

this section and provisions set out as notes under this section] or the amendment made by this section shall waive, modify, or affect the application of chapter 51 of title 49, United States Code, part A of subtitle V of title 49, United States Code, part B of subtitle VI of title 49, United States Code, and title 23, United States Code.”

§ 2211. Payment of claims or judgments for damage resulting from nuclear incident involving nuclear reactor of United States warship; exception; terms and conditions

It is the policy of the United States that it will pay claims or judgments for bodily injury, death, or damage to or loss of real or personal property proven to have resulted from a nuclear incident involving the nuclear reactor of a United States warship: *Provided*, That the injury, death, damage, or loss was not caused by the act of an armed force engaged in combat or as a result of civil insurrection. The President may authorize, under such terms and conditions as he may direct, the payment of such claims or judgments from any contingency funds available to the Government or may certify such claims or judgments to the Congress for appropriation of the necessary funds.

(Pub. L. 93-513, Dec. 6, 1974, 88 Stat. 1611.)

CODIFICATION

Section was not enacted as part of the Atomic Energy Act of 1954 which comprises this chapter.

EX. ORD. NO. 11918. COMPENSATION FOR DAMAGES INVOLVING NUCLEAR REACTORS OF UNITED STATES WARSHIPS

Ex. Ord. No. 11918, eff. June 1, 1976, 41 F.R. 22329, provided:

By virtue of the authority vested in me by the joint resolution approved December 6, 1974 (Public Law 93-513, 88 Stat. 1610, 42 U.S.C. 2211), and by section 301 of title 3 of the United States Code, and as President of the United States of America, in order that prompt, adequate and effective compensation will be provided in the unlikely event of injury or damage resulting from a nuclear incident involving the nuclear reactor of a United States warship, it is hereby ordered as follows:

SECTION 1. (a) With respect to the administrative settlement of claims or judgments for bodily injury, death, or damage to or loss of real or personal property proven to have resulted from a nuclear incident involving the nuclear reactor of a United States warship, the Secretary of Defense is designated and empowered to authorize, in accord with Public Law 93-513 [this section], the payment, under such terms and conditions as he may direct, of such claims and judgments from contingency funds available to the Department of Defense.

(b) The Secretary of Defense shall, when he considers such action appropriate, certify claims or judgments described in subsection (a) and transmit to the Director of the Office of Management and Budget his recommendation with respect to appropriation by the Congress of such additional sums as may be necessary.

SEC. 2. The provisions of section 1 shall not be deemed to replace, alter, or diminish, the statutory and other functions vested in the Attorney General, or the head of any other agency, with respect to litigation against the United States and judgments and compromise settlements arising therefrom.

SEC. 3. The functions herein delegated shall be exercised in consultation with the Secretary of State in the case of any incident giving rise to a claim of a foreign country or national thereof, and international negotiations relating to Public Law 93-513 [this section], shall be performed by or under the authority of the Secretary of State.

GERALD R. FORD.

§ 2212. Transferred

CODIFICATION

Section, Pub. L. 101-510, div. C, title XXXI, § 3141, Nov. 5, 1990, 104 Stat. 1837, which related to contractor liability for injury or loss of property arising out of atomic weapons testing programs, was renumbered section 4803 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)(4)(A)-(C), Nov. 24, 2003, 117 Stat. 1783, and transferred to section 2783 of Title 50, War and National Defense.

PRIOR PROVISIONS

A prior section 2212, Pub. L. 98-525, title XVI, § 1631, Oct. 19, 1984, 98 Stat. 2646, related to contractor liability for injury or loss of property arising out of atomic weapons testing programs, prior to repeal by Pub. L. 101-426, § 13, as added Pub. L. 101-510, div. C, title XXXI, § 3140, Nov. 5, 1990, 104 Stat. 1837.

§ 2213. Repealed. Pub. L. 109-58, title VI, § 637(b), Aug. 8, 2005, 119 Stat. 791

Section, Pub. L. 99-272, title VII, § 7601, Apr. 7, 1986, 100 Stat. 146; Pub. L. 100-203, title V, § 5601, Dec. 22, 1987, 101 Stat. 1330-275; Pub. L. 101-239, title III, § 3201, Dec. 19, 1989, 103 Stat. 2132; Pub. L. 101-508, title VI, § 6101(e), Nov. 5, 1990, 104 Stat. 1388-299, related to assessment and collection of annual charges from Nuclear Regulatory Commission licensees.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2006, see section 637(c) of Pub. L. 109-58, set out as an Effective Date of 2005 Amendment note under section 2214 of this title.

§ 2214. NRC user fees and annual charges

(a) Annual assessment

(1) In general

The Nuclear Regulatory Commission (in this section referred to as the “Commission”) shall annually assess and collect such fees and charges as are described in subsections (b) and (c) of this section.

(2) First assessment

The first assessment of fees under subsection (b) of this section and annual charges under subsection (c) of this section shall be made not later than September 30, 1991.

(b) Fees for service or thing of value

Pursuant to section 9701 of title 31, any person who receives a service or thing of value from the Commission shall pay fees to cover the Commission’s costs in providing any such service or thing of value.

(c) Annual charges

(1) Persons subject to charge

Except as provided in paragraph (4), any licensee or certificate holder of the Commission may be required to pay, in addition to the fees set forth in subsection (b) of this section, an annual charge.

(2) Aggregate amount of charges

(A) In general

The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commis-

sion for the fiscal year stated in subparagraph (B), less—

- (i) amounts collected under subsection (b) of this section during the fiscal year;
- (ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year;
- (iii) amounts appropriated to the Commission for the fiscal year for implementation of section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005; and
- (iv) amounts appropriated to the Commission for homeland security activities of the Commission for the fiscal year, except for the costs of fingerprinting and background checks required by section 2169 of this title and the costs of conducting security inspections.

(B) Percentages

The percentages referred to in subparagraph (A) are—

- (i) 98 percent for fiscal year 2001;
- (ii) 96 percent for fiscal year 2002;
- (iii) 94 percent for fiscal year 2003;
- (iv) 92 percent for fiscal year 2004; and
- (v) 90 percent for fiscal year 2005 and each fiscal year thereafter.

(3) Amount per licensee

The Commission shall establish, by rule, a schedule of charges fairly and equitably allocating the aggregate amount of charges described in paragraph (2) among licensees. To the maximum extent practicable, the charges shall have a reasonable relationship to the cost of providing regulatory services and may be based on the allocation of the Commission's resources among licensees or classes of licensees.

(4) Exemption

(A) In general

Paragraph (1) shall not apply to the holder of any license for a federally owned research reactor used primarily for educational training and academic research purposes.

(B) Research reactor

For purposes of subparagraph (A), the term "research reactor" means a nuclear reactor that—

- (i) is licensed by the Nuclear Regulatory Commission under section 2134(c) of this title for operation at a thermal power level of 10 megawatts or less; and
- (ii) if so licensed for operation at a thermal power level of more than 1 megawatt, does not contain—
 - (I) a circulating loop through the core in which the licensee conducts fuel experiments;
 - (II) a liquid fuel loading; or
 - (III) an experimental facility in the core in excess of 16 square inches in cross-section.

(d) "Nuclear Waste Fund" defined

As used in this section, the term "Nuclear Waste Fund" means the fund established pursuant to section 10222(c) of this title.

(Pub. L. 101-508, title VI, § 6101, Nov. 5, 1990, 104 Stat. 1388-298; Pub. L. 102-486, title XXIX, § 2903(a), Oct. 24, 1992, 106 Stat. 3125; Pub. L. 103-66, title VII, § 7001, Aug. 10, 1993, 107 Stat. 401; Pub. L. 105-245, title V, § 505, Oct. 7, 1998, 112 Stat. 1856; Pub. L. 106-60, title VI, § 604, Sept. 29, 1999, 113 Stat. 501; Pub. L. 106-377, § 1(a)(2) [title VIII], Oct. 27, 2000, 114 Stat. 1441, 1441A-86; Pub. L. 109-58, title VI, § 637(a), Aug. 8, 2005, 119 Stat. 791; Pub. L. 109-103, title IV, Nov. 19, 2005, 119 Stat. 2283.)

REFERENCES IN TEXT

Section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, referred to in subsec. (c)(2)(A)(iii), is section 3116 of Pub. L. 108-375, which is set out as a note under section 2602 of Title 50, War and National Defense.

CODIFICATION

Section is comprised of section 6101 of Pub. L. 101-508. Subsec. (e) of section 6101 of Pub. L. 101-508 amended former section 2213 of this title.

Section was enacted as part of the Omnibus Budget Reconciliation Act of 1990, and not as part of the Atomic Energy Act of 1954 which comprises this chapter.

AMENDMENTS

2005—Subsec. (a)(1). Pub. L. 109-58, § 637(a)(1)(A), substituted "The" for "Except as provided in paragraph (3), the".

Subsec. (a)(3). Pub. L. 109-58, § 637(a)(1)(B), struck out heading and text of par. (3). Text read as follows: "The last assessment of annual charges under subsection (c) of this section shall be made not later than September 20, 2005."

Subsec. (c)(2)(A)(iii), (iv). Pub. L. 109-58, § 637(a)(2)(A)-(C), added cls. (iii) and (iv).

Subsec. (c)(2)(B)(v). Pub. L. 109-58, § 637(a)(2)(D), amended cl. (v) generally. Prior to amendment, cl. (v) read as follows: "90 percent for fiscal year 2005 and fiscal year 2006."

Pub. L. 109-103 inserted "and fiscal year 2006" before period at end.

2000—Subsec. (a)(3). Pub. L. 106-377, § 1(a)(2) [title VIII], which directed substitution of "September 20, 2005" for "September 30, 1999", was executed by making the substitution for "September 30, 2000" to reflect the probable intent of Congress and the amendment by Pub. L. 106-60, § 604. See 1999 Amendment note below.

Subsec. (c)(1). Pub. L. 106-377, § 1(a)(2) [title VIII], inserted "or certificate holder" after "licensee".

Subsec. (c)(2). Pub. L. 106-377, § 1(a)(2) [title VIII], added par. (2) and struck out heading and text of former par. (2). Text read as follows: "The aggregate amount of the annual charge collected from all licensees shall equal an amount that approximates 100 percent of the budget authority of the Commission in the fiscal year in which such charge is collected, less any amount appropriated to the Commission from the Nuclear Waste Fund and the amount of fees collected under subsection (b) of this section in such fiscal year."

1999—Subsec. (a)(3). Pub. L. 106-60 substituted "September 30, 2000" for "September 30, 1999".

1998—Subsec. (a)(3). Pub. L. 105-245 substituted "September 30, 1999" for "September 30, 1998".

1993—Subsec. (a)(3). Pub. L. 103-66 substituted "September 30, 1998" for "September 30, 1995".

1992—Subsec. (c)(1). Pub. L. 102-486, § 2903(a)(1), substituted "Except as provided in paragraph (4), any licensee" for "Any licensee".

Subsec. (c)(4). Pub. L. 102-486, § 2903(a)(2), added par. (4).

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-58, title VI, § 637(c), Aug. 8, 2005, 119 Stat. 791, provided that: "The amendments made by this sec-

tion [amending this section and repealing section 2213 of this title] take effect on October 1, 2006.”

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-486, title XXIX, §2903(b), Oct. 24, 1992, 106 Stat. 3125, provided that: “The amendments made [by] subsection (a) [amending this section] shall apply to annual charges assessed under section 6101(c) of the Omnibus Budget Reconciliation Act of 1990 [42 U.S.C. 2214(c)] for fiscal year 1992 or any succeeding fiscal year.”

POLICY REVIEW

Pub. L. 102-486, title XXIX, §2903(c), Oct. 24, 1992, 106 Stat. 3125, provided that: “The Nuclear Regulatory Commission shall review its policy for assessment of annual charges under section 6101(c) of the Omnibus Budget Reconciliation Act of 1990 [42 U.S.C. 2214(c)], solicit public comment on the need for changes to such policy, and recommend to the Congress such changes in existing law as the Commission finds are needed to prevent the placement of an unfair burden on certain licensees of the Commission, in particular those that hold licenses to operate federally owned research reactors used primarily for educational training and academic research purposes.”

SUBCHAPTER XIV—COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

§ 2221. Just compensation for requisitioned property

The United States shall make just compensation for any property or interests therein taken or requisitioned pursuant to sections 2063, 2075, 2096, and 2138 of this title. Except in case of real property or any interest therein, the Commission shall determine and pay such just compensation. If the compensation so determined is unsatisfactory to the person entitled thereto, such person shall be paid 75 per centum of the amount so determined, and shall be entitled to sue the United States in the United States Court of Federal Claims or in any district court of the United States for the district in which such claimant is a resident in the manner provided by section 1346 of title 28 to recover such further sum as added to said 75 per centum will constitute just compensation.

(Aug. 1, 1946, ch. 724, title I, §171, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 952; amended Pub. L. 88-489, §17, Aug. 26, 1964, 78 Stat. 606; Pub. L. 97-164, title I, §160(a)(16), Apr. 2, 1982, 96 Stat. 48; renumbered title I, Pub. L. 102-486, title IX, §902(a)(8), Oct. 24, 1992, 106 Stat. 2944; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1813(a) of this title, prior to the general amendment and renumbering of act Aug. 1, 1946, by act Aug. 30, 1954.

AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Pub. L. 97-164 substituted “United States Claims Court” for “Court of Claims”.

1964—Pub. L. 88-489 substituted “2075” for “2072 (with respect to the material for which the United States is required to pay just compensation).”

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note

under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

RETROCESSION OF LAND TO NEW MEXICO

Act Aug. 30, 1954, ch. 1073, §3, 68 Stat. 961, provided that:

“There is hereby retroceded to the State of New Mexico the exclusive jurisdiction heretofore acquired from the State of New Mexico by the United States of America over the following land of the United States Atomic Energy Commission in Bernalillo County and within the boundaries of the Sandia base, Albuquerque, New Mexico.

“Beginning at the center quarter corner of section 30, township 10 north, range 4 east, New Mexico principal meridian, Bernalillo County, New Mexico, thence south no degrees twenty-three minutes thirty seconds west one thousand nine hundred forty-seven and twenty one-hundredths feet, thence north eighty-nine degrees thirty-six minutes forty-five seconds east two thousand sixty-eight and forty one-hundredths feet, thence north eighty-nine degrees three minutes fifteen seconds east five hundred forty-six feet, thence north no degrees thirty-nine minutes no seconds east two hundred thirty-two and seventy one-hundredths feet, thence north eighty-nine degrees twenty-one minutes no seconds west eight hundred fifty-two and twenty one-hundredths feet, thence north no degrees thirty-nine minutes no seconds east five hundred and sixty one-hundredths feet, thence along the back of the south curb of West Sandia Drive, Sandia Base, Bernalillo County, New Mexico, eight hundred sixty-five and sixty one-hundredths feet, thence north no degrees thirty-nine minutes no seconds east one thousand three hundred thirty-five and three-tenths feet to a point south eighty-nine degrees twenty-seven minutes forty-five seconds west a distance of thirty feet from the quarter corner common to sections 30 and 29, township 10 north, range 4 east, thence south eighty-nine degrees, twenty-seven minutes forty-five seconds west two thousand six hundred twenty-three and forty one-hundredths feet to the point of beginning.

“This retrocession of jurisdiction shall take effect upon acceptance by the State of New Mexico.”

§ 2222. Condemnation of real property

Proceedings for condemnation shall be instituted pursuant to the provisions of section 3113 of title 40, and section 1403 of title 28. Sections 3114 to 3116 and 3118 of title 40 shall be applicable to any such proceedings.

(Aug. 1, 1946, ch. 724, title I, §172, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 953; renumbered title I, Pub. L. 102-486, title IX, §902(a)(8), Oct. 24, 1992, 106 Stat. 2944.)

CODIFICATION

In text, “section 3113 of title 40” substituted for “the Act approved August 1, 1888, as amended,” and “Sections 3114 to 3116 and 3118 of title 40” substituted for “The Act approved February 26, 1931, as amended,” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1813(b) of this title, prior to the general amendment and renumbering of act Aug. 1, 1946, by act Aug. 30, 1954.