

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 1013 of Title 5, Government Organization and Employees.

§ 2233. Terms of licenses

Each license shall be in such form and contain such terms and conditions as the Commission may, by rule or regulation, prescribe to effectuate the provisions of this chapter, including the following provisions:

(a) Repealed. Pub. L. 88-489, §18, Aug. 26, 1964, 78 Stat. 607.

(b) No right to the special nuclear material shall be conferred by the license except as defined by the license.

(c) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of this chapter.

(d) Every license issued under this chapter shall be subject to the right of recapture or control reserved by section 2138 of this title, and to all of the other provisions of this chapter, now or hereafter in effect and to all valid rules and regulations of the Commission.

(Aug. 1, 1946, ch. 724, title I, §183, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 954; amended Pub. L. 88-489, §18, Aug. 26, 1964, 78 Stat. 607; renumbered title I, Pub. L. 102-486, title IX, §902(a)(8), Oct. 24, 1992, 106 Stat. 2944.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, 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

1964—Par. (a). Pub. L. 88-489 struck out par. (a) which placed title to all special nuclear material utilized or produced by facilities pursuant to license in the United States at all times.

§ 2234. Inalienability of licenses

No license granted hereunder and no right to utilize or produce special nuclear material granted hereby shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this chapter, and shall give its consent in writing. The Commission may give such consent to the creation of a mortgage, pledge, or other lien upon any facility or special nuclear material, owned or thereafter acquired by a licensee, or upon any leasehold or other interest to such facility, and the rights of the creditors so secured may thereafter be enforced by any court subject to rules and regulations established by the Commission to protect public health and safety and promote the common defense and security.

(Aug. 1, 1946, ch. 724, title I, §184, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 954; amended Pub.

L. 88-489, §19, Aug. 26, 1964, 78 Stat. 607; renumbered title I, Pub. L. 102-486, title IX, §902(a)(8), Oct. 24, 1992, 106 Stat. 2944.)

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AMENDMENTS

1964—Pub. L. 88-489 inserted "or special nuclear material," after "lien upon any facility" and substituted "interest in such facility" for "interest in such property".

§ 2235. Construction permits and operating licenses

(a) All applicants for licenses to construct or modify production or utilization facilities shall, if the application is otherwise acceptable to the Commission, be initially granted a construction permit. The construction permit shall state the earliest and latest dates for the completion of the construction or modification. Unless the construction or modification of the facility is completed by the completion date, the construction permit shall expire, and all rights thereunder be forfeited, unless upon good cause shown, the Commission extends the completion date. Upon the completion of the construction or modification of the facility, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of this chapter and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of this chapter, the Commission shall thereupon issue a license to the applicant. For all other purposes of this chapter, a construction permit is deemed to be a "license".

(b) After holding a public hearing under section 2239(a)(1)(A) of this title, the Commission shall issue to the applicant a combined construction and operating license if the application contains sufficient information to support the issuance of a combined license and the Commission determines that there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of this chapter, and the Commission's rules and regulations. The Commission shall identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of this chapter, and the Commission's rules and regulations. Following issuance of the combined license, the

Commission shall ensure that the prescribed inspections, tests, and analyses are performed and, prior to operation of the facility, shall find that the prescribed acceptance criteria are met. Any finding made under this subsection shall not require a hearing except as provided in section 2239(a)(1)(B) of this title.

(c) APPLICATION REVIEWS FOR PRODUCTION AND UTILIZATION FACILITIES OF AN EXISTING SITE.—In reviewing an application for an early site permit, construction permit, operating license, or combined construction permit and operating license for a production facility or utilization facility located at the site of a production facility or utilization facility licensed by the Commission, the Commission shall, to the extent practicable, use information that was part of the licensing basis of the licensed production facility or utilization facility.

(Aug. 1, 1946, ch. 724, title I, §185, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 955; renumbered title I and amended Pub. L. 102-486, title IX, §902(a)(8), title XXVIII, §2801, Oct. 24, 1992, 106 Stat. 2944, 3120; Pub. L. 118-67, div. B, title V, §505(c), July 9, 2024, 138 Stat. 1478.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), 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 added subsec. (c).
1992—Pub. L. 102-486, §2801, inserted “and operating licenses” after “permits” in section catchline, designated existing text as subsec. (a), and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-486, title XXVIII, §2806, Oct. 24, 1992, 106 Stat. 3121, provided that: “Sections 185 b. and 189 a. (1)(B) of the Atomic Energy Act of 1954 [subsec. (b) of this section and section 2239(a)(1)(B) of this title], as added by sections 2801 and 2802 of this Act, shall apply to all proceedings involving a combined license for which an application was filed after May 8, 1991, under such sections.”

COMBINED LICENSE REVIEW PROCEDURE

Pub. L. 118-67, div. B, title II, §207, July 9, 2024, 138 Stat. 1463, provided that:

“(a) IN GENERAL.—In accordance with this section, the [Nuclear Regulatory] Commission shall establish and carry out an expedited procedure for issuing a combined license pursuant to section 185 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2235(b)).

“(b) QUALIFICATIONS.—To qualify for the expedited procedure under subsection (a), an applicant—

“(1) shall submit a combined license application for a new nuclear reactor that—

“(A) references a design for which the Commission has issued a design certification (as defined in section 52.1 of title 10, Code of Federal Regulations (or any successor regulation)); or

“(B) has a design that is substantially similar to a design of a nuclear reactor for which the Commission has issued a combined license, an operating li-

cence, or a manufacturing license under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

“(2) shall propose to construct the new nuclear reactor on a site—

“(A) on which a licensed commercial nuclear reactor operates or previously operated; or

“(B) that is directly adjacent to a site on which a licensed commercial nuclear reactor operates or previously operated and has site characteristics that are substantially similar to that site; and

“(3) may not be subject to an order of the Commission to suspend or revoke a license under section 2.202 of title 10, Code of Federal Regulations (or any successor regulation).

“(c) EXPEDITED PROCEDURE.—With respect to a combined license for which the applicant has satisfied the requirements described in subsection (b), the Commission shall, to the maximum extent practicable—

“(1) not later than 18 months after the date on which the application is accepted for docketing—

“(A) complete the technical review process and issue a safety evaluation report; and

“(B) issue a final environmental impact statement or environmental assessment, unless the Commission finds that the proposed agency action is excluded pursuant to a categorical exclusion in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(2) not later than 2 years after the date on which the application is accepted for docketing, complete any necessary public licensing hearings and related processes; and

“(3) not later than 25 months after the date on which the application is accepted for docketing, make a final decision on whether to issue the combined license.

“(d) PERFORMANCE AND REPORTING.—

“(1) DELAYS IN ISSUANCE.—Not later than 30 days after the applicable deadline, the Executive Director for Operations of the Commission shall inform the Commission of any failure to meet a deadline under subsection (c).

“(2) DELAYS IN ISSUANCE EXCEEDING 90 DAYS.—If any deadline under subsection (c) is not met by the date that is 90 days after the applicable date required under that subsection, 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 the delay, including—

“(A) a detailed explanation accounting for the delay; and

“(B) a plan for completion of the applicable action.”

Executive Documents

EXECUTIVE ORDER NO. 12129

Ex. Ord. No. 12129, Apr. 5, 1979, 44 F.R. 21001, which established a Critical Energy Facility Program, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

§ 2236. Revocation of licenses

(a) False applications; failure of performance

Any license may be revoked for any material false statement in the application or any statement of fact required under section 2232 of this title, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for failure to construct or operate a facility in accordance with the terms of the construction permit or license or the technical specifications in the application, or for violation of, or failure to