



April 13th, 2026

U.S. Nuclear Regulatory Commission
11555 Rockville Pike,
Rockville, Maryland 20852

Subject: Public Comment on NRC’s Fee Schedules: Fee Recovery for Fiscal Year 2026 (Docket ID NRC-2023-0212)

Dear NRC Staff,

The Nuclear Innovation Alliance (NIA) is an independent, non-profit, non-partisan “think-and-do” tank whose mission is to help create the conditions for success for new nuclear energy so it can play a major role as an energy security and climate solution. Through policy analysis, research, outreach, and education, NIA is catalyzing the next era of nuclear energy. We focus on regulatory modernization, federal and state policy, and enabling private investment to support new reactor commercialization while meeting national environmental and energy security goals.

Summary

NIA appreciates the opportunity to comment on the proposed Fee Schedules: Fee Recovery for Fiscal Year 2026 rulemaking published on March 12th, 2026. NIA generally supports NRC fee reform but has specific concerns about the proposed fee caps. NRC is proposing to establish caps on service fees¹ for NRC licensing actions that require a final safety evaluation, as follows: “The NRC is proposing one policy change to its fee regulations for FY 2026 to implement the policy mandate of E.O. 14300 Establishing Fixed Caps on Service Fees in Response to Executive Order 14300, ‘Ordering the Reform of the Nuclear Regulatory Commission,’ Section 5(a).” (91 FR 12,098, Mar. 12, 2026).

NIA has both legal and policy concerns about the proposed fee caps for certain licensing actions and therefore recommends excluding them from the final rule. NIA is particularly concerned that the proposed fee caps are not permitted under existing law, are not funded under current appropriations, will be difficult to implement, and will likely have to be revised, creating uncertainty for applicants, licensees, and the NRC.

¹ From [the NRC website](#) on licensing fees “the NRC assesses service fees to recover the costs of NRC work that provides specific benefits to identifiable recipients, such as licensing activities, inspections, and special projects.”

NIA generally supports fee reform for the reasons stated in our report, [Unlocking Advanced Nuclear Innovation: The Role of Fee Reform and Public Investment](#). Also, another NIA report [Advancing Regulatory Efficiency: Lessons and Opportunities in NRC Licensing Practice](#) identifies options to improve licensing efficiency other than fee reform. While NIA agrees with the NRC objective stated in this rulemaking to “drive increased efficiency and accountability in the NRC's licensing activities and other activities requested by applicants and licensees”² NIA disagrees that NRC’s proposal will further that objective.

Detailed Comment

Statutes and Orders

NRC proposes to impose categorical service fee caps (proposed 10 CFR 170.33 Table 1) or a lower tailored cap determined by the NRC for a specific application (proposed 10 CFR 170.33(b)(2) or (c)). (See also, 91 FR 12,099, Mar. 12, 2026). NRC authority to provide fee relief is limited by these relevant statutes: Independent Offices Appropriation Act, 1952 (IOAA) (31 U.S.C. 9701), and Nuclear Energy Innovation and Modernization Act (NEIMA) (42 U.S.C. 2215, as amended by the ADVANCE Act).³

Under IOAA, the total fees that licensees and applicants pay for a valuable government service are determined by the hourly fee rate multiplied by the number of hours of NRC staff time required. Such fees may be limited under the considerations identified in 32 USC 9701(b), such as fairness and the value of the public policy or interest served. In contrast, the NRC proposed fee caps do not weigh such factors, only historical cost data.

The ADVANCE Act contains two main fee-relevant provisions. First, it limits the types of overhead costs that can be charged to advanced reactor applicants. Specifically, the ADVANCE Act narrowed the set of activities covered by service fees for advanced reactor licensing under IOAA to only the mission-direct costs, roughly halving the hourly rate for advanced reactor licensing. Second, the ADVANCE Act provided certain prizes for achieving advanced reactor licensing milestones. These fee relief provisions are explicitly funded and subject to appropriations, unlike the service fee caps proposed by the NRC. Nothing in the ADVANCE Act authorizes capping fees.

NEIMA provides fee caps for annual operating reactor license fees. NEIMA also identifies categories of costs that should be excluded from the base used to determine the annual fees. Neither of these provisions authorize service fee caps like those in the proposed NRC rule.

The licensing efficiency improvements directed by the ADVANCE Act and E.O. 14300 are dramatically reducing the staff time required to review licensing applications. Thus, the current

² 91 FR 12,098, Mar. 12, 2026

³ Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (P.L. 118-67) (ADVANCE Act).

initiatives to streamline licensing combined with the fee reform authorized in the ADVANCE Act are already providing substantial fee relief.

The legislative record for NEIMA and the ADVANCE Act shows that providing fee relief for advance reactor pre-applicants and applicants was among the legislative priorities. While both NEIMA and the ADVANCE Act provide for fee reform, neither statute authorizes the type of fee reform the NRC is proposing in this rule. NEIMA and the ADVANCE Act garnered bipartisan support and provided a clear and appropriate path for NRC fee reform. NIA supported those pieces of legislation as well as actions NRC took in 2025 to implement fee reform as authorized in the ADVANCE Act.

NRC's proposed rule imposes service fee caps that are either categorical or tailored based on a specific application, depending on which approach results in a lower cap. None of NRC's authorizing statutes include a mechanism for funding such service fee caps. The NRC proposed rule states that "any exceedance of a fixed fee cap or fixed deadline not attributable to applicant failure would not be borne by applicants or licensees as either service fees or annual fees" (91 FR 12,099; Mar. 12, 2026) but provides no funding mechanism for service fees above the fee caps.

To the extent that NRC is attempting to implement a provision of EO 14300 through this rulemaking, it is important to note that, as with any Executive Order, E.O. 14300 says "This order shall be implemented consistent with applicable law and subject to the availability of appropriations." Since the proposed rule conflicts with applicable law, and since appropriations are unavailable, it cannot provide a valid path forward.

The NRC defers establishing deadlines until after this rulemaking, indicating that this rule is premature even if it were valid, saying "The NRC will address the E.O. 14300 requirement to establish fixed deadlines for final decisions (including the 12- and 18-month periods cited in section 5(a) of E.O. 14300) in a separate rulemaking"⁴

Also, while E.O. 14300 requires the NRC establish "deadlines" during its wholesale regulatory reform to be completed in 2026, it leaves the timing of capping fees to the NRC, stating "Those deadlines shall be enforced by fixed caps on the NRC's recovery of hourly fees." Thus, even if service fee caps were permitted and implementable under existing law, NIA would recommend the NRC use its discretion to defer action on fee caps until it has sufficient experience with the regulatory and fee reforms now in progress. Regulations to establish fixed deadlines followed by experience meeting those deadlines are a prerequisite to any informed decision on the appropriate mechanism for enforcing those deadlines. Another reason to defer action is that the NRC acknowledges that the proposed fee caps will require revision and "anticipates issuing

⁴ 91 FR 12,098; Mar. 12, 2026.

updated categorical caps to align with additional efficiencies realized as a result of the E.O. 14300 rulemakings.”⁵

Error on Topical Reports in Table 1

The Note 14 on Table 1 of proposed 10 CFR 170.33 is inaccurate. The note incorrectly defines “topical reports”⁶ to exclude those submitted during pre-application reviews. The Note 14 states that “licensees or applicants (i.e., persons or entities that either hold a current license or have a license application under NRC review)”. However, NEIMA as amended by the ADVANCE Act defines topical reports⁷ as being something pre-applicants can submit as well. There is no reason for the NRC to give fee relief to applicants but not pre-applicants for topical report review.

Unintended Consequences of Fee Caps

NIA believes that licensing efficiency depends on a collaboration between applicants and the NRC and a commitment to shared success (See [NIA’s Licensing Efficiency Workshop Summary Report](#)). NIA is concerned that the fee caps will create unintended consequences and misaligned incentives for both NRC and applicants. For example, the Anti-Deficiency Act prohibits federal employees from making expenditures that are not authorized or appropriated. Federal employees who violate the Antideficiency Act are subject to administrative and penal sanctions. NRC employees and managers will be reluctant to spend time on activities that might exceed the cap. This could result, for example, in rejecting a license application that might require work that would exceed the cap. Also, since the cap depends on who is to blame for expenses over the cap, both NRC and the applicant will have incentive to blame each other rather than figure out the most efficient use of resources.

Future Uncertainty

The proposed rulemaking record fails to make the case for changing NRC’s long-standing practices on charging fees. The record also fails to propose criteria for setting the caps. Such criteria would need to at least include quality and size of application, accelerated reviews, applicant readiness, and NRC staff capacity. Without clear criteria, the rule would likely need to be revised almost immediately, thus creating uncertainty.

⁵ 91 FR 12,100; Mar. 12, 2026

⁶ The proposed rule note 14 defines topical reports as “Consistent with the definition of requested activity of the Commission in section 3 of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2215 note), this activity includes only topical reports submitted by licensees or applicants (i.e., persons or entities that either hold a current license or have a license application under NRC review).”

⁷ “The term 'topical report' means a document submitted to the Commission that addresses a technical topic related to nuclear reactor safety or design”

In its 2021 report,⁸ NIA pointed out that NRC is unique among federal agencies in its heavy reliance on applicant and licensee fees to cover its budget. NIA also expressed concern that applicant fees discourage innovation. Congress addressed this concern in the ADVANCE Act by significantly reducing fees for license applicants and pre-applicants. In addition, as NRC acts in the public interest, NIA thinks NRC should be funded by the public. NIA also believes that it is essential that NRC be fully funded. Given federal budget constraints, it is currently very difficult to achieve both of those goals. Only Congress can address fee reform because NRC's costs must be covered by someone. Providing fee relief without adequately funding NRC will not have a good outcome.

NIA recommends the NRC develop experience with its current initiatives to streamline licensing and implement the fee reform under the ADVANCE Act before considering any additional fee reform. As such, NIA opposes the section of the proposed rule that addresses the fee caps and at a minimum recommends this section be postponed.

NIA would like to thank NRC for the opportunity to comment on this proposed rule. If you have any questions, please contact Miranda McGuire at mmcguire@nuclearinnovationalliance.org.

Sincerely,
Judi Greenwald
President & CEO
Nuclear Innovation Alliance

⁸ [Unlocking Advanced Nuclear Innovation: The Role of Fee Reform and Public Investment | NIA](#) at page 31.