive regulatory framework is critical to enable the deployment of advanced nuclear energy to meet U.S. energy security and climate goals.

NIA recommends that the NRC staff revise their implementation of Section 201 of the ADVANCE Act ("Fees for Advanced Nuclear Reactor Application Review") in the proposed rule. Section 201 of the ADVANCE Act requires the NRC to apply a reduced hourly rate for "advanced nuclear reactor applicant[s]" and "advanced nuclear reactor pre-applicant[s]" for certain licensing activities. We believe the NRC staff's proposed interpretation of qualifying activities for the reduced hourly rate is unnecessarily narrow, excluding regulatory activities that a plain-language reading of the ADVANCE Act would suggest Congress intended to be covered under Section 201.

Section 201 of the ADVANCE Act states that both the "advanced nuclear reactor applicant" and the "advanced nuclear reactor pre-applicant" should be assessed the reduced hourly rate with the common understanding that these reduced rates will lessen the financial burden on first movers who are working to commercialize and deploy advanced nuclear energy. The definitions of both "advanced nuclear reactor

applicant” and “advanced nuclear reactor pre-applicant” include the phrase “an application for a license for an advanced nuclear reactor” as a key criterion for eligibility.

The NRC staff is proposing to use a narrow definition of “license,” which restricts the applicability of the reduced hourly rate to operating licenses (OL), combined licenses (COL), or manufacturing licenses (ML). We disagree with the proposed Staff interpretation that applicants would only be eligible for the reduced hourly rate if they are pursuing an OL, COL, or ML. NIA believes that a plain-language reading of current and previous congressional direction on NRC licensing activities is important when proposing activities eligible for the reduced hourly rate. The terms “license” and “licensing” are commonly used by Congress and other stakeholders to describe all NRC regulatory activities. This plain-language reading should be used by NRC staff when implementing Section 201 of the ADVANCE Act. The NRC should include other reactor regulatory activities with the terms “permit,” “certification,” and “approval,” alongside the strict reading of the term “license” in covered activities eligible for the reduced hourly rate.

NIA believes that the purpose of Section 201 of the ADVANCE Act is to provide financial relief to near-term first movers (e.g., applicants and pre-applicants in the next 5 years per the sunset provision for Section 201) who are working to commercialize and deploy advanced nuclear energy. Subsequent commercial first movers will likely use different regulatory pathways to commercialize and deploy their advanced reactor designs. Specifically, we recommend that NRC include early site permit (ESP), construction permit (CP), design certification (DC), and standard design approval (SDA) activities for advanced reactors as eligible for the reduced hourly rate in the proposed rule. Applications for ESPs and CPs will enable potential owner/operator applicants to make substantive progress on new reactor projects while DCs and SDAs will enable advanced reactor developer applicants to create standardized designs that facilitate serial deployment and learning-by-doing. These additional licensing pathways can help create the commercial orderbook of advanced nuclear energy projects that Congress intended in the ADVANCE Act.

The NRC staff should revise the proposed rule to apply the reduced hourly rate to the following activities:

- early site permit (ESP),
- construction permit (CP),
- operating license (OL),
- combined license (COL),
- manufacturing license (ML),
- design certification (DC), and
- standard design approval (SDA)

We believe that these activities meet the congressional intent of Section 201 of the ADVANCE Act to support near-term first movers who are working to commercialize and deploy advanced nuclear energy. We also emphasize that associated regulatory activities (e.g., NRC staff meetings, NRC public meetings, white paper reviews, technical report reviews, topical report reviews, readiness reviews, and audits)

should also be subject to the reduced hourly rate as they are critical pre-application activities recommended by NRC staff to ensure an effective, efficient, and predictable licensing process.

We again thank the NRC Commission, management, and staff for their ongoing work implementing the ADVANCE Act and making changes at the NRC to enable the safe and timely deployment of nuclear energy. If you have any questions, please contact me at jgreenwald@nuclearinnovationalliance.org.

Sincerely,

Judi Greenwald
Executive Director
Nuclear Innovation Alliance