

“(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

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; Pub. L. 118-67, div. B, title VI, §601, July 9, 2024, 138 Stat. 1481.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b), and (c)(2), 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. (c). Pub. L. 118-67 inserted subsec. heading; designated first sentence as par. (1), inserted par. heading, and substituted “Subject to paragraphs (2) and (3), the Commission” for “The Commission”; designated second sentence as par. (2) and inserted heading; and substituted par. (3) for third sentence which read as follows: “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.”

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) where the facility was theretofore licensed under section 2134(b), for provisions authorizing the issue of licenses for utilization and production facilities involved in the conduct of research and development activities leading to the demonstration of the practical value of such facilities for industrial and commercial purposes.

#### Statutory Notes and Related Subsidiaries

##### ENCOURAGING PRIVATE INVESTMENT IN RESEARCH AND TEST REACTORS

Pub. L. 115-439, title I, §106(a), Jan. 14, 2019, 132 Stat. 5577, provided that: “The purpose of this section [amending this section] is to encourage private investment in research and test reactors.”

#### § 2135. Antitrust provisions governing licenses

##### (a) Violations of antitrust laws

Nothing contained in this chapter shall relieve any person from the operation of the following Acts, as amended, “An Act to protect trade and commerce against unlawful restraints and monopolies” approved July second, eighteen hundred and ninety; sections seventy-three to seventy-six, inclusive, of an Act entitled “An Act to reduce taxation, to provide revenue for the Government, and for other purposes” approved August twenty-seven, eighteen hundred and ninety-four; “An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes” approved October fifteen, nineteen hundred and fourteen; and “An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes” approved September twenty-six, nineteen hundred and fourteen. In the event a licensee is found by a court of competent jurisdiction, either in an original action in that court or in a proceeding to enforce or review the findings or orders of any Government agency having jurisdiction under the laws cited above, to have violated any of the provisions of such laws in the conduct of the licensed activity, the Commission may suspend, revoke, or take such other action as it may deem necessary with respect to any license issued by the Commission under the provisions of this chapter.

##### (b) Reports to Attorney General

The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization of special nuclear material or atomic energy which appears to violate or to tend toward the violation of any of the foregoing Acts, or to restrict free competition in private enterprise.

##### (c) Transmissions to Attorney General of copies of license applications; publication of advice; factors considered; exceptions

(1) The Commission shall promptly transmit to the Attorney General a copy of any license application provided for in paragraph (2) of this subsection, and a copy of any written request provided for in paragraph (3) of this subsection; and the Attorney General shall, within a reasonable time, but in no event to exceed 180 days after receiving a copy of such application or written request, render such advice to the Commission as he determines to be appropriate in regard to the finding to be made by the Commission pursuant to paragraph (5) of this subsection. Such advice shall include an explanatory statement as to the reasons or basis therefor.

(2) Paragraph (1) of this subsection shall apply to an application for a license to construct or operate a utilization or production facility under section 2133 of this title: *Provided, how-*