

ment and renumbering of act Aug. 1, 1946, by act Aug. 30, 1954.

## AMENDMENTS

2004—Pub. L. 108-458, § 6904(a)(1), designated existing provisions as subsec. (a).

Pub. L. 108-458, § 6803(b)(2), inserted “participate in the development of,” after “interstate or foreign commerce,”.

Pub. L. 108-458, § 6803(b)(1), inserted “, inside or outside of the United States,” after “for any person”.

Subsec. (a). Pub. L. 108-458, § 6904(a)(4), which directed amendment by striking out “transfer or receive in interstate or foreign commerce,” before “manufacture”, was executed by striking out such phrase before “participate in the development of, manufacture” to reflect the probable intent of Congress and the intervening amendment by Pub. L. 108-458, § 6803(b)(2). See above.

Pub. L. 108-458, § 6904(a)(3), (5), (6), inserted “receive,” after “acquire,”, struck out “or” before “export”, and inserted “, or use, or possess and threaten to use,” before “any atomic weapon”.

Pub. L. 108-458, § 6904(a)(2), which directed amendment by inserting “knowingly” after “for any person to”, was executed by making the insertion after “for any person, inside or outside of the United States, to” to reflect the probable intent of Congress and the amendment by Pub. L. 108-458, § 6803(b)(1). See above.

Subsec. (b). Pub. L. 108-458, § 6904(a)(7), added subsec. (b).

1958—Pub. L. 85-479 included transfers or receipts in foreign commerce.

**§ 2122a. Repealed. Pub. L. 106-65, div. C, title XXXII, § 3294(e)(1)(A), Oct. 5, 1999, 113 Stat. 970**

Section, act Aug. 1, 1946, ch. 724, title I, § 93, as added Pub. L. 103-160, div. C, title XXXI, § 3156(a), Nov. 30, 1993, 107 Stat. 1953, related to congressional oversight of special access programs. See section 2426 of Title 50, War and National Defense.

## EFFECTIVE DATE OF REPEAL

Repeal effective Mar. 1, 2000, see section 3299 of Pub. L. 106-65, set out as an Effective Date note under section 2401 of Title 50, War and National Defense.

**§ 2123. Transferred**

## CODIFICATION

Section, Pub. L. 102-190, div. C, title XXXI, § 3136, Dec. 5, 1991, 105 Stat. 1577; Pub. L. 103-35, title II, § 203(b)(3), May 31, 1993, 107 Stat. 102, which related to critical technology partnerships between laboratories of the Department of Energy and other entities, was renumbered section 4813 of Pub. L. 107-314, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, by Pub. L. 108-136, div. C, title XXXI, § 3141(k)(8), Nov. 24, 2003, 117 Stat. 1785, and transferred to section 2794 of Title 50, War and National Defense.

**SUBCHAPTER IX—ATOMIC ENERGY  
LICENSES**

**§ 2131. License required**

It shall be unlawful, except as provided in section 2121 of this title, for any person within the United States to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export any utilization or production facility except under and in accordance with a license issued by the Commission pursuant to section 2133 or 2134 of this title.

(Aug. 1, 1946, ch. 724, title I, § 101, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 936; amended Aug.

6, 1956, ch. 1015, § 11, 70 Stat. 1071; renumbered title I, Pub. L. 102-486, title IX, § 902(a)(8), Oct. 24, 1992, 106 Stat. 2944.)

## PRIOR PROVISIONS

Provisions similar to this section were contained in section 1807(a) of this title, prior to the general amendment and renumbering of act Aug. 1, 1946, by act Aug. 30, 1954.

## AMENDMENTS

1956—Act Aug. 6, 1956, inserted “use,” after “possess,”.

**§ 2132. Utilization and production facilities for industrial or commercial purposes**

**(a) Issuance of licenses**

Except as provided in subsections (b) and (c), or otherwise specifically authorized by law, any license hereafter issued for a utilization or production facility for industrial or commercial purposes shall be issued pursuant to section 2133 of this title.

**(b) Facilities constructed or operated under section 2134(b)**

Any license hereafter issued for a utilization or production facility for industrial or commercial purposes, the construction or operation of which was licensed pursuant to section 2134(b) of this title prior to enactment into law of this subsection, shall be issued under section 2134(b) of this title.

**(c) Cooperative Power Reactor Demonstration facilities**

Any license for a utilization or production facility for industrial or commercial purposes constructed or operated under an arrangement with the Commission entered into under the Cooperative Power Reactor Demonstration Program shall, except as otherwise specifically required by applicable law, be issued under section 2134(b) of this title.

(Aug. 1, 1946, ch. 724, title I, § 102, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 936; amended Pub. L. 91-560, § 3, Dec. 19, 1970, 84 Stat. 1472; renumbered title I, Pub. L. 102-486, title IX, § 902(a)(8), Oct. 24, 1992, 106 Stat. 2944.)

## AMENDMENTS

1970—Pub. L. 91-560 substituted provisions authorizing Commission to issue licenses for a utilization or production facility for industrial or commercial purposes under section 2133, except that license may be issued under section 2134(b), for such utilization or production facility, construction or operation of which was licensed under section 2134(b) before December 19, 1970 or constructed or operated under an arrangement with Commission entered into under Cooperative Power Reactor Demonstration Program, for provisions authorizing Commission to issue licenses pursuant to section 2133 of this title on a determination that such utilization or production facility has been sufficiently developed to be of practical value for industrial or commercial purposes.

**§ 2133. Commercial licenses**

**(a) Conditions**

The Commission is authorized to issue licenses to persons applying therefor to transfer or receive in interstate commerce, manufacture,

produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation arranged pursuant to section 2153 of this title, utilization or production facilities for industrial or commercial purposes. Such licenses shall be issued in accordance with the provisions of subchapter XV and subject to such conditions as the Commission may by rule or regulation establish to effectuate the purposes and provisions of this chapter.

**(b) Nonexclusive basis**

The Commission shall issue such licenses on a nonexclusive basis to persons applying therefor (1) whose proposed activities will serve a useful purpose proportionate to the quantities of special nuclear material or source material to be utilized; (2) who are equipped to observe and who agree to observe such safety standards to protect health and to minimize danger to life or property as the Commission may by rule establish; and (3) who agree to make available to the Commission such technical information and data concerning activities under such licenses as the Commission may determine necessary to promote the common defense and security and to protect the health and safety of the public. All such information may be used by the Commission only for the purposes of the common defense and security and to protect the health and safety of the public.

**(c) License period**

Each such license shall be issued for a specified period, as determined by the Commission, depending on the type of activity to be licensed, but not exceeding forty years from the authorization to commence operations, and may be renewed upon the expiration of such period.

**(d) Limitations**

No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for cooperation arranged pursuant to section 2153 of this title, or except under the provisions of section 2139 of this title. No license may be issued to an alien or any any<sup>1</sup> corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

**(f)<sup>2</sup> Accident notification condition; license revocation; license amendment to include condition**

Each license issued for a utilization facility under this section or section 2134(b) of this title shall require as a condition thereof that in case of any accident which could result in an unplanned release of quantities of fission products in excess of allowable limits for normal oper-

ation established by the Commission, the licensee shall immediately so notify the Commission. Violation of the condition prescribed by this subsection may, in the Commission's discretion, constitute grounds for license revocation. In accordance with section 2237 of this title, the Commission shall promptly amend each license for a utilization facility issued under this section or section 2134(b) of this title which is in effect on June 30, 1980, to include the provisions required under this subsection.

(Aug. 1, 1946, ch. 724, title I, § 103, as added Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 936; amended Aug. 6, 1956, ch. 1015, §§ 12, 13, 70 Stat. 1071; Pub. L. 91-560, § 4, Dec. 19, 1970, 84 Stat. 1472; Pub. L. 96-295, title II, § 201, June 30, 1980, 94 Stat. 786; renumbered title I, Pub. L. 102-486, title IX, § 902(a)(8), Oct. 24, 1992, 106 Stat. 2944; Pub. L. 109-58, title VI, § 621, Aug. 8, 2005, 119 Stat. 782.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 919, known as the Atomic Energy Act of 1954, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

AMENDMENTS

2005—Subsec. (c). Pub. L. 109-58 inserted "from the authorization to commence operations" after "forty years".

1980—Subsec. (f). Pub. L. 96-295 added subsec. (f).

1970—Subsec. (a). Pub. L. 91-560 struck out requirement of a finding of practical value under section 2132 and substituted "utilization and production facilities for industrial or commercial purposes" for "such type of utilization or production facility".

1956—Subsec. (a). Act Aug. 6, 1956, § 12, inserted "use," after "possess,".

Subsec. (d). Act Aug. 6, 1956, § 13, inserted "an alien or any" after "issued to".

ADVANCED NUCLEAR REACTOR PROGRAM LICENSING

Pub. L. 115-439, title I, § 103(a), Jan. 14, 2019, 132 Stat. 5571, provided that:

"(1) STAGED LICENSING.—For the purpose of predictable, efficient, and timely reviews, not later than 270 days after the date of enactment of this Act [Jan. 14, 2019], the [Nuclear Regulatory] Commission shall develop and implement, within the existing regulatory framework, strategies for—

"(A) establishing stages in the licensing process for commercial advanced nuclear reactors; and

"(B) developing procedures and processes for—

"(i) using a licensing project plan; and

"(ii) optional use of a conceptual design assessment.

"(2) RISK-INFORMED LICENSING.—Not later than 2 years after the date of enactment of this Act, the Commission shall develop and implement, where appropriate, strategies for the increased use of risk-informed, performance-based licensing evaluation techniques and guidance for commercial advanced nuclear reactors within the existing regulatory framework, including evaluation techniques and guidance for the resolution of the following:

"(A) Applicable policy issues identified during the course of review by the Commission of a commercial advanced nuclear reactor licensing application.

"(B) The issues described in SECY-93-092 and SECY-15-077, including—

"(i) licensing basis event selection and evaluation;

"(ii) source terms;

<sup>1</sup> So in original.

<sup>2</sup> So in original. Probably should be "(e)".

- “(iii) containment performance; and
- “(iv) emergency preparedness.

“(3) RESEARCH AND TEST REACTOR LICENSING.—For the purpose of predictable, efficient, and timely reviews, not later than 2 years after the date of enactment of this Act, the Commission shall develop and implement strategies within the existing regulatory framework for licensing research and test reactors, including the issuance of guidance.

“(4) TECHNOLOGY-INCLUSIVE REGULATORY FRAMEWORK.—Not later than December 31, 2027, the Commission shall complete a rulemaking to establish a technology-inclusive, regulatory framework for optional use by commercial advanced nuclear reactor applicants for new reactor license applications.

“(5) TRAINING AND EXPERTISE.—As soon as practicable after the date of enactment of this Act, the Commission shall provide for staff training or the hiring of experts, as necessary—

“(A) to support the activities described in paragraphs (1) through (4); and

“(B) to support preparations—

“(i) to conduct pre-application interactions; and

“(ii) to review commercial advanced nuclear reactor license applications.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission to carry out this subsection \$14,420,000 for each of fiscal years 2020 through 2024.”

[For definitions of terms used in section 103(a) of Pub. L. 115-439, set out above, see section 3 of Pub. L. 115-439, set out as a note under section 2215 of this title.]

### § 2134. Medical, industrial, and commercial licenses

#### (a) Medical therapy

The Commission is authorized to issue licenses to persons applying therefor for utilization facilities for use in medical therapy. In issuing such licenses the Commission is directed to permit the widest amount of effective medical therapy possible with the amount of special nuclear material available for such purposes and to impose the minimum amount of regulation consistent with its obligations under this chapter to promote the common defense and security and to protect the health and safety of the public.

#### (b) Industrial and commercial purposes

As provided for in subsection (b) or (c) of section 2132 of this title, or where specifically authorized by law, the Commission is authorized to issue licenses under this subsection to persons applying therefor for utilization and production facilities for industrial and commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this chapter.

#### (c) Research and development activities

The Commission is authorized to issue licenses to persons applying therefor for utilization and production facilities useful in the conduct of research and development activities of the types specified in section 2051 of this title. The Commission is directed to impose only such minimum amount of regulation of the licensee as the Commission finds will permit the Commission to fulfill its obligations under this chapter to promote the common defense and security and to protect the health and safety of the public and will permit the conduct of widespread and diverse research and development. The Commis-

sion is authorized to issue licenses under this section for utilization facilities useful in the conduct of research and development activities of the types specified in section 2051 of this title in which the licensee sells research and testing services and energy to others, subject to the condition that the licensee shall recover not more than 75 percent of the annual costs to the licensee of owning and operating the facility through sales of nonenergy services, energy, or both, other than research and development or education and training, of which not more than 50 percent may be through sales of energy.

#### (d) Limitations

No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for co-operation arranged pursuant to section 2153 of this title or except under the provisions of section 2139 of this title. No license may be issued to any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

(Aug. 1, 1946, ch. 724, title I, §104, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 937; amended Pub. L. 91-560, §5, Dec. 19, 1970, 84 Stat. 1472; renumbered title I, Pub. L. 102-486, title IX, §902(a)(8), Oct. 24, 1992, 106 Stat. 2944; Pub. L. 115-439, title I, §106(b), Jan. 14, 2019, 132 Stat. 5577.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (c), was in the original “this Act”, meaning act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, known as the Atomic Energy Act of 1954, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

#### AMENDMENTS

2019—Subsec. (c). Pub. L. 115-439 struck out “and which are not facilities of the type specified in subsection (b)” after “section 2051 of this title” and inserted at end “The Commission is authorized to issue licenses under this section for utilization facilities useful in the conduct of research and development activities of the types specified in section 2051 of this title in which the licensee sells research and testing services and energy to others, subject to the condition that the licensee shall recover not more than 75 percent of the annual costs to the licensee of owning and operating the facility through sales of nonenergy services, energy, or both, other than research and development or education and training, of which not more than 50 percent may be through sales of energy.”

1970—Subsec. (b). Pub. L. 91-560 substituted provisions authorizing the issue of licenses for utilization or production facilities for industrial or commercial purposes (i) where specifically authorized by law or (ii) where the facility was constructed or operated under an arrangement with the Commission entered into under the cooperative power reactor demonstration program, and the applicable statutory authorization does not require licensing under section 2133, or (iii)