

118TH CONGRESS
1ST SESSION

H. R. 1007

To amend the Nuclear Energy Innovation and Modernization Act to assist small businesses that seek to engage in the research, development, and deployment of advanced nuclear reactors by delaying onerous licensing fees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2023

Mr. DONALDS (for himself, Mr. FLEISCHMANN, Ms. SALAZAR, Mr. NEHLS, Mr. BISHOP of North Carolina, Mr. WEBER of Texas, and Ms. MACE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Nuclear Energy Innovation and Modernization Act to assist small businesses that seek to engage in the research, development, and deployment of advanced nuclear reactors by delaying onerous licensing fees, 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 “Nuclear Assistance for
5 America’s Small Businesses Act”.

1 **SEC. 2. SMALL BUSINESS ASSISTANCE.**

2 (a) IN GENERAL.—Section 102(b) of the Nuclear En-
3 ergy Innovation and Modernization Act (Public Law 115-
4 439; 132 Stat. 5565) is amended by adding at the end
5 following:

6 “(4) SMALL BUSINESS ASSISTANCE.—

7 “(A) PRE-APPLICATION FEES.—Beginning
8 1 year after the date of enactment of this para-
9 graph, the Commission shall, upon request by
10 an eligible owner, delay collection of up to 50
11 percent of fees that are assessed for activities
12 relating to a covered application before the date
13 on which such covered application is docketed.

14 “(B) POST-APPLICATION FEES.—The
15 Commission shall, upon request by an eligible
16 owner, delay collection of up to 35 percent of
17 fees that are assessed during—

18 “(i) the period that begins on the date
19 that a covered application for a construc-
20 tion permit is docketed and ends on the
21 date that the applicable operating license is
22 issued;

23 “(ii) the period that begins on the
24 date a covered application for a combined
25 license is docketed and ends on the date
26 that the finding required under section

1 52.103(g) of title 10, Code of Federal Reg-
2 ulations (or any successor regulations) for
3 the combined license is made; or

4 “(iii) any appropriate period of time
5 that begins on the date a covered applica-
6 tion is docketed, as determined by the
7 Commission, under the framework devel-
8 oped in accordance with section 103(a)(4).

9 “(C) COLLECTION OF DELAYED FEES.—

10 “(i) DEFAULT COLLECTION PLAN.—
11 For any fees the collection of which is de-
12 layed pursuant to subparagraph (A) or
13 (B), the Commission shall collect, from the
14 applicable eligible owner, 10 percent of the
15 amount of such delayed fees—

16 “(I)(aa) on the date that the
17 Commission—

18 “(AA) issues the applicable
19 operating license; or

20 “(BB) makes a finding re-
21 quired under section 52.103(g) of
22 title 10, Code of Federal Regula-
23 tions (or any successor regula-
24 tions), for a combined license; or

1 “(bb) for fees assessed for any
2 period described in subparagraph
3 (B)(iii), not later than 1 day after the
4 date that the period ends; and

5 “(II) annually thereafter for a
6 period of 10 years.

7 “(ii) FAILURE TO SUBMIT A COVERED
8 APPLICATION.—

9 “(I) IN GENERAL.—Subject to
10 subclause (II), in the event an eligible
11 owner does not submit a covered ap-
12 plication within 5 years after the date
13 such eligible owner provides a formal
14 response to the RIS–20–02, the Com-
15 mission shall collect, from such eligi-
16 ble owner, 25 percent of any fees the
17 collection of which is delayed pursuant
18 to subparagraph (A) beginning on a
19 date the Commission determines ap-
20 propriate and annually thereafter for
21 a period of 4 years.

22 “(II) EXCEPTION.—If an eligible
23 owner described in subclause (I) sub-
24 mits an applicable covered application
25 within the 4-year period described in

1 subclause (I), the Commission shall
2 collect, from such eligible owner, any
3 fees the collection of which is delayed
4 pursuant to subparagraph (A) in ac-
5 cordance with clause (i).

6 “(iii) DENIED APPLICATION.—

7 “(I) IN GENERAL.—Subject to
8 subclause (II), in the event that a cov-
9 ered application submitted by an eligi-
10 ble owner is docketed and then denied
11 by the Commission, the Commission
12 shall collect, from such eligible owner,
13 25 percent of any fees the collection
14 of which is delayed pursuant to sub-
15 paragraph (A) or (B) beginning on
16 the date that is 1 year after the date
17 such denial is issued.

18 “(II) EXCEPTION.—If an eligible
19 owner described in subclause (I) sub-
20 mits or resubmits a covered applica-
21 tion within 1 year of the original de-
22 nial is issued, the Commission shall
23 collect, from such eligible owner, any
24 fees the collection of which is delayed

1 pursuant to subparagraph (A) or (B)
2 in accordance with clause (i).

3 “(iv) WITHDRAWN OR TEMPORARILY
4 SUSPENDED COVERED APPLICATIONS.—

5 “(I) WITHDRAWN COVERED AP-
6 PLICATIONS.—In the event a covered
7 application submitted by an eligible
8 owner is docketed and then such cov-
9 ered application is withdrawn by such
10 eligible owner, the Commission shall
11 collect, from such eligible owner, 25
12 percent of any fees the collection of
13 which is delayed pursuant to subpara-
14 graph (A) or (B) beginning on a date
15 that is 1 year after the date such cov-
16 ered application is withdrawn.

17 “(II) TEMPORARILY SUSPENDED
18 COVERED APPLICATIONS.—

19 “(aa) DELAY COLLEC-
20 TION.—In the event a covered
21 application submitted by an eligi-
22 ble owner is docketed and then
23 such covered application is tem-
24 porarily suspended from review
25 by such eligible owner, the Com-

1 mission shall delay collection of
2 any fees assessed prior to the
3 temporary suspension until the
4 sooner of—

5 “(AA) such eligible
6 owner resumes review of the
7 covered application; or

8 “(BB) a period of 3
9 years.

10 “(bb) COLLECTION.—In the
11 event that a covered application
12 is temporarily suspended, as de-
13 scribed in item (aa), and an eligi-
14 ble owner has not resumed review
15 of such covered application before
16 the end the 3 year period de-
17 scribed in item (aa)(BB), the
18 Commission shall collect, from
19 such eligible owner, 25 percent of
20 any fees the collection of which is
21 delayed pursuant to item (aa) be-
22 ginning on the date that is 3
23 years after the date the eligible
24 owner temporarily suspends a
25 covered application.

1 “(cc) EXCEPTION.—If an el-
2 igible owner described in item
3 (bb) resumes review of a covered
4 application within 3 years after
5 the date such covered application
6 is temporarily suspended, the
7 Commission shall collect, from
8 such eligible owner, any fees the
9 collection of which is delayed pur-
10 suant to item (aa), in accordance
11 with item (bb).

12 “(D) EXCLUDED ACTIVITY FROM COST-RE-
13 COVERY REQUIREMENT.—Any fees the collec-
14 tion of which is delayed pursuant to this para-
15 graph shall be considered an excluded activity
16 under paragraph (1)(B).

17 “(E) REPORT.—Not later than December
18 31, 2029, the Commission shall prepare and
19 submit a report to the appropriate committees
20 describing the views of the Commission on the
21 continued appropriateness and necessity of pro-
22 viding eligible owners with the ability to defer
23 the collection of the fees in accordance with this
24 paragraph.

25 “(F) DEFINITIONS.—In this paragraph:

1 “(i) APPROPRIATE COMMITTEES.—
2 The term ‘appropriate committees’
3 means—

4 “(I) the Committee on Appro-
5 priations and the Committee on En-
6 ergy and Commerce of the House of
7 Representatives; and

8 “(II) the Committee on Appro-
9 priations and the Committee on Envi-
10 ronment and Public Works of the
11 Senate.

12 “(ii) COMBINED LICENSE.—The term
13 ‘combined license’ has the meaning given
14 such term in section 52.1 of title 10, Code
15 of Federal Regulations (or any successor
16 regulations).

17 “(iii) CONSTRUCTION PERMIT.—The
18 term ‘construction permit’ means a con-
19 struction permit described in and issued
20 under part 50 of title 10, Code of Federal
21 Regulations (or any successor regulations).

22 “(iv) COVERED APPLICATION.—The
23 term ‘covered application’ means an appli-
24 cation, to be submitted to the Commission,
25 for a construction permit, operating li-

1 cense, or a combined license, for an ad-
2 vanced nuclear reactor.

3 “(v) ELIGIBLE OWNER.—The term
4 ‘eligible owner’ means an owner of a small
5 business that—

6 “(I) seeks to engage in the re-
7 search, development, and deployment
8 of an advanced nuclear reactor; and

9 “(II) has submitted a response to
10 the RIS–20–02.

11 “(vi) OPERATING LICENSE.—The
12 term ‘operating license’ means an oper-
13 ating license described in and issued under
14 part 50 of title 10, Code of Federal Regu-
15 lations (or any successor regulations).

16 “(vii) RIS–20–02.—The term ‘RIS–
17 20–02’ means the NRC Regulatory Issue
18 Summary 2020–02 published by the Nu-
19 clear Regulatory Commission on August
20 31, 2020.

21 “(viii) SMALL BUSINESS.—The term
22 ‘small business’ means a small business
23 concern that is assigned a North American
24 Industry Classification System code of
25 221113.”.

1 (b) CONFORMING AMENDMENT.—Section
2 102(b)(1)(B) of the Nuclear Energy Innovation and Mod-
3 ernization Act (Public Law 115–439; 132 Stat. 5565) is
4 amended by adding at the end following:

5 “(iv) Any fees the collection of which
6 is delayed pursuant to paragraph (4).”.

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