

Congress of the United States
Washington, DC 20515

March 15, 2024

The Honorable Anthony Rossi
Office of the Chief Financial Officer
U.S. Nuclear Regulatory Commission
11555 Rockville Pike, Rockville, MD 20852

Dear Mr. Rossi:

We write today to offer our views about the U.S. Nuclear Regulatory Commission's (NRC) FY2024 [proposed fee rule](#) (the Rule). Specifically, the Rule makes alterations to the NRC's fee structure relating to the collection of annual fees, licensing fees, inspection fees, and special project fees. With the NRC's public comment submission deadline being March 21, 2024, we believe this unified effort appropriately conveys our concerns about the proposed Rule.

As you know, Congress passed the Nuclear Energy Innovation and Modernization Act (NEIMA) in January 2019—which, in part, required the NRC to recover approximately its full budget beginning in FY2024. While we understand that NEIMA was enacted on a bipartisan basis, we want to stress that the nuclear industry is already cost-prohibitive and increasing fees for applicants is not the solution to fostering America's nuclear potential. Alternatively, the NRC should greet with open arms additional industry involvement—especially from American nuclear small businesses.

Present-day America exists because of innovation, and our country's historic technological milestones are deeply woven into the fabric of the United States. We must embrace innovative thinking and invite American [small businesses](#) to the table. But without small business participation, new ideas and new perspectives are limited, technological options are curbed, and America's overarching innovative potential is constrained. In that regard, much of our nation's history of technological innovation originated from an idea and a dream—but increasing pesky licensing fees may ultimately impact America's dream of being the global nuclear leader once again.

As our nation prepares for the upcoming nuclear renaissance, we want to express our belief that the NRC's proposal to increase fees for applicants and licensees from \$300 an hour to \$321 an hour may detrimentally impact the future of the American nuclear industry. Simply put, exorbitant nuclear licensing fees disincentivize innovative companies from participating in the industry. Additionally, because the NRC is one of the only federal agencies that requires its applicants and licensees to pay steep fees to be regulated, we raise concern about the NRC's precedent of annual fee increases and the unfortunate, yet realistic, potential for additional NRC fee increases in the future.

We also understand that the federal deficit grows every day, but increasing regulatory fees associated with nuclear licensing is not a free-market approach to fostering bold, widespread nuclear innovation in the United States. Instead, we should embrace innovative nuclear technology while simultaneously expediting the NRC's licensing process overall. Doing so will ultimately increase the amount of funding going to the NRC on an annual basis—without exacerbating already-immense regulatory hurdles for applicants.

Therefore, instead of raising fees for businesses involved in the nuclear industry, we firmly encourage the NRC to look in the mirror and move faster in terms of application review. For example, there is no acceptable reason why NRC staff should spend [thousands of hours](#) preparing for a mandatory *uncontested* hearing—which may cost applicants over \$500,000 for a self-induced, ineffective box-checking exercise. Additionally, the NRC should limit the process and timeline associated with the Advisory Committee on Reactor Safeguards (ACRS)—which independently reviews every application, regardless of the technology. Such duplicative and prescriptive requirement costs each NRC applicant hundreds of thousands of dollars for yet another rubber-stamping exercise. Finally, we urge the NRC to learn from previous real-life licensing scenarios. No applicant should have to pay \$50,000+ for a day and a half of NRC engagement, and no applicant should be charged \$500,000,000+ to successfully navigate the NRC's licensing process for over a decade. The NRC must do better—and we believe the NRC has the potential to do better—but increasing fees for applicants and licensees will not foster the upcoming age of American new nuclear deployments.

All in all, we encourage the NRC to take a deeper look at the fee increases proposed by the Rule, and evaluate the realistic impacts of such fees on businesses trying to get through the NRC's burdensome licensing process. To reemphasize, raising fees will not cultivate America's nuclear future. Thank you for keeping our thoughts in mind.

Sincerely,



Byron Donalds (FL-19)
Member of Congress



Brandon Williams (NY-01)
Member of Congress



Troy Nehls (TX-22)
Member of Congress



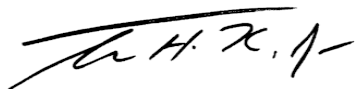
Jeff Van Drew (NJ-02)
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cc: The Honorable Christopher Hanson
Chairman, United States Nuclear Regulatory Commission

The Honorable Annie Caputo
Commissioner, United States Nuclear Regulatory Commission

The Honorable David Wright
Commissioner, United States Nuclear Regulatory Commission

The Honorable Bradley Crowell
Commissioner, United States Nuclear Regulatory Commission