

(Pub. L. 93-438, title I, § 103, Oct. 11, 1974, 88 Stat. 1235; Pub. L. 95-39, title V, § 510(a), June 3, 1977, 91 Stat. 200; Pub. L. 102-486, title I, § 143(b), Oct. 24, 1992, 106 Stat. 2843.)

AMENDMENTS

1992—Pars. (7) to (12). Pub. L. 102-486 redesignated pars. (8) to (12) as (7) to (11), respectively, and struck out former par. (7) which read as follows: “establishing, in accordance with the National Energy Extension Service Act, an Energy Extension Service to provide technical assistance, instruction, and practical demonstrations on energy conservation measures and alternative energy systems to individuals, businesses, and State and local government officials;”.

1977—Pars. (7) to (12). Pub. L. 95-39 added par. (7) and redesignated former pars. (7) to (11) as (8) to (12), respectively.

TRANSFER OF FUNCTIONS

Energy Research and Development Administration and Federal Energy Administration terminated and functions vested by law in their respective Administrators transferred to Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of this title.

§ 5814. Abolition and transfers

(a) Abolition of Atomic Energy Commission

The Atomic Energy Commission is hereby abolished. Sections 2031 and 2032 of this title are repealed.

(b) Transfer or lapse of functions of Atomic Energy Commission

All other functions of the Commission, the Chairman and members of the Commission, and the officers and components of the Commission are hereby transferred or allowed to lapse pursuant to the provisions of this chapter.

(c) Functions of Atomic Energy Commission transferred to Administrator

There are hereby transferred to and vested in the Administrator all functions of the Atomic Energy Commission, the Chairman and members of the Commission, and the officers and components of the Commission, except as otherwise provided in this chapter.

(d) Transfer of General Advisory Committee, Patent Compensation Board, and Divisions of Military Application and Naval Reactors to Administration

The General Advisory Committee established pursuant to section 2036¹ of this title, the Patent Compensation Board established pursuant to section 2187 of this title, and the Divisions of Military Application and Naval Reactors established pursuant to section 2035 of this title, are transferred to the Energy Research and Development Administration and the functions of the Commission with respect thereto, and with respect to relations with the Military Liaison Committee established by section 2037¹ of this title, are transferred to the Administrator.

(e) Transfer to Administrator of certain functions of Secretary of the Interior and Department of the Interior; study of potential energy application of helium; report to President and Congress

There are hereby transferred to and vested in the Administrator such functions of the Sec-

retary of the Interior, the Department of the Interior, and officers and components of such department—

(1) as relate to or are utilized by the Office of Coal Research established pursuant to the Act of July 1, 1960 (74 Stat. 336; 30 U.S.C. 661-669);

(2) as relate to or are utilized in connection with fossil fuel energy research and development programs and related activities conducted by the United States Bureau of Mines “energy centers” and synthane plant to provide greater efficiency in the extraction, processing, and utilization of energy resources for the purpose of conserving those resources, developing alternative energy resources, such as oil and gas secondary and tertiary recovery, oil shale and synthetic fuels, improving methods of managing energy-related wastes and pollutants, and providing technical guidance needed to establish and administer national energy policies; and

(3) as relate to or are utilized for underground electric power transmission research.

The Administrator shall conduct a study of the potential energy applications of helium and, within six months from October 11, 1974, report to the President and Congress his recommendations concerning the management of the Federal helium programs, as they relate to energy.

(f) Transfer to Administrator of certain functions of National Science Foundation

There are hereby transferred to and vested in the Administrator such functions of the National Science Foundation as relate to or are utilized in connection with—

(1) solar heating and cooling development; and

(2) geothermal power development.

(g) Transfer to Administrator of certain functions of Environmental Protection Agency

There are hereby transferred to and vested in the Administrator such functions of the Environmental Protection Agency and the officers and components thereof as relate to or are utilized in connection with research, development, and demonstration, but not assessment or monitoring for regulatory purposes, of alternative automotive power systems.

(h) Exercise of authority necessary or appropriate to perform transferred functions and carry out transferred programs

To the extent necessary or appropriate to perform functions and carry out programs transferred by this chapter, the Administrator and Commission may exercise, in relation to the functions so transferred, any authority or part thereof available by law, including appropriation Acts, to the official or agency from which such functions were transferred.

(i) Utilization of technical and management capabilities of other executive agencies; assignment of specific programs or projects in energy research and development

In the exercise of his responsibilities under section 5813 of this title, the Administrator shall utilize, with their consent, to the fullest extent he determines advisable the technical and man-

¹ See References in Text note below.

agement capabilities of other executive agencies having facilities, personnel, or other resources which can assist or advantageously be expanded to assist in carrying out such responsibilities. The Administrator shall consult with the head of each agency with respect to such facilities, personnel, or other resources, and may assign, with their consent, specific programs or projects in energy research and development as appropriate. In making such assignments under this subsection, the head of each such agency shall insure that—

(1) such assignments shall be in addition to and not detract from the basic mission responsibilities of the agency, and

(2) such assignments shall be carried out under such guidance as the Administrator deems appropriate.

(Pub. L. 93-438, title I, §104, Oct. 11, 1974, 88 Stat. 1237; Pub. L. 102-285, §10(b), May 18, 1992, 106 Stat. 172.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b), (c), and (h), was in the original “this Act”, meaning Pub. L. 93-438, Oct. 11, 1974, 88 Stat. 1233, as amended, which enacted this chapter, amended sections 5313 to 5316 of Title 5, Government Organization and Employees, repealed sections 2031 and 2032 of this title, and enacted provisions set out as notes under section 5801 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

Section 2036 of this title, referred to in subsec. (d), was repealed by Pub. L. 95-91, title VII, §709(c)(1), Aug. 4, 1977, 91 Stat. 608.

Section 2037 of this title, referred to in subsec. (d), was repealed by Pub. L. 99-661, div. C, title I, §3137(c), Nov. 14, 1986, 100 Stat. 4066.

Act of July 1, 1960 (74 Stat. 336; 661-668), referred to in subsec. (e)(1), probably means Pub. L. 86-599, July 7, 1960, 74 Stat. 336, which is classified principally to chapter 18 (§661 et seq.) of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Tables.

CHANGE OF NAME

“United States Bureau of Mines” substituted for “Bureau of Mines” in subsec. (e)(2) pursuant to section 10(b) of Pub. L. 102-285, set out as a note under section 1 of Title 30, Mineral Lands and Mining.

TRANSFER OF FUNCTIONS

GENERALLY

Energy Research and Development Administration terminated and functions vested by law in Administrator thereof transferred to Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of this title.

Division of Naval Reactors and Division of Military Applications, both established under section 2035 of this title, and functions of Energy Research and Development Administration with respect to Military Liaison Committee, established by section 2037 of this title, referred to in subsec. (d), transferred to Department of Energy by section 7158 of this title, with such organizational units to be deemed organizational units established by chapter 84 (§7101 et seq.) of this title.

Functions vested in, or delegated to, Secretary of Energy and Department of Energy under or with respect to authorities formerly exercised by Bureau of Mines, but limited to research and development relating to increased efficiency of production technology of solid fuel minerals, transferred to, and vested in, Secretary of the Interior, by section 100 of Pub. L. 97-257, 96 Stat. 841, set out as a note under section 7152 of this title.

Functions of Secretary of the Interior, Department of the Interior, and officers and components of Department of the Interior exercised by Bureau of Mines relating to fuel supply and demand analysis and data gathering, research and development relating to increased efficiency of production technology of solid fuel minerals other than research relating to mine health and safety and research relating to environmental and leasing consequences of solid fuel mining, and coal preparation and analysis, referred to in subsec. (e), transferred to Secretary of Energy by section 7152(d) of this title.

DISTRIBUTION OF AUTHORITIES UNDER ATOMIC ENERGY ACT OF 1954

The legislative history of Pub. L. 93-438 (which is classified principally to this chapter) was comprised in part by Senate Report No. 93-980 and House Report No. 93-707. Senate Report No. 93-980 (similar provisions appear in House Report No. 93-707) contained the following analysis showing the distribution by Pub. L. 93-438 of separately and jointly applicable authorities under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.):

I. The following provisions of the Atomic Energy Act of 1954, as heretofore amended, apply only to ERDA [Energy Research and Development Administration]

Subsection 31b. [42 U.S.C. 2051(b)] (certain grants and contributions).

Section 33 [42 U.S.C. 2053] (“Research for Others”); provided that the NSLC retains authority to contract out for research as it deems necessary to exercise its licensing and related regulatory functions.

Chapter 5 [(sections 41-44) 42 U.S.C. 2061-2064] (“Production of Special Nuclear Material”).

Subsection 53c; 53d; and 53f. [42 U.S.C. 2073(c), (d), (f)] (distributing special nuclear material).

Section 54 [42 U.S.C. 2074] (“Foreign Distribution of Special Nuclear Material”).

Section 56 [42 U.S.C. 2076] (“Guaranteed Purchase Prices”).

Section 58 [42 U.S.C. 2078] (“Review”).

Subsection 63c. [42 U.S.C. 2093(c)] (charges for distributing source material).

Section 64 [42 U.S.C. 2094] (“Foreign Distribution of Source Material”).

Section 67 [42 U.S.C. 2097] (“Operations on Lands Belonging to the United States”).

Section 91 [42 U.S.C. 2121] (“Authority”).

Section 142 [42 U.S.C. 2162] (“Classification and Declassification of Restricted Data”).

Section 143 [42 U.S.C. 2163] (“Department of Defense Participation”).

Subsections 144a; 144b; and 144c. [42 U.S.C. 2164(a)-(c)] (international cooperation).

Subsection 151c; 151d; 151e. [42 U.S.C. 2181(c)-(e)] (certain patent aspects).

Section 153 [42 U.S.C. 2183] (“Nonmilitary Utilization”).

Section 154 [42 U.S.C. 2184] (“Injunctions”).

Section 157 [42 U.S.C. 2187] (“Commission Patent Licenses”).

Subsections 161e; 161m; 161r; 161t; 161u; and 161v. [42 U.S.C. 2201(e), (m), (r), (t)-(v)] (general provisions).

Section 164 [42 U.S.C. 2204] (“Electric Utility Contracts”).

Section 167 [42 U.S.C. 2207] (“Claims Settlements”).

II. The following provisions of the Atomic Energy Act of 1954, as heretofore amended, apply only to NSLC [Nuclear Regulatory Commission as enacted]

Subsection 53b. [42 U.S.C. 2073(b)] (minimum criteria for licenses).

Subsection 53e. [42 U.S.C. 2073(e)] (licensing conditions).

Section 62 [42 U.S.C. 2092] (“License for Transfers Required”).

Subsection 63b. [42 U.S.C. 2093(b)] (minimum criteria for licenses).

Section 69 [42 U.S.C. 2099] (“Prohibition”).

Section 101 [42 U.S.C. 2131] (“License Required”).
 Section 102 [42 U.S.C. 2132] (“Utilization and Production Facilities for Industrial or Commercial Purposes”).

Section 103 [42 U.S.C. 2133] (“Commercial Licenses”).
 Section 104 [42 U.S.C. 2134] (“Medical Therapy and Research and Development”).

Subsection 105c [42 U.S.C. 2135(c)] (licensing antitrust review).

Section 106 [42 U.S.C. 2136] (“Classes of Facilities”).

Section 107 [42 U.S.C. 2137] (“Operators’ Licenses”).

Section 109 [42 U.S.C. 2139] (“Component Parts of Facilities”).

Subsection 161h. [42 U.S.C. 2201(h)] (licensing activities).

Subsection 161w. [42 U.S.C. 2201(w)] (licensing charges).

Section 182 [42 U.S.C. 2232] (“License Applications”).

Section 183 [42 U.S.C. 2233] (“Terms of License”).

Section 184 [42 U.S.C. 2234] (“Inalienability of Licenses”).

Section 185 [42 U.S.C. 2235] (“Construction Permits”).

Subsections 186a. and 186b. [42 U.S.C. 2236(a), (b)] (license revocation).

Section 187 [42 U.S.C. 2237] (“Modification of License”).

Section 190 [42 U.S.C. 2240] (“Licensee Incident Reports”).

Section 191 [42 U.S.C. 2241] (“Atomic Safety and Licensing Board”).

Section 192 [42 U.S.C. 2242] (“Temporary Operating License”).

Section 272 [42 U.S.C. 2019] (“Applicability of Federal Power Act”).

Section 273 [42 U.S.C. 2020] (“Licensing of Government Agencies”).

Section 274 [42 U.S.C. 2021] (“Cooperation with States”).

III. The following provisions of the Atomic Energy Act of 1954, as heretofore amended, generally apply, respectively, to the functions of the Administrator [Energy Research and Development Administration] and to NSLC [Nuclear Regulatory Commission as enacted]

Chapter 1 [(sections 1-3) 42 U.S.C. 2011-2013] (“Declaration, Findings and Purpose”); provided that all references to encouraging, promoting, utilizing, developing and participating in atomic energy or the atomic industry shall not be applicable to the NSLC.

Chapter 2 [(section 11) 42 U.S.C. 2014] (“Definitions”); provided that (i) the determinations and criteria in j. [42 U.S.C. 2014(j)] (extraordinary nuclear occurrences) shall be the responsibility of the Administrator only in regard to activities and matters not covered by the licensing and related regulatory facets of Section 170 of the Atomic Energy Act, as amended, [42 U.S.C. 2210] and (ii) the determinations in v. (production facility), z. (source material), aa. (special nuclear material), and cc. (utilization facility) [42 U.S.C. 2014(v), (z), (aa), (cc)] shall be the responsibility of the Administrator only in regard to facilities and materials not subject to licensing and related regulatory control by NSLC.

Chapter 3 [(sections 21-29) 42 U.S.C. 2031-2039] (“Organization”); except (i) as provided for in this bill, (ii) the Inspection Division established by subsection 25c. [42 U.S.C. 2035(c)] will be transferred to NSLC and the ERDA Administrator also will provide for the discharge of the inspection function under subsection 25c. in ERDA, (iii) in regard to section 29 [42 U.S.C. 2039] (“Advisory Committee on Reactor Safeguards”), it is intended that the ACRS be transferred to NSLC but that the ACRS also be made available to ERDA as the Administrator may request to perform such of the activities contemplated by section 29 as relate to functions transferred to the Administrator.

Subsections 31a; 31c; and 31d. [42 U.S.C. 2051(a), (c), (d)] (research assistance), and Section 32 [42 U.S.C. 2052] (“Research By the Commission”).

Section 51 [42 U.S.C. 2071]; provided, that the respective determinations shall be made as indicated in Chapter 2 above.

Subsection 53a [42 U.S.C. 2073(a)]; provided, that subdivisions (ii) and (iii) of said subsection (distributing and making available special nuclear material) shall apply only to ERDA, and subsection (i) (licenses) shall apply only to NSLC.

Section 55 [42 U.S.C. 2075] (“Acquisition”).

Section 57 [42 U.S.C. 2077] (“Prohibition”).

Section 61 [42 U.S.C. 2091] (“Source Material”); provided, that the respective determinations shall be made as indicated in Chapter 2 above.

Subsection 63a. (source material) [42 U.S.C. 2093(a)]; provided, that the authority to distribute shall apply only to ERDA and the authority to license shall apply only to NSLC.

Section 65 [42 U.S.C. 2095] (“Reporting”).

Section 66 [42 U.S.C. 2096] (“Acquisition”).

Section 68 [42 U.S.C. 2098] (“Public and Acquired Lands”).

Section 81 [42 U.S.C. 2111] (“Domestic Distribution”), and Section 82 [42 U.S.C. 2112] (“Foreign Distribution of Byproduct Material”); provided, that the authority to distribute shall apply only to ERDA and the authority to license shall apply only to NSLC.

Section 92 [42 U.S.C. 2122] (“Prohibition”).

Subsections 105a. and 105b. [42 U.S.C. 2135(a), (b)] (Antitrust provisions and reporting).

Section 108 [42 U.S.C. 2138] (“War or National Emergency”).

Section 110 [42 U.S.C. 2140] (“Exclusions”); it should be noted that subsection 110a. is amended by section 202 of the bill [42 U.S.C. 5842].

Chapter 11 [(sections 121-125) 42 U.S.C. 2151-2154, 2153 note] (“International Activities”); provided, that, except for licensing and regulatory aspects, the implementation of these provisions shall be the responsibility of ERDA.

Section 141 [42 U.S.C. 2161] (“policy”); provided, that the implementation of subsection 141a. shall be the responsibility of ERDA.

Subsection 144d. [42 U.S.C. 2164(d)] (Presidential authorization).

Section 145 [42 U.S.C. 2165] (“Restrictions”); except that only the Administrator shall establish the basic standards and procedures for the safeguarding of the national defense and security.

Section 146 [42 U.S.C. 2166] (“General Provisions”).

Subsection 151a and 151b. [42 U.S.C. 2181(a), (b)] (certain inventions and discoveries).

Section 152 [42 U.S.C. 2182] (“Inventions Made or Conceived During Commission Contracts”).

Section 155 [42 U.S.C. 2185] (“Prior Art”).

Section 156 [42 U.S.C. 2186] (“Commission Patent Licenses”).

Section 158 [42 U.S.C. 2188] (“Monopolistic Use of Patents”).

Section 159 [42 U.S.C. 2189] (“Federally Financed Research”).

Section 160 [42 U.S.C. 2190] (“Saving Clause”).

Subsections 161a., 161b., 161c., 161d., 161f., and 161g. [42 U.S.C. 2201(a)-(d), (f), (g)] (general authority).

Subsection 161i. and 161j. [42 U.S.C. 2201(i), (j)] (certain regulations or orders and dispositions); provided, that the Administrator shall establish the basic standards and procedures respecting the national security.

Subsections 161k. [42 U.S.C. 2201(k)] (firearms); 161n. [42 U.S.C. 2201(n)] (delegations), provided that no functions delegated to officers of NSLC shall include functions relating to the development of atomic energy or the atomic industry; 161o. (reports and records), 161p. (rules and regulations), 161q. (rights-of-way), and 161s. (succession of authority) [42 U.S.C. 2201(o)-(q), (s)].

Section 162 [42 U.S.C. 2202] (“Contracts”).

Section 163 [42 U.S.C. 2203] (“Advisory Committees”).

Section 165 [42 U.S.C. 2205] (“Contract Practices”).

Section 166 [42 U.S.C. 2206] (“Comptroller General Audit”); it should be noted that section 305 of the bill [(section 306 as passed) 42 U.S.C. 5876] also makes this section applicable to ERDA’s contracts for non nuclear activities.

Section 168 [42 U.S.C. 2208] (“Payments in Lieu of Taxes”).

Section 169 [42 U.S.C. 2209] (“No Subsidy”).

Section 170 [42 U.S.C. 2210] (“Indemnification and Limitation of Liability”).

Chapter 15 [(sections 171–174) 42 U.S.C. 2221–2224] (“Compensation for Private Property Acquired”).

Section 181 [42 U.S.C. 2231] (“General”).

Subsection 186c. [42 U.S.C. 2236(c)] (Retaking and Recapture); provided that the Administrator shall establish the basic standards and procedures in regard to safeguarding the national defense and security.

Section 188 [42 U.S.C. 2238] (“Continued Operation of Facilities”); provided, that findings and judgments respecting the production program shall be the responsibility of the Administrator.

Section 189 [42 U.S.C. 2239] (“Hearings and Judicial Review”).

Chapter 17 [(sections 201–207) 42 U.S.C. 2251–2257] (“Joint Committee on Atomic Energy”).

Chapter 18 [(sections 221–234) 42 U.S.C. 2271–2282] (“Enforcement”); except for Section 234 [42 U.S.C. 2282] (“Civil Monetary Penalties for Violation of Licensing Requirements”) which is applicable only to NSLC.

Section 241 [42 U.S.C. 2015] (“Transfer of Property”).

Section 251 [42 U.S.C. 2016] (“Report to the Congress”).

Section 261 [42 U.S.C. 2017] (“Appropriations”).

Section 271 [42 U.S.C. 2018] (“Agency Jurisdiction”).

Section 281 [42 U.S.C. 2011 note] (“Separability”) and

Section 291 [42 U.S.C. 2011 note] (“Short Title”).

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 5815. Administrative provisions

(a) Rules and regulations

The Administrator is authorized to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

(b) Policy planning and evaluation

The Administrator shall engage in such policy planning, and perform such program evaluation analyses and other studies, as may be necessary to promote the efficient and coordinated administration of the Administration and properly assess progress toward the achievement of its missions.

(c) Delegation of functions

Except as otherwise expressly provided by law, the Administrator may delegate any of his functions to such officers and employees of the Administration as he may designate, and may authorize such successive redelegations of such functions as he may deem to be necessary or appropriate.

(d) Organization

Except as provided in sections 5812 and 5814(d) of this title, the Administrator may organize the Administration as he may deem to be necessary or appropriate.

(e) Field offices

The Administrator is authorized to establish, maintain, alter, or discontinue such State, regional, district, local, or other field offices as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

(f) Seal

The Administrator shall cause a seal of office to be made for the Administration of such device as he shall approve, and judicial notice shall be taken of such seal.

(g) Working capital fund

The Administrator is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency. There shall be transferred to the fund the stocks of supplies, equipment, assets other than real property, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized. The working capital fund shall recover, from the appropriations and funds for which services are performed, either in advance or by way of reimbursement, amounts which will approximate the costs incurred, including the accrual or annual leave and the depreciation of equipment. The fund shall also be credited with receipts from the sale or exchange of its property, and receipts in payment for loss or damage to property owned by the fund.

(h) Information from other agencies

Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Administrator, upon his request, any information or other data which the Administrator deems necessary to carry out his duties under this subchapter.

(Pub. L. 93–438, title I, §105, Oct. 11, 1974, 88 Stat. 1238.)

TRANSFER OF FUNCTIONS

Energy Research and Development Administration terminated and functions vested by law in Administrator thereof transferred to Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of this title.

§ 5816. Personnel and services

(a) Appointment and compensation of officers and employees

The Administrator is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including attorneys, pursuant to section 2201(d) of this title as are necessary to perform the functions now or hereafter vested in him and to prescribe their functions.