

§ 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 Repealed.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).

(2) First assessment

The first assessment of fees under subsection (b) and annual charges under subsection (c) 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), 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 Commission for the fiscal year stated in subparagraph (B), less—

(i) amounts collected under subsection (b) 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 section [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