

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-

ense, 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

observe any of the terms and provisions of this chapter or of any regulation of the Commission.

**(b) Procedure**

The Commission shall follow the provisions of section 558(c) of title 5 in revoking any license.

**(c) Repossession of material**

Upon revocation of the license, the Commission may immediately retake possession of all special nuclear material held by the licensee. In cases found by the Commission to be of extreme importance to the national defense and security or to the health and safety of the public, the Commission may recapture any special nuclear material held by the licensee or may enter upon and operate the facility prior to any of the procedures provided under subchapter II of chapter 5 and chapter 7 of title 5. Just compensation shall be paid for the use of the facility.

(Aug. 1, 1946, ch. 724, title I, §186, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 955; 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 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.

CODIFICATION

In subsecs. (b) and (c), "section 558(c) of title 5" and "subchapter II of chapter 5 and chapter 7 of title 5" substituted for "section 9(b) of the Administrative Procedure Act [5 U.S.C. 1008(b)]" and "the Administration Procedure Act [5 U.S.C. 1001-1011]", respectively, on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

**§ 2237. Modification of license**

The terms and conditions of all licenses shall be subject to amendment, revision, or modification, by reason of amendments of this chapter or by reason of rules and regulations issued in accordance with the terms of this chapter.

(Aug. 1, 1946, ch. 724, title I, §187, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 955; 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.

**§ 2238. Continued operation of facilities**

Whenever the Commission finds that the public convenience and necessity or the production program of the Commission requires continued operation of a production facility or utilization

facility the license for which has been revoked pursuant to section 2236 of this title, the Commission may, after consultation with the appropriate regulatory agency, State or Federal, having jurisdiction, order that possession be taken of and such facility be operated for such period of time as the public convenience and necessity or the production program of the Commission may, in the judgment of the Commission, require, or until a license for the operation of the facility shall become effective. Just compensation shall be paid for the use of the facility.

(Aug. 1, 1946, ch. 724, title I, §188, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 955; renumbered title I, Pub. L. 102-486, title IX, §902(a)(8), Oct. 24, 1992, 106 Stat. 2944.)

**§ 2239. Hearings and judicial review**

(a)(1)(A) In any proceeding under this chapter, for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, and in any proceeding for the payment of compensation, an award or royalties under sections<sup>1</sup> 2183, 2187, 2236(c) or 2238 of this title, the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. The Commission shall hold a hearing after thirty days' notice and publication once in the Federal Register, on each application under section 2133 or 2134(b) of this title for a construction permit for a facility, and on any application under section 2134(c) of this title for a construction permit for a testing facility. In cases where such a construction permit has been issued following the holding of such a hearing, the Commission may, in the absence of a request therefor by any person whose interest may be affected, issue an operating license or an amendment to a construction permit or an amendment to an operating license without a hearing, but upon thirty days' notice and publication once in the Federal Register of its intent to do so. The Commission may dispense with such thirty days' notice and publication with respect to any application for an amendment to a construction permit or an amendment to an operating license upon a determination by the Commission that the amendment involves no significant hazards consideration.

(B)(i) Not less than 180 days before the date scheduled for initial loading of fuel into a plant by a licensee that has been issued a combined construction permit and operating license under section 2235(b) of this title, the Commission shall publish in the Federal Register notice of intended operation. That notice shall provide that any person whose interest may be affected by operation of the plant, may within 60 days request the Commission to hold a hearing on whether the facility as constructed complies, or on completion will comply, with the acceptance criteria of the license.

(ii) A request for hearing under clause (i) shall show, prima facie, that one or more of the ac-

<sup>1</sup> So in original. Probably should be "section".