

Nuclear Energy Innovation and Modernization Act

Section-by-Section Summary

Sec. 1 – Short Title

The title of this legislation is the “Nuclear Energy Innovation and Modernization Act.”

Sec. 2 – Findings

This section identifies congressional findings that support enactment of this legislation.

Sec. 3 – Purposes

The purpose of this Act is to modernize the Nuclear Regulatory Commission’s functions by establishing new transparency and accountability measures on the Commission’s budget and fee programs and developing the regulatory frame necessary to enable the licensing of advanced nuclear reactors.

Sec. 4 – Definitions

This section provides definitions for terms used in the legislation.

Sec. 5 – Nuclear Regulatory Commission User Fees and Annual Charges Through Fiscal Year 2018

This section removes the amounts appropriated for advanced reactor programs from the Nuclear Regulatory Commission’s fee recovery requirement. The existing fee recovery statutory provision will also be repealed at the conclusion of fiscal year 2018 (to be replaced with the fee recovery framework set forth in section 6).

Sec. 6 – Nuclear Regulatory Commission User Fees and Annual Charges For Fiscal Year 2019 and Each Fiscal Year Thereafter

This section continues efforts to bring greater transparency and accountability to the NRC by establishing a fee recovery framework for the NRC effective in fiscal year 2019. The Commission is required to budget for industry requested activities and use the funds solely for those purposes. This is to ensure adequate funding for activities such as license and permit applications since the industry depends on the NRC for timely reviews. This section also establishes reasonable limits on corporate support costs as a share of the Commission’s overall budget authority. Existing exclusions from the fee recovery framework are retained, reaffirming the principle that licensees and applicants should pay fees and charges that are attributable to them. Amounts appropriated for certain advanced reactor programs are excluded from the fee recovery mandate through 2030. Annual fees for existing reactors are capped at 2015 levels, with adjustments allowed for inflation. New performance metrics, reporting requirements and invoicing procedures are required to ensure greater accountability for the Commission’s activities.

Sec. 7 – Advanced Nuclear Reactor Program

This section enables the licensing of advanced nuclear reactors by, among other things, requiring the Commission to develop and implement risk-informed, performance-based licensing policies and guidance. The NRC is directed to develop a licensing process for advanced nuclear reactors

within existing frameworks by 2018. The Commission is also required to complete a rulemaking by 2023 for a technology-inclusive, licensing framework for optional use by advanced nuclear reactor licensees. This section authorizes appropriations of such sums as are necessary to support certain advanced reactor license activities.

Sec. 8 – Hearings under Atomic Energy Act of 1954

This section allows the Commission, if no hearing is requested by any affected person, to issue a construction permit, an operating license, or an amendment to such permits and licenses without holding a hearing in keeping with a previous legislative proposal from the NRC.

Sec. 9 – DOE Licensing Cost-Share Grant Program

This section creates an Advanced Nuclear Energy Cost Share Grant Program which would authorize the Secretary of Energy to establish a grant program to provide cost sharing grants to Applicants for the purpose of funding a portion of an Applicant's NRC fees of the applicant for pre-application and application review activities. DOE would be required to seek out technology diversity in its awards.