

117TH CONGRESS  
2D SESSION

# H. R. 9045

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2022

Mr. DONALDS (for himself, Mr. FLEISCHMANN, Mr. BIGGS, Mr. BUDD, Mr. CARTER of Georgia, Ms. MACE, Mr. LATTA, Mr. BISHOP of North Carolina, Mr. ROSE, Ms. SALAZAR, and Mr. ROY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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

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

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

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

“(I) IN GENERAL.—Subject to subclause (II), in the event an eligible owner does not submit a covered application within 5 years after the date such eligible owner provides a formal response to the RIS–20–02, the Commission shall collect, from such eligible owner, 25 percent of any fees the collection of which is delayed pursuant to subparagraph (A) beginning on a date the Commission determines appropriate and annually thereafter for a period of 4 years.

“(II) EXCEPTION.—If an eligible owner described in subclause (I) submits an applicable covered application 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                   “(D) EXCLUDED ACTIVITY FROM COST-RE-  
4                   COVERY REQUIREMENT.—Any fees the collec-  
5                   tion of which is delayed pursuant to this para-  
6                   graph shall be considered an excluded activity  
7                   under paragraph (1)(B).

8                   “(E) REPORT.—Not later than December  
9                   31, 2029, the Commission shall prepare and  
10                  submit a report to the appropriate committees  
11                  describing the views of the Commission on the  
12                  continued appropriateness and necessity of pro-  
13                  viding eligible owners with the ability to defer  
14                  the collection of the fees in accordance with this  
15                  paragraph.

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

17                         “(i) APPROPRIATE COMMITTEES.—  
18                         The term ‘appropriate committees’  
19                         means—

20                                 “(I) the Committee on Appro-  
21                                 priations and the Committee on En-  
22                                 ergy and Commerce of the House of  
23                                 Representatives; and

24                                 “(II) the Committee on Appro-  
25                                 priations and the Committee on Envi-

1                   ronment and Public Works of the  
2                   Senate.

3                   “(ii) COMBINED LICENSE.—The term  
4                   ‘combined license’ has the meaning given  
5                   such term in section 52.1 of title 10, Code  
6                   of Federal Regulations (or any successor  
7                   regulations).

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

13                  “(iv) COVERED APPLICATION.—The  
14                  term ‘covered application’ means an appli-  
15                  cation, to be submitted to the Commission,  
16                  for a construction permit, operating li-  
17                  cense, or a combined license, for an ad-  
18                  vanced nuclear reactor.

19                  “(v) ELIGIBLE OWNER.—The term  
20                  ‘eligible owner’ means an owner of a small  
21                  business that—

22                         “(I) seeks to engage in the re-  
23                         search, development, and deployment  
24                         of an advanced nuclear reactor; and

1 “(II) has submitted a response to  
2 the RIS–20–02.

3 “(vi) OPERATING LICENSE.—The  
4 term ‘operating license’ means an oper-  
5 ating license described in and issued under  
6 part 50 of title 10, Code of Federal Regu-  
7 lations (or any successor regulations).

8 “(vii) RIS–20–02.—The term ‘RIS–  
9 20–02’ means the NRC Regulatory Issue  
10 Summary 2020–02 published by the Nu-  
11 clear Regulatory Commission on August  
12 31, 2020.

13 “(viii) SMALL BUSINESS.—The term  
14 ‘small business’ means a small business  
15 concern that is assigned a North American  
16 Industry Classification System code of  
17 221113.”.

18 (b) CONFORMING AMENDMENT.—Section  
19 102(b)(1)(B) of the Nuclear Energy Innovation and Mod-  
20 ernization Act (Public Law 115–439; 132 Stat. 5565) is  
21 amended by adding at the end following:

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

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