

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).

(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;

(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; and

(v) amounts appropriated to the Commission for the fiscal year for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, including activities required under section 103¹ of the Nuclear Energy Innovation and Modernization Act.

(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; Pub. L. 115-439, title I, § 101(a), Jan. 14, 2019, 132 Stat. 5567.)

REPEAL OF SECTION

Pub. L. 115-439, title I, § 101(b), Jan. 14, 2019, 132 Stat. 5568, provided that, effective Oct. 1, 2020, this section is repealed.

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.

Section 103 of the Nuclear Energy Innovation and Modernization Act, referred to in subsec. (c)(2)(A)(v), is section 103 of Pub. L. 115-439, title I, Jan. 14, 2019, 132 Stat. 5571. Subsec. (a) of section 103 of Pub. L. 115-439 enacted provisions set out as a note under section 2133 of this title. Subsecs. (b) to (e) of section 103 of Pub. L. 115-439 are not classified to the Code.

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

2019—Subsec. (c)(2)(A)(v). Pub. L. 115-439 added cl. (v).

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

¹ See References in Text note below.

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 REPEAL

Pub. L. 115-439, title I, §101(b), Jan. 14, 2019, 132 Stat. 5568, provided that: “Effective October 1, 2020, section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is repealed.”

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.”

§ 2215. Nuclear Regulatory Commission user fees and annual charges for fiscal year 2021 and each fiscal year thereafter

(a) Annual budget justification

(1) In general

In the annual budget justification submitted by the Commission to Congress, the Commission shall expressly identify anticipated expenditures necessary for completion of the requested activities of the Commission anticipated to occur during the applicable fiscal year.

(2) Restriction

Budget authority granted to the Commission for purposes of the requested activities of the Commission shall be used, to the maximum extent practicable, solely for conducting requested activities of the Commission.

(3) Limitation on corporate support costs

With respect to the annual budget justification submitted to Congress, corporate support

costs, to the maximum extent practicable, shall not exceed the following percentages of the total budget authority of the Commission requested in the annual budget justification:

(A) 30 percent for each of fiscal years 2021 and 2022.

(B) 29 percent for each of fiscal years 2023 and 2024.

(C) 28 percent for fiscal year 2025 and each fiscal year thereafter.

(b) Fees and charges

(1) Annual assessment

(A) In general

Each fiscal year, the Commission shall assess and collect fees and charges in accordance with paragraphs (2) and (3) in a manner that ensures that, to the maximum extent practicable, the amount assessed and collected is equal to an amount that approximates—

(i) the total budget authority of the Commission for that fiscal year; less

(ii) the budget authority of the Commission for the activities described in subparagraph (B).

(B) Excluded activities described

The activities referred to in subparagraph (A)(ii) are the following:

(i) Any fee relief activity, as identified by the Commission.

(ii) Amounts appropriated for a fiscal year to the Commission—

(I) from the Nuclear Waste Fund established under section 10222(c) of this title;

(II) for implementation of section 3116 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2601 note;¹ Public Law 108-375);

(III) for the homeland security activities of the Commission (other than for the costs of fingerprinting and background checks required under section 2169 of this title and the costs of conducting security inspections);

(IV) for the Inspector General services of the Commission provided to the Defense Nuclear Facilities Safety Board;

(V) for research and development at universities in areas relevant to the mission of the Commission; and

(VI) for a nuclear science and engineering grant program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

(iii) Costs for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies, including activities required under section 103.¹

(C) Exception

The exclusion described in subparagraph (B)(iii) shall cease to be effective on January 1, 2031.

¹ See References in Text below.