

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 Repealed.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.

Statutory Notes and Related Subsidiaries

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

Editorial Notes

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.)

Editorial Notes

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.)

Editorial Notes

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 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)¹ 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 operation established by the Commission, the li-

censee 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; Pub. L. 118-67, div. B, title III, § 301(c), July 9, 2024, 138 Stat. 1466.)

Editorial Notes

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

2024—Subsec. (d). Pub. L. 118-67 substituted "any corporation" for "any any corporation".

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".

Statutory Notes and Related Subsidiaries

REGULATORY ISSUES FOR NUCLEAR FACILITIES AT BROWNFIELD SITES

Pub. L. 118-67, div. B, title II, § 206, July 9, 2024, 138 Stat. 1462, provided that:

"(a) DEFINITIONS.—In this section:

"(1) BROWNFIELD SITE.—The term 'brownfield site' has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

"(2) COVERED SITE.—The term 'covered site' means a brownfield site, a retired fossil fuel site, or a site that is both a retired fossil fuel site and a brownfield site.

"(3) PRODUCTION FACILITY.—The term 'production facility' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

"(4) RETIRED FOSSIL FUEL SITE.—The term 'retired fossil fuel site' means the site of 1 or more fossil fuel electric generation facilities that are retired or scheduled to retire, including multi-unit facilities that are partially shut down.

"(5) UTILIZATION FACILITY.—The term 'utilization facility' has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

"(b) IDENTIFICATION OF REGULATORY ISSUES.—

¹ So in original. Probably should be "(e)".

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [July 9, 2024], the [Nuclear Regulatory] Commission shall evaluate the extent to which modification of regulations, guidance, or policy is needed to enable efficient, timely, and predictable licensing reviews for, and to support the oversight of, production facilities or utilization facilities at covered sites.

“(2) REQUIREMENT.—In carrying out paragraph (1), the Commission shall consider how licensing reviews for production facilities or utilization facilities at covered sites may be expedited by considering matters relating to siting and operating a production facility or a utilization facility at or near a covered site to support—

“(A) the reuse of existing site infrastructure, including—

- “(i) electric switchyard components and transmission infrastructure;
- “(ii) heat-sink components;
- “(iii) steam cycle components;
- “(iv) roads;
- “(v) railroad access; and
- “(vi) water availability;

“(B) the use of early site permits;

“(C) the utilization of plant parameter envelopes or similar standardized site parameters on a portion of a larger site; and

“(D) the use of a standardized application for similar sites.

“(3) REPORT.—Not later than 14 months after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress [Committee on Energy and Commerce of the House of Representatives and Committee on Environment and Public Works of the Senate] a report describing any regulations, guidance, and policies identified under paragraph (1).

“(c) LICENSING.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Commission shall—

“(A) develop and implement strategies to enable efficient, timely, and predictable licensing reviews for, and to support the oversight of, production facilities or utilization facilities at covered sites; or

“(B) initiate a rulemaking to enable efficient, timely, and predictable licensing reviews for, and to support the oversight of, production facilities or utilization facilities at covered sites.

“(2) REQUIREMENTS.—In carrying out paragraph (1), consistent with the mission of the Commission, the Commission shall consider matters relating to—

- “(A) the use of existing site infrastructure;
- “(B) existing emergency preparedness organizations and planning;
- “(C) the availability of historical site-specific environmental data;
- “(D) previously completed environmental reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- “(E) activities associated with the potential decommissioning of facilities or decontamination and remediation at covered sites; and
- “(F) community engagement and historical experience with energy production.

“(d) REPORT.—Not later than 3 years after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report describing the actions taken by the Commission under subsection (c)(1).”

REGULATORY REQUIREMENTS FOR MICRO-REACTORS

Pub. L. 118-67, div. B, title II, §208, July 9, 2024, 138 Stat. 1464, provided that:

“(a) MICRO-REACTOR LICENSING.—The [Nuclear Regulatory] Commission shall—

“(1) not later than 18 months after the date of enactment of this Act [July 9, 2024], develop risk-informed and performance-based strategies and guid-

ance to license and regulate micro-reactors pursuant to section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133), including strategies and guidance for—

- “(A) staffing and operations;
- “(B) oversight and inspections;
- “(C) safeguards and security;
- “(D) emergency preparedness;
- “(E) risk analysis methods, including alternatives to probabilistic risk assessments;
- “(F) decommissioning funding assurance methods that permit the use of design- and site-specific cost estimates;
- “(G) the transportation of fueled micro-reactors; and
- “(H) siting, including in relation to—
 - “(i) the population density criterion limit described in the policy issue paper on population-related siting considerations for advanced reactors dated May 8, 2020, and numbered SECY-20-0045;
 - “(ii) licensing mobile deployment; and
 - “(iii) environmental reviews; and

“(2) not later than 3 years after the date of enactment of this Act, implement, as appropriate, the strategies and guidance developed under paragraph (1)—

- “(A) within the existing regulatory framework;
- “(B) through the technology-inclusive regulatory framework to be established under section 103(a)(4) of the Nuclear Energy Innovation and Modernization Act (42 U.S.C. 2133 note; Public Law 115-439); or
- “(C) through a pending or new rulemaking.

“(b) CONSIDERATIONS.—In developing and implementing strategies and guidance under subsection (a), the Commission shall consider—

- “(1) the unique characteristics of micro-reactors, including characteristics relating to—
 - “(A) physical size;
 - “(B) design simplicity; and
 - “(C) source term;
- “(2) opportunities to address redundancies and inefficiencies;

“(3) opportunities to consolidate review phases and reduce transitions between review teams;

“(4) opportunities to establish integrated review teams to ensure continuity throughout the review process; and

“(5) other relevant considerations discussed in the policy issue paper on policy and licensing considerations related to micro-reactors dated October 6, 2020, and numbered SECY-20-0093.

“(c) CONSULTATION.—In carrying out subsection (a), the Commission shall consult with—

- “(1) the Secretary of Energy;
- “(2) the heads of other Federal agencies, as appropriate;
- “(3) micro-reactor technology developers; and
- “(4) other stakeholders.”

FOREIGN OWNERSHIP

Pub. L. 118-67, div. B, title III, §301, July 9, 2024, 138 Stat. 1465, provided that:

“(a) IN GENERAL.—The prohibitions against issuing certain licenses for utilization facilities to certain aliens, corporations, and other entities described in the second sentence of section 103 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) and the second sentence of section 104 d. of that Act (42 U.S.C. 2134(d)) shall not apply to an entity described in subsection (b) if the [Nuclear Regulatory] Commission determines that issuance of the applicable license to that entity is not inimical to—

- “(1) the common defense and security; or
- “(2) the health and safety of the public.

“(b) ENTITIES DESCRIBED.—

“(1) IN GENERAL.—An entity referred to in subsection (a) is an alien, corporation, or other entity that is owned, controlled, or dominated by—

- “(A) the government of—
 - “(i) a country, other than a country described in paragraph (2), that is a member of the

Organisation for Economic Co-operation and Development on the date of enactment of this Act [July 9, 2024]; or

“(ii) the Republic of India;

“(B) a corporation that is incorporated in a country described in clause (i) or (ii) of subparagraph (A); or

“(C) an alien who is a citizen or national of a country described in clause (i) or (ii) of subparagraph (A).

“(2) EXCLUSION.—A country described in this paragraph is a country—

“(A) any department, agency, or instrumentality of the government of which, on the date of enactment of this Act, is subject to sanctions under section 231 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9525); or

“(B) any citizen, national, or entity of which, as of the date of enactment of this Act, is included on the List of Specially Designated Nationals and Blocked Persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to sanctions imposed under section 231 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9525).

“(c) TECHNICAL AMENDMENT.—[Amended this section.]

“(d) SAVINGS CLAUSE.—Nothing in this section affects the requirements of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565).”

ADVANCED NUCLEAR REACTOR PROGRAM LICENSING

Pub. L. 115-439, title I, §103(a), Jan. 14, 2019, 132 Stat. 5571, as amended by Pub. L. 118-67, div. B, title II, §205(b)(1), July 9, 2024, 138 Stat. 1461, 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;

“(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 Commis-

sion 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 (including fusion machine 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.]

PRIZES FOR ADVANCED NUCLEAR REACTOR LICENSING

Pub. L. 115-439, title I, §103(f), as added by Pub. L. 118-67, div. B, title II, §202, July 9, 2024, 138 Stat. 1457, provided that:

“(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

“(A) a non-Federal entity; and

“(B) the Tennessee Valley Authority.

“(2) PRIZE FOR ADVANCED NUCLEAR REACTOR LICENSING.—

“(A) IN GENERAL.—Notwithstanding section 169 of the Atomic Energy Act of 1954 (42 U.S.C. 2209) and subject to the availability of appropriations, the Secretary [of Energy] is authorized to make, with respect to each award category described in subparagraph (C), an award in an amount described in subparagraph (B) to the first eligible entity—

“(i) to which the [Nuclear Regulatory] Commission issues an operating license for an advanced nuclear reactor under part 50 of title 10, Code of Federal Regulations (or successor regulations), for which an application has not been approved by the Commission as of the date of enactment of this subsection [July 9, 2024]; or

“(ii) for which the Commission makes a finding described in section 52.103(g) of title 10, Code of Federal Regulations (or successor regulations), with respect to a combined license for an advanced nuclear reactor—

“(I) that is issued under subpart C of part 52 of that title (or successor regulations); and

“(II) for which an application has not been approved by the Commission as of the date of enactment of this subsection.

“(B) AMOUNT OF AWARD.—Subject to paragraph (3), an award under subparagraph (A) shall be in an amount equal to the total amount assessed by the Commission and collected under section 102(b)(2) [42 U.S.C. 2215(b)(2)] from the eligible entity receiving the award for costs relating to the issuance of the license described in that subparagraph, including, as applicable, costs relating to the issuance of an associated construction permit described in section 50.23 of title 10, Code of Federal Regulations (or successor regulations), or early site permit (as defined in section 52.1 of that title (or successor regulations)).

“(C) AWARD CATEGORIES.—An award under subparagraph (A) may be made for—

“(i) the first advanced nuclear reactor for which the Commission—

“(I) issues a license in accordance with clause (i) of subparagraph (A); or

“(II) makes a finding in accordance with clause (ii) of that subparagraph;

“(ii) an advanced nuclear reactor that—

“(I) uses isotopes derived from spent nuclear fuel (as defined in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101)) or depleted uranium as fuel for the advanced nuclear reactor; and

“(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—

“(aa) issues a license in accordance with clause (i) of subparagraph (A); or
 “(bb) makes a finding in accordance with clause (ii) of that subparagraph;
 “(iii) an advanced nuclear reactor that—
 “(I) is a nuclear integrated energy system—
 “(aa) that is composed of 2 or more co-located or jointly operated subsystems of energy generation, energy storage, or other technologies;
 “(bb) in which not fewer than 1 subsystem described in item (aa) is a nuclear energy system; and
 “(cc) the purpose of which is—
 “(AA) to reduce greenhouse gas emissions in both the power and nonpower sectors; and
 “(BB) to maximize energy production and efficiency; and
 “(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—
 “(aa) issues a license in accordance with clause (i) of subparagraph (A); or
 “(bb) makes a finding in accordance with clause (ii) of that subparagraph;
 “(iv) an advanced reactor that—
 “(I) operates flexibly to generate electricity or high temperature process heat for nonelectric applications; and
 “(II) is the first advanced nuclear reactor described in subclause (I) for which the Commission—
 “(aa) issues a license in accordance with clause (i) of subparagraph (A); or
 “(bb) makes a finding in accordance with clause (ii) of that subparagraph; and
 “(v) the first advanced nuclear reactor for which the Commission grants approval to load nuclear fuel pursuant to the technology-inclusive regulatory framework established under subsection (a)(4) [of section 103(a) of Pub. L. 115-439, set out in a note above].

“(3) FEDERAL FUNDING LIMITATIONS.—

“(A) EXCLUSION OF TVA FUNDS.—In this paragraph, the term ‘Federal funds’ does not include funds received under the power program of the Tennessee Valley Authority established pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.).

“(B) LIMITATION ON AMOUNTS EXPENDED.—An award under this subsection shall not exceed the total amount expended (excluding any expenditures made with Federal funds received for the applicable project and an amount equal to the minimum cost-share required under section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352)) by the eligible entity receiving the award for licensing costs relating to the project for which the award is made.

“(C) REPAYMENT AND DIVIDENDS NOT REQUIRED.—Notwithstanding section 9104(a)(4) of title 31, United States Code, or any other provision of law, an eligible entity that receives an award under this subsection shall not be required—

“(i) to repay that award or any part of that award; or

“(ii) to pay a dividend, interest, or other similar payment based on the sum of that award.”

[For definitions of terms used in section 103(f) 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 ther-

apy 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

(1) In general

Subject to paragraphs (2) and (3), 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.

(2) Regulation

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.

(3) Limitation on utilization facilities

The Commission may issue a license under this section for a utilization facility useful in the conduct of research and development activities of the types specified in section 2051 of this title if—

(A) not more than 75 percent of the annual costs to the licensee of owning and operating the facility are devoted to the sale, other than for research and development or education and training, of—

(i) nonenergy services;

(ii) energy; or

(iii) a combination of nonenergy services and energy; and

(B) not more than 50 percent of the annual costs to the licensee of owning and operating the facility are devoted to the sale 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 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 any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a