

ATOMIC ENERGY ACT OF 1946 AND AMENDMENTS

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[PUBLIC LAW 585—79TH CONGRESS]

[CHAPTER 724—2D SESSION]

[S. 1717]

AN ACT

For the development and control of atomic energy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. (a) FINDINGS AND DECLARATION.—Research and experimentation in the field of nuclear chain reaction have attained the stage at which the release of atomic energy on a large scale is practical. The significance of the atomic bomb for military purposes is evident. The effect of the use of atomic energy for civilian purposes upon the social, economic, and political structures of today cannot now be determined. It is a field in which unknown factors are involved. Therefore, any legislation will necessarily be subject to revision from time to time. It is reasonable to anticipate, however, that tapping this new source of energy will cause profound changes in our present way of life. Accordingly, it is hereby declared to be the policy of the people of the United States that, subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace.

(b) PURPOSE OF ACT.—It is the purpose of this Act to effectuate the policies set out in section 1 (a) by providing, among others, for the following major programs relating to atomic energy:

(1) A program of assisting and fostering private research and development to encourage maximum scientific progress;

(2) A program for the control of scientific and technical information which will permit the dissemination of such information to encourage scientific progress, and for the sharing on a reciprocal basis of information concerning the practical industrial application of atomic energy as soon as effective and enforceable safeguards against its use for destructive purposes can be devised;

(3) A program of federally conducted research and development to assure the Government of adequate scientific and technical accomplishment;

(4) A program for Government control of the production, ownership, and use of fissionable material to assure the common defense and security and to insure the broadest possible exploitation of the fields; and

(5) A program of administration which will be consistent with the foregoing policies and with international arrangements made by the

United States, and which will enable the Congress to be currently informed so as to take further legislative action as may hereafter be appropriate.

ORGANIZATION

SEC. 2. (a) ATOMIC ENERGY COMMISSION.—

(1) There is hereby established an Atomic Energy Commission (herein called the Commission), which shall be composed of five members. Three members shall constitute a quorum of the Commission. The President shall designate one member as Chairman of the Commission.

(2) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and the qualifications of the nominee. The term of office of each member of the Commission taking office prior to the expiration of two years after the date of enactment of this Act shall expire upon the expiration of such two years. The term of office of each member of the Commission taking office after the expiration of two years from the date of enactment of this Act shall be five years, except that (A) the terms of office of the members first taking office after the expiration of two years from the date of enactment of this Act shall expire, as designated by the President at the time of appointment, one at the end of three years, one at the end of four years, one at the end of five years, one at the end of six years, and one at the end of seven years, after the date of enactment of this Act; and (B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Each member, except the Chairman, shall receive compensation at the rate of \$15,000 per annum; and the Chairman shall receive compensation at the rate of \$17,500 per annum. No member of the Commission shall engage in any other business, vocation, or employment than that of serving as a member of the Commission.

(3) The principal office of the Commission shall be in the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place. The Commission shall hold such meetings, conduct such hearings, and receive such reports as may be necessary to enable it to carry out the provisions of this Act.

(4) There are hereby established within the Commission—

(A) a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$15,000 per annum. The Commission may make recommendations to the President with respect to the appointment or removal of the General Manager.

(B) a Division of Research, a Division of Production, a Division of Engineering, and a Division of Military Application.

Each division shall be under the direction of a Director who shall be appointed by the Commission, and shall receive compensation at the rate of \$14,000 per annum. The Director of the Division of Military Application shall be a member of the armed forces. The Commission shall require each such division to exercise such of the Commission's powers under this Act as the Commission may determine, except that the authority granted under section 3 (a) of this Act shall not be exercised by the Division of Research.

(b) **GENERAL ADVISORY COMMITTEE.**—There shall be a General Advisory Committee to advise the Commission on scientific and technical matters relating to materials, production, and research and development, to be composed of nine members, who shall be appointed from civilian life by the President. Each member shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of the enactment of this Act shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after the date of the enactment of this Act. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation of \$50 for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Committee.

(c) **MILITARY LIAISON COMMITTEE.**—There shall be a Military Liaison Committee consisting of representatives of the Departments of War and Navy, detailed or assigned thereto, without additional compensation, by the Secretaries of War and Navy in such number as they may determine. The Commission shall advise and consult with the Committee on all atomic energy matters which the Committee deems to relate to military applications, including the development, manufacture, use, and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission shall keep the Committee fully informed of all such matters before it and the Committee shall keep the Commission fully informed of all atomic energy activities of the War and Navy Departments. The Committee shall have authority to make written recommendations to the Commission on matters relating to military applications from time to time as it may deem appropriate. If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Departments of War or Navy, derived from the Constitution, laws, and treaties, the Committee may refer such action, proposed action, or failure to act to the Secretaries of War and Navy. If either Secretary concurs, he may refer the matter to the President, whose decision shall be final.

(d) **APPOINTMENT OF ARMY AND NAVY OFFICERS.**—Notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., 1940 edition, title 10, sec. 576), section 212 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government

for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932, as amended (U. S. C., 1940 edition, title 5, sec. 59a), section 2 of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes", approved July 31, 1894, as amended (U. S. C., 1940 edition, title 5, sec. 62), or any other law, any active or retired officer of the Army or the Navy may serve as Director of the Division of Military Application established by subsection (a) (4) (B) of this section, without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive, in addition to his pay from the United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in subsection (a) (4) (B) of this section.

RESEARCH

SEC. 3. (a) RESEARCH ASSISTANCE.—The Commission is directed to exercise its powers in such manner as to insure the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in such fields. To this end the Commission is authorized and directed to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities relating to—

- (1) nuclear processes;
- (2) the theory and production of atomic energy, including processes, materials, and devices related to such production;
- (3) utilization of fissionable and radioactive materials for medical, biological, health, or military purposes;
- (4) utilization of fissionable and radioactive materials and processes entailed in the production of such materials for all other purposes, including industrial uses; and
- (5) the protection of health during research and production activities.

The Commission may make such arrangements without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and may make partial and advance payments under such arrangements, and may make available for use in connection therewith such of its equipment and facilities as it may deem desirable. Such arrangements shall contain such provisions to protect health, to minimize danger from explosion and other hazards to life or property, and to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine; but shall not contain any provisions or conditions which prevent the dissemination of scientific or technical information, except to the extent such dissemination is prohibited by law.

(b) RESEARCH BY THE COMMISSION.—The Commission is authorized and directed to conduct, through its own facilities, activities and studies of the types specified in subsection (a) above.

PRODUCTION OF FISSIONABLE MATERIAL

SEC. 4. (a) DEFINITION.—As used in this Act, the term “produce”, when used in relation to fissionable material, means to manufacture, produce, or refine fissionable material, as distinguished from source materials as defined in section 5 (b) (1), or to separate fissionable material from other substances in which such material may be contained or to produce new fissionable material.

(b) PROHIBITION.—It shall be unlawful for any person to own any facilities for the production of fissionable material or for any person to produce fissionable material, except to the extent authorized by subsection (c).

(c) OWNERSHIP AND OPERATION OF PRODUCTION FACILITIES.—

(1) OWNERSHIP OF PRODUCTION FACILITIES.—The Commission, as agent of and on behalf of the United States, shall be the exclusive owner of all facilities for the production of fissionable material other than facilities which (A) are useful in the conduct of research and development activities in the fields specified in section 3, and (B) do not, in the opinion of the Commission, have a potential production rate adequate to enable the operator of such facilities to produce within a reasonable period of time a sufficient quantity of fissionable material to produce an atomic bomb or any other atomic weapon.

(2) OPERATION OF THE COMMISSION'S PRODUCTION FACILITIES.—The Commission is authorized and directed to produce or to provide for the production of fissionable material in its own facilities. To the extent deemed necessary, the Commission is authorized to make, or to continue in effect, contracts with persons obligating them to produce fissionable material in facilities owned by the Commission. The Commission is also authorized to enter into research and development contracts authorizing the contractor to produce fissionable material in facilities owned by the Commission to the extent that the production of such fissionable material may be incident to the conduct of research and development activities under such contracts. Any contract entered into under this section shall contain provisions (A) prohibiting the contractor with the Commission from subcontracting any part of the work he is obligated to perform under the contract, except as authorized by the Commission, and (B) obligating the contractor to make such reports to the Commission as it may deem appropriate with respect to his activities under the contract, to submit to frequent inspection by employees of the Commission of all such activities, and to comply with all safety and security regulations which may be prescribed by the Commission. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made under such contracts. The President shall determine at least once each year the quantities of fissionable material to be produced under this paragraph.

(3) **OPERATION OF OTHER PRODUCTION FACILITIES.**—Fissionable material may be produced in the conduct of research and development activities in facilities which, under paragraph (1) above, are not required to be owned by the Commission.

(d) **IRRADIATION OF MATERIALS.**—For the purpose of increasing the supply of radioactive materials, the Commission and persons lawfully producing or utilizing fissionable material are authorized to expose materials of any kind to the radiation incident to the processes of producing or utilizing fissionable material.

(e) **MANUFACTURE OF PRODUCTION FACILITIES.**—Unless authorized by a license issued by the Commission, no person may manufacture, produce, transfer, or acquire any facilities for the production of fissionable material. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish and shall be issued in accordance with such standards and upon such conditions as will restrict the production and distribution of such facilities to effectuate the policies and purposes of this Act. Nothing in this section shall be deemed to require a license for such manufacture, production, transfer, or acquisition incident to or for the conduct of research or development activities in the United States of the types specified in section 3, or to prohibit the Commission from manufacturing or producing such facilities for its own use.

CONTROL OF MATERIALS

SEC. 5. (a) FISSIONABLE MATERIALS.—

(1) **DEFINITION.**—As used in this Act, the term "fissionable material" means plutonium, uranium enriched in the isotope 235, any other material which the Commission determines to be capable of releasing substantial quantities of energy through nuclear chain reaction of the material, or any material artificially enriched by any of the foregoing; but does not include source materials, as defined in section 5 (b) (1).

(2) **GOVERNMENT OWNERSHIP OF ALL FISSIONABLE MATERIAL.**—All right, title, and interest within or under the jurisdiction of the United States, in or to any fissionable material, now or hereafter produced, shall be the property of the Commission, and shall be deemed to be vested in the Commission by virtue of this Act. Any person owning any interest in any fissionable material at the time of the enactment of this Act, or owning any interest in any material at the time when such material is hereafter determined to be a fissionable material, or who lawfully produces any fissionable material incident to privately financed research or development activities, shall be paid just compensation therefor. The Commission may, by action consistent with the provisions of paragraph (4) below, authorize any such person to retain possession of such fissionable material, but no person shall have any title in or to any fissionable material.

(3) **PROHIBITION.**—It shall be unlawful for any person, after sixty days from the effective date of this Act to (A) possess or transfer any fissionable material, except as authorized by the Commission, or (B) export from or import into the United States any fissionable material, or (C) directly or indirectly engage in the production of any fissionable material outside of the United States.

(4) **DISTRIBUTION OF FISSIONABLE MATERIAL.**—Without prejudice to its continued ownership thereof, the Commission is authorized to

distribute fissionable material owned by it, with or without charge, to applicants requesting such material (A) for the conduct of research or development activities either independently or under contract or other arrangement with the Commission, (B) for use in medical therapy, or (C) for use pursuant to a license issued under the authority of section 7. Such material shall be distributed in such quantities and on such terms that no applicant will be enabled to obtain an amount sufficient to construct a bomb or other military weapon. The Commission is directed to distribute sufficient fissionable material to permit the conduct of widespread independent research and development activity, to the maximum extent practicable. In determining the quantities of fissionable material to be distributed, the Commission shall make such provisions for its own needs and for the conservation of fissionable material as it may determine to be necessary in the national interest for the future development of atomic energy. The Commission shall not distribute any material to any applicant, and shall recall any distributed material from any applicant, who is not equipped to observe or who fails to observe such safety standards to protect health and to minimize danger from explosion or other hazard to life or property as may be established by the Commission, or who uses such material in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor.

(5) The Commission is authorized to purchase or otherwise acquire any fissionable material or any interest therein outside the United States, or any interest in facilities for the production of fissionable material, or in real property on which such facilities are located, without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made under contracts for such purposes. The Commission is further authorized to take, requisition, or condemn, or otherwise acquire any interest in such facilities or real property, and just compensation shall be made therefor.

(b) SOURCE MATERIALS.—

(1) DEFINITION.—As used in this Act, the term "source material" means uranium, thorium, or any other material which is determined by the Commission, with the approval of the President, to be peculiarly essential to the production of fissionable materials; but includes ores only if they contain one or more of the foregoing materials in such concentration as the Commission may by regulation determine from time to time.

(2) LICENSE FOR TRANSFERS REQUIRED.—Unless authorized by a license issued by the Commission, no person may transfer or deliver, receive possession of or title to, or export from the United States any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source materials which, in the opinion of the Commission, are unimportant.

(3) ISSUANCE OF LICENSES.—The Commission shall establish such standards for the issuance, refusal, or revocation of licenses as it may deem necessary to assure adequate source materials for production, research, or development activities pursuant to this Act or to prevent

the use of such materials in a manner inconsistent with the national welfare. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish.

(4) **REPORTING.**—The Commission is authorized to issue such regulations or orders requiring reports of ownership, possession, extraction, refining, shipment, or other handling of source materials as it may deem necessary, except that such reports shall not be required with respect to (A) any source material prior to removal from its place of deposit in nature, or (B) quantities of source materials which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

(5) **ACQUISITION.**—The Commission is authorized and directed to purchase, take, requisition, condemn, or otherwise acquire, supplies of source materials or any interest in real property containing deposits of source materials to the extent it deems necessary to effectuate the provisions of this Act. Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property taken, requisitioned, or condemned under this paragraph.

(6) **EXPLORATION.**—The Commission is authorized to conduct and enter into contracts for the conduct of exploratory operations, investigations, and inspections to determine the location, extent, mode of occurrence, use, or conditions of deposits or supplies of source materials, making just compensation for any damage or injury occasioned thereby. Such exploratory operations may be conducted only with the consent of the owner, but such investigations and inspections may be conducted with or without such consent.

(7) **PUBLIC LANDS.**—All uranium, thorium, and all other materials determined pursuant to paragraph (1) of this subsection to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the public lands are hereby reserved for the use of the United States subject to valid claims, rights, or privileges existing on the date of the enactment of this Act: *Provided, however,* That no individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, its, or their benefit. The Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization hereafter granted to use the public lands or their mineral resources,

under any of which there might result the extraction of any materials so reserved, a reservation to the United States of all such materials, whether or not of commercial value, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. Any lands so patented, conveyed, leased, or otherwise disposed of may be used, and any rights under any such permit or authorization may be exercised, as if no reservation of such materials had been made under this subsection; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under this subsection, such material shall be the property of the Commission and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation made pursuant to this paragraph shall be of no further force or effect.

(c) **BYPRODUCT MATERIALS.—**

(1) **DEFINITION.**—As used in this Act, the term “byproduct material” means any radioactive material (except fissionable material) yielded in or made radioactive by exposure to the radiation incident to the processes of producing or utilizing fissionable material.

(2) **DISTRIBUTION.**—The Commission is authorized to distribute, with or without charge, byproduct materials to applicants seeking such materials for research or development activity, medical therapy, industrial uses, or such other useful applications as may be developed. In distributing such materials, the Commission shall give preference to applicants proposing to use such materials in the conduct of research and development activity or medical therapy. The Commission shall not distribute any byproduct materials to any applicant, and shall recall any distributed materials from any applicant, who is not equipped to observe or who fails to observe such safety standards to protect health as may be established by the Commission or who uses such materials in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor.

(d) **GENERAL PROVISIONS.**—The Commission shall not—

(1) distribute any fissionable material to (A) any person for a use which is not under or within the jurisdiction of the United States, (B) any foreign government, or (C) any person within the United States if, in the opinion of the Commission, the distribution of such fissionable material to such person would be inimical to the common defense and security.

(2) license any person to transfer or deliver, receive possession of or title to, or export from the United States any source material if, in the opinion of the Commission, the issuance of a license to such person for such purpose would be inimical to the common defense and security.

MILITARY APPLICATIONS OF ATOMIC ENERGY

SEC. 6 (a) AUTHORITY.—The Commission is authorized to—

(1) conduct experiments and do research and development work in the military application of atomic energy; and

(2) engage in the production of atomic bombs, atomic bomb parts, or other military weapons utilizing fissionable materials; except that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and direction shall be obtained at least once each year.

The President from time to time may direct the Commission (1) to deliver such quantities of fissionable materials or weapons to the armed forces for such use as he deems necessary in the interest of national defense or (2) to authorize the armed forces to manufacture, produce, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon.

(b) PROHIBITION.—It shall be unlawful for any person to manufacture, produce, transfer, or acquire any equipment or device utilizing fissionable material or atomic energy as a military weapon, except as may be authorized by the Commission. Nothing in this subsection shall be deemed to modify the provisions of section 4 of this Act, or to prohibit research activities in respect of military weapons, or to permit the export of any such equipment or device.

UTILIZATION OF ATOMIC ENERGY

SEC. 7. (a) LICENSE REQUIRED.—It shall be unlawful, except as provided in sections 5 (a) (4) (A) or (B) or 6 (a), for any person to manufacture, produce, or export any equipment or device utilizing fissionable material or atomic energy or to utilize fissionable material or atomic energy with or without such equipment or device, except under and in accordance with a license issued by the Commission authorizing such manufacture, production, export, or utilization. No license may permit any such activity if fissionable material is produced incident to such activity, except as provided in sections 3 and 4. Nothing in this section shall be deemed to require a license for the conduct of research or development activities relating to the manufacture of such equipment or devices or the utilization of fissionable material or atomic energy, or for the manufacture or use of equipment or devices for medical therapy.

(b) REPORT TO CONGRESS.—Whenever in its opinion any industrial, commercial, or other nonmilitary use of fissionable material or atomic energy has been sufficiently developed to be of practical value, the Commission shall prepare a report to the President stating all the facts with respect to such use, the Commission's estimate of the social, political, economic, and international effects of such use and the Commission's recommendations for necessary or desirable supplemental legislation. The President shall then transmit this report to the

Congress together with his recommendations. No license for any manufacture, production, export, or use shall be issued by the Commission under this section until after (1) a report with respect to such manufacture, production, export, or use has been filed with the Congress; and (2) a period of ninety days in which the Congress was in session has elapsed after the report has been so filed. In computing such period of ninety days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.

(c) **ISSUANCE OF LICENSES.**—After such ninety-day period, unless hereafter prohibited by law, the Commission may license such manufacture, production, export, or use in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this Act. The Commission is authorized and directed to issue licenses on a nonexclusive basis and to supply to the extent available appropriate quantities of fissionable material to licensees (1) whose proposed activities will serve some useful purpose proportionate to the quantities of fissionable material to be consumed; (2) who are equipped to observe such safety standards to protect health and to minimize danger from explosion or other hazard to life or property as the Commission may establish; and (3) who agree to make available to the Commission such technical information and data concerning their activities pursuant to such licenses as the Commission may determine necessary to encourage similar activities by as many licensees as possible. Each such license shall be issued for a specified period, shall be revocable at any time by the Commission in accordance with such procedures as the Commission may establish, and may be renewed upon the expiration of such period. Where activities under any license might serve to maintain or to foster the growth of monopoly, restraint of trade, unlawful competition, or other trade position inimical to the entry of new, freely competitive enterprises in the field, the Commission is authorized and directed to refuse to issue such license or to establish such conditions to prevent these results as the Commission, in consultation with the Attorney General, may determine. The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization of fissionable material or atomic energy which appears to have these results. No license may be given to any person for activities which are not under or within the jurisdiction of the United States, to any foreign government, or to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security.

(d) **BYPRODUCT POWER.**—If energy which may be utilized is produced in the production of fissionable material, such energy may be used by the Commission, transferred to other Government agencies, or sold to public or private utilities under contracts providing for reasonable resale prices.

INTERNATIONAL ARRANGEMENTS

SEC. 8. (a) DEFINITION.—As used in this Act, the term "international arrangement" shall mean any treaty approved by the Senate or international agreement hereafter approved by the Congress, during the time such treaty or agreement is in full force and effect.

(b) **EFFECT OF INTERNATIONAL ARRANGEMENTS.**—Any provision of this Act or any action of the Commission to the extent that it conflicts with the provisions of any international arrangement made after the date of enactment of this Act shall be deemed to be of no further force or effect.

(c) **POLICIES CONTAINED IN INTERNATIONAL ARRANGEMENTS.**—In the performance of its functions under this Act, the Commission shall give maximum effect to the policies contained in any such international arrangement.

PROPERTY OF THE COMMISSION

SEC. 9. (a) The President shall direct the transfer to the Commission of all interests owned by the United States or any Government agency in the following property:

(1) All fissionable material; all atomic weapons and parts thereof; all facilities, equipment, and materials for the processing, production, or utilization of fissionable material or atomic energy; all processes and technical information of any kind, and the source thereof (including data, drawings, specifications, patents, patent applications, and other sources (relating to the processing, production, or utilization of fissionable material or atomic energy; and all contracts, agreements, leases, patents, applications for patents, inventions and discoveries (whether patented or unpatented), and other rights of any kind concerning any such items;

(2) All facilities, equipment, and materials, devoted primarily to atomic energy research and development; and

(3) Such other property owned by or in the custody or control of the Manhattan Engineer District or other Government agencies as the President may determine.

(b) In order to render financial assistance to those States and localities in which the activities of the Commission are carried on and in which the Commission has acquired property previously subject to State and local taxation, the Commission is authorized to make payments to State and local governments in lieu of property taxes. Such payments may be in the amounts, at the times, and upon the terms the Commission deems appropriate, but the Commission shall be guided by the policy of not making payments in excess of the taxes which would have been payable for such property in the condition in which it was acquired, except in cases where special burdens have been cast upon the State or local government by activities of the Commission, the Manhattan Engineer District or their agents. In any such case, any benefit accruing to the State or local government by reason of such activities shall be considered in determining the amount of the payment. The Commission, and the property, activities, and income of the Commission, are hereby expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision thereof.

CONTROL OF INFORMATION

SEC. 10. (a) **POLICY.**—It shall be the policy of the Commission to control the dissemination of restricted data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

(1) That until Congress declares by joint resolution that effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established, there shall be no exchange of information with other nations with respect to the use of atomic energy for industrial purposes; and

(2) That the dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticisms which is essential to scientific progress.

(b) RESTRICTIONS.—

(1) The term "restricted data" as used in this section means all data concerning the manufacture or utilization of atomic weapons, the production of fissionable material, or the use of fissionable material in the production of power, but shall not include any data which the Commission from time to time determines may be published without adversely affecting the common defense and security.

(2) Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with, any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data—

(A) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both;

(B) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both.

(3) Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires or attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both.

(4) Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, removes, conceals, tampers with, alters, mutilates, or destroys any document, writing, sketch, photograph, plan, model, instrument, appliance, or note involving or incorporating restricted data and used by any individual or person in connection with the production of fissionable material, or

research or development relating to atomic energy, conducted by the United States, or financed in whole or in part by Federal funds, or conducted with the aid of fissionable material, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than \$20,000 or imprisonment for not more than twenty years or both.

(5) (A) No person shall be prosecuted for any violation under this section unless and until the Attorney General of the United States has advised the Commission with respect to such prosecution and no such prosecution shall be commenced except upon the express direction of the Attorney General of the United States.

(B) (i) No arrangement shall be made under section 3, no contract shall be made or continued in effect under section 4, and no license shall be issued under section 4 (e) or 7, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to restricted data until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual and the Commission shall have determined that permitting such person to have access to restricted data will not endanger the common defense or security.

(ii) Except as authorized by the Commission in case of emergency, no individual shall be employed by the Commission until the Federal Bureau of Investigation shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual.

(iii) Notwithstanding the provisions of subparagraphs (i) and (ii), during such period of time after the enactment of this Act as may be necessary to make the investigation, report, and determination required by such paragraphs, (a) any individual who was permitted access to restricted data by the Manhattan Engineer District may be permitted access to restricted data and (b) the Commission may employ any individual who was employed by the Manhattan Engineer District.

(iv) To protect against the unlawful dissemination of restricted data and to safeguard facilities, equipment, materials, and other property of the Commission, the President shall have authority to utilize the services of any Government agency to the extent he may deem necessary or desirable.

(C) All violations of this Act shall be investigated by the Federal Bureau of Investigation of the Department of Justice.

(6) This section shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of this section.

(c) **INSPECTIONS, RECORDS, AND REPORTS.**—The Commission is—

(1) authorized by regulation or order to require such reports and the keeping of such records with respect to, and to provide for such inspections of, activities and studies of types specified in section 3 and of activities under licenses issued pursuant to

section 7 as may be necessary to effectuate the purposes of this Act;

(2) authorized and directed by regulation or order to require regular reports and records with respect to, and to provide for frequent inspections of, the production of fissionable material in the conduct of research and development activities.

PATENTS AND INVENTIONS

SEC. 11. (a) PRODUCTION AND MILITARY UTILIZATION.

(1) No patent shall hereafter be granted for any invention or discovery which is useful solely in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon. Any patent granted for any such invention or discovery is hereby revoked, and just compensation shall be made therefor.

(2) No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

(3) Any person who has made or hereafter makes any invention or discovery useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon shall file with the Commission a report containing a complete description thereof, unless such invention or discovery is described in an application for a patent filed in the Patent Office by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the latest: (A) The sixtieth day after the date of enactment of this Act; (B) the sixtieth day after the completion of such invention or discovery; or (C) the sixtieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.

(b) **USE OF INVENTIONS FOR RESEARCH.**—No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the conduct of research or development activities in the fields specified in section 8. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

(c) **NONMILITARY UTILIZATION.**—

(1) It shall be the duty of the Commission to declare any patent to be affected with the public interest if (A) the invention or discovery covered by the patent utilizes or is essential in the utilization of fissionable material or atomic energy; and (B) the licensing of such invention or discovery under this subsection is necessary to effectuate the policies and purposes of this Act.

(2) Whenever any patent has been declared, pursuant to paragraph (1), to be affected with the public interest—

(A) The Commission is hereby licensed to use the invention or discovery covered by such patent in performing any of its powers under this Act; and

(B) Any person to whom a license has been issued under section 7 is hereby licensed to use the invention or discovery covered by such patent to the extent such invention or discovery is used by him in carrying on the activities authorized by his license under section 7.

The owner of the patent shall be entitled to a reasonable royalty fee for any use of an invention or discovery licensed by this subsection. Such royalty fee may be agreed upon by such owner and the licensee, or in the absence of such agreement shall be determined by the Commission.

(3) No court shall have jurisdiction or power to stay, restrain, or otherwise enjoin the use of any invention or discovery by a licensee, to the extent that such use is licensed by paragraph (2) above, on the ground of infringement of any patent. If in any action for infringement against such licensee the court shall determine that the defendant is exercising such license, the measure of damages shall be the royalty fee determined pursuant to this section, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court. If no royalty fee has been determined, the court shall stay the proceeding until the royalty fee is determined pursuant to this section. If any such licensee shall fail to pay such royalty fee, the patentee may bring an action in any court of competent jurisdiction for such royalty fee, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court.

(d) ACQUISITION OF PATENTS.—The Commission is authorized to purchase, or to take, requisition, or condemn, and make just compensation for, (1) any invention or discovery which is useful in the production of fissionable material or in the utilization of fissionable material or atomic energy for a military weapon, or which utilizes or is essential in the utilization of fissionable material or atomic energy, or (2) any patent or patent application covering any such invention or discovery. The Commissioner of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which in his opinion disclose such inventions or discoveries and shall provide the Commission access to all such applications.

(e) COMPENSATION AWARDS, AND ROYALTIES.—

(1) PATENT COMPENSATION BOARD.—The Commission shall designate a Patent Compensation Board, consisting of two or more employees of the Commission, to consider applications under this subsection.

(2) ELIGIBILITY.—

(A) Any owner of a patent licensed under subsection (c) (2) or any licensee thereunder may make application to the Commission for the determination of a reasonable royalty fee in accordance with such procedures as it by regulation may establish.

(B) Any person seeking to obtain the just compensation provided in subsections (a), (b), or (d) shall make application therefor to the Commission in accordance with such procedures as it may by regulation establish.

(C) Any person making any invention or discovery useful in the production of fissionable material or in the utilization of

fissionable material or atomic energy for a military weapon who is not entitled to compensation therefor under subsection (a) and who has complied with subsection (a) (3) above may make application to the Commission for, and the Commission may grant, an award.

(D) Any person making application under this subsection shall have the right to be represented by counsel.

(8) STANDARDS.—

(A) In determining such reasonable royalty fee, the Commission shall take into consideration any defense, general or special, that might be pleaded by a defendant in an action for infringement, the extent to which, if any, such patent was developed through federally financed research, the degree of utility, novelty, and importance of the invention or discovery, and may consider the cost to the owner of the patent of developing such invention or discovery or acquiring such patent.

(B) In determining what constitutes just compensation under subsection (a), (b), or (d) above, the Commission shall take into account the considerations set forth in paragraph (A) above, and the actual use of such invention or discovery, and may determine that such compensation be paid in periodic payments or in a lump sum.

(C) In determining the amount of any award under paragraph (2) (C) of this subsection, the Commission shall take into account the considerations set forth in paragraph (A) above, and the actual use of such invention or discovery. Awards so made may be paid by the Commission in periodic payments or in a lump sum.

(4) JUDICIAL REVIEW.—Any person aggrieved by any determination of the Commission of an award or of a reasonable royalty fee may obtain a review of such determination in the Court of Appeals for the District of Columbia by filing in such court, within thirty days after notice of such determination, a written petition praying that such determination be set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the Commission shall file with the court a certified transcript of the entire record in the proceeding, including the findings and conclusions upon which the determination was based. Upon the filing of such transcript the court shall have exclusive jurisdiction upon the record certified to it to affirm the determination in its entirety or set it aside and remand it to the Commission for further proceedings. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code (U. S. C., title 28, sec. 347), by the Commission or any party to the court proceeding.

GENERAL AUTHORITY

SEC. 12. (a) In the performance of its functions the Commission is authorized to—

(1) establish advisory boards to advise with and make recommendations to the Commission on legislation, policies, administration, research, and other matters;

(2) establish by regulation or order such standards and instructions to govern the possession and use of fissionable and byproduct materials as the Commission may deem necessary or desirable to protect health or to minimize danger from explosions and other hazards to life or property;

(3) make such studies and investigations, obtain such information, and hold such hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this Act, or in the administration or enforcement of this Act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpoena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (U. S. C., title 49, sec. 46), shall apply with respect to any individual who specifically claims such privilege. Witnesses subpoenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States;

(4) appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1923, as amended, except that to the extent the Commission deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws. The Commission shall make adequate provision for administrative review of any determination to dismiss any employee;

(5) acquire such materials, property, equipment, and facilities, establish or construct such buildings and facilities, and modify such buildings and facilities from time to time as it may deem necessary, and construct, acquire, provide, or arrange for such facilities and services (at project sites where such facilities and services are not available) for the housing, health, safety, welfare, and recreation of personnel employed by the Commission as it may deem necessary;

(6) with the consent of the agency concerned, utilize or employ the services or personnel of any Government agency or any State or local government, or voluntary or uncompensated personnel, to perform such functions on its behalf as may appear desirable;

(7) acquire, purchase, lease, and hold real and personal property as agent of and on behalf of the United States and to sell, lease, grant, and dispose of such real and personal property as provided in this Act; and

(8) without regard to the provisions of the Surplus Property Act of 1944 or any other law, make such disposition as it may deem desirable of (A) radioactive materials, and (B) any other property the special disposition of which is, in the opinion of the Commission, in the interest of the national security.

(b) **SECURITY.**—The President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

(c) **ADVISORY COMMITTEES.**—The members of the General Advisory Committee established pursuant to section 2 (b) and the members of advisory boards established pursuant to subsection (a) (1) of this section may serve as such without regard to the provisions of sections 109 and 113 of the Criminal Code (18 U. S. C., secs. 198 and 203) or section 19 (e) of the Contract Settlement Act of 1944, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested.

COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

SEC. 13. (a). The United States shall make just compensation for any property or interests therein taken or requisitioned pursuant to sections 5 and 11. The Commission shall determine such compensation. If the compensation so determined is unsatisfactory to the person entitled thereto, such person shall be paid 50 per centum of the amount so determined, and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code to recover such further sum as added to said 50 per centum will make up such amount as will be just compensation.

(b) In the exercise of the rights of eminent domain and condemnation, proceedings may be instituted under the Act of August 1, 1888 (U. S. C., title 40, sec. 257), or any other applicable Federal statute. Upon or after the filing of the condemnation petition, immediate possession may be taken and the property may be occupied, used, and improved for the purposes of this Act, notwithstanding any other law. Real property acquired by purchase, donation, or other means of transfer may also be occupied, used, and improved for the purposes of this Act, prior to approval of title by the Attorney General.

JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

SEC. 14. (a) Notwithstanding the provisions of section 12 of the Administrative Procedure Act (Public Law 404, Seventy-ninth Congress, approved June 11, 1946) which provide when such Act shall take effect, section 10 of such Act (relating to judicial review) shall be applicable, upon the enactment of this Act, to any agency action under the authority of this Act or by any agency created by or under the provisions of this Act.

(b) Except as provided in subsection (a), no provision of this Act shall be held to supersede or modify the provisions of the Administrative Procedure Act.

(c) As used in this section the terms "agency action" and "agency" shall have the same meaning as is assigned to such terms in the Administrative Procedure Act.

JOINT COMMITTEE ON ATOMIC ENERGY

SEC. 15. (a) There is hereby established a Joint Committee on Atomic Energy to be composed of nine Members of the Senate to be

appointed by the President of the Senate, and nine Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five members shall be members of the same political party.

(b) The joint committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. The Commission shall keep the joint committee fully and currently informed with respect to the Commission's activities. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the joint committee. The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the joint committee or (2) otherwise within the jurisdiction of the joint committee.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection. The joint committee shall select a chairman and a vice chairman from among its members.

(d) The joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section.

(e) The joint committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

ENFORCEMENT

SEC. 16. (a) Whoever willfully violates, attempts to violate, or conspires to violate, any provision of sections 4 (b), 4 (e), 5 (a) (3), or 6 (b) shall, upon conviction thereof, be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment

for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States); or by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

(b) Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this Act other than those specified in subsection (a) and other than section 10 (b), or of any regulation or order prescribed or issued under sections 5 (b) (4), 10 (c), or 12 (a) (2), shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

(c) Whenever in the judgment of the Commission any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or any regulation or order issued thereunder, it may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Commission that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order may be granted.

(d) In case of failure of refusal to obey a subpoena served upon any person pursuant to section 12 (a) (3), the district court for any district in which such person is found or resides or transacts business, upon application by the Commission, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, in accordance with the subpoena; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

REPORTS

SEC. 17. The Commission shall submit to the Congress, in January and July of each year, a report concerning the activities of the Commission. The Commission shall include in such report, and shall at such other times as it deems desirable submit to the Congress, such recommendations for additional legislation as the Commission deems necessary or desirable.

DEFINITIONS

SEC. 18. As used in this Act—

(a) The term "atomic energy" shall be construed to mean all forms of energy released in the course of or as a result of nuclear fission or nuclear transformation.

(b) The term "Government agency" means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government.

(c) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, the United States or any agency thereof, any government other than the United States, any political subdivision of any such government, and any legal successor, representative, agent, or agency of the foregoing, or other entity, but shall not include the Commission or officers or employees of the Commission in the exercise of duly authorized functions.

(d) The term "United States", when used in a geographical sense, includes all Territories and possessions of the United States and the Canal Zone.

(e) The term "research and development" means theoretical analysis, exploration, and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(f) The term "equipment or device utilizing fissionable material or atomic energy" shall be construed to mean any equipment or device capable of making use of fissionable material or peculiarly adapted for making use of atomic energy and any important component part especially designed for such equipment or devices, as determined by the Commission.

(g) The term "facilities for the production of fissionable material" shall be construed to mean any equipment or device capable of such production and any important component part especially designed for such equipment or devices, as determined by the Commission.

APPROPRIATIONS

SEC. 19. There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act. The Acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only. Funds appropriated to the Commission shall, if obligated by contract during the fiscal year for which appropriated, remain available for expenditure for four years following the expiration of the fiscal year for which appropriated. After such four-year period, the unexpended balances of appropriations shall be carried to the surplus fund and covered into the Treasury.

SEPARABILITY OF PROVISIONS

SEC. 20. If any provision of this Act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SHORT TITLE

SEC. 21. This Act may be cited as the "Atomic Energy Act of 1946".
Approved August 1, 1946.

[PUBLIC LAW 898—80TH CONGRESS]

[CHAPTER 823—2D SESSION]

[H. R. 6402]

AN ACT

To provide for extension of the terms of office of the present members of the Atomic Energy Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 (a) (2) of the Atomic Energy Act of 1946 is amended to read as follows:“(2) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and the qualifications of the nominee. The term of office of each member of the Commission taking office prior to June 30, 1950, shall expire at midnight on June 30, 1950. The term of office of each member of the Commission taking office after June 30, 1950, shall be five years, except that (A) the terms of office of the members first taking office after June 30, 1950, shall expire, as designated by the President at the time of the appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after June 30, 1950; and (B) any member appointed to fill a vacancy, occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Each member, except the Chairman, shall receive compensation at the rate of \$15,000 per annum; and the Chairman shall receive compensation at the rate of \$17,500 per annum. No member of the Commission shall engage in any other business, vocation, or employment than that of serving as a member of the Commission.”

Approved July 3, 1948.

[PUBLIC LAW 347—81ST CONGRESS]
[CHAPTER 673—1ST SESSION]

[S. 2372]

AN ACT

To amend the Atomic Energy Act of 1946.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 (c) of the Atomic Energy Act of 1946 is amended to read as follows:

“(c) **MILITARY LIAISON COMMITTEE.**—There shall be a Military Liaison Committee consisting of a Chairman, who shall be the head thereof, and of a representative or representatives of the Departments of the Army, Navy, and Air Force, detailed or assigned thereto, without additional compensation, in such number as the Secretary of Defense may determine. Representatives from each of the three Departments shall be designated by the respective Secretaries of the Army, Navy, and Air Force. The Committee Chairman shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at a rate prescribed by law for the Chairman of the Munitions Board. The Commission shall advise and consult with the Committee on all atomic-energy matters which the Committee deems to relate to military applications, including the development, manufacture, use and storage of bombs, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission shall keep the Committee fully informed of all such matters before it and the Committee shall keep the Commission fully informed of all atomic energy activities of the Department of Defense. The Committee shall have authority to make written recommendations to the Commission on matters relating to military applications from time to time as it may deem appropriate. If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Department of Defense, derived from the Constitution, laws, and treaties, the Committee may refer such action, proposed action, or failure to act to the Secretary of Defense. If the Secretary concurs, he may refer the matter to the President, whose decision shall be final.”

SEC. 2. Section 2 (d) of the Atomic Energy Act of 1946 is amended by striking out “Army or the Navy” and inserting in lieu thereof, “Army, Navy, or Air Force”.

SEC. 3. Section 2 (d) of the Atomic Energy Act of 1946 is also amended by inserting at the end thereof the following two sentences: “Likewise, notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Military Liaison Committee established by subsection (c) of this section, without prejudice to his commissioned status as such officer. Any such officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay from the United States as such officer, an amount equal to the difference between such pay and the compensation prescribed in subsection (c) of this section.”

Approved October 11, 1949.

[PUBLIC LAW 422—81ST CONGRESS]

[CHAPTER 775—1ST SESSION]

[S. 2668]

AN ACT

To amend the Independent Offices Appropriation Act for the fiscal year 1950.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sentence in title I, Public Law 266, Eighty-first Congress, pertaining to appropriations for the use of the Atomic Energy Commission is hereby amended by striking out the period at the end thereof, inserting a colon, and adding the following new clause: "*Provided further,* That the two foregoing provisos shall have no application with respect to technical and production facilities (1) if the Commission certifies to the Director of the Bureau of the Budget that immediate construction or immediate continuation of construction is necessary to the national defense and security, and (2) if the Director agrees that such certification is justified."

Approved October 28, 1949.

(25)

[PUBLIC LAW 820—81ST CONGRESS]

[CHAPTER 1000—2D SESSION]

[S. 3437]

AN ACT

To amend the Atomic Energy Act of 1946.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the next-to-last sentence of section 2 (a) (2) of the Atomic Energy Act of 1946 is amended to read as follows: "Each member, except the Chairman, shall receive compensation at the rate of \$18,000 per annum; and the Chairman shall receive compensation at the rate of \$20,000 per annum."

SEC. 2. Section 2 (a) (4) (A) of the Atomic Energy Act of 1946 is amended to read as follows:

"(A) a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate fixed in the Commission's discretion but not to exceed \$20,000 per annum."

Approved September 23, 1950.

Public Law 163 - 82d Congress
Chapter 460 - 1st Session
H. R. 3585

AN ACT

All 65 Stat. 372.

To authorize and direct the Administrator of General Services to transfer to the Department of the Navy certain property located at Decatur, Illinois.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to transfer, without reimbursement, to the Department of the Navy those buildings known as the Atomic Energy Commission plant located at Decatur, Illinois, together with the land and facilities in connection therewith, including all personal property related thereto, and now under the control and jurisdiction of the General Services Administration.

Approved October 10, 1951.

Public Law 235 - 82d Congress
Chapter 633 - 1st Session
S. 2233

AN ACT

411 65 Stat. 692.

To amend the Atomic Energy Act of 1946, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 (a) (3) of the Atomic Energy Act of 1946, as amended, is amended to read as follows:

Atomic Energy Act of 1946, amendments. 60 Stat. 760. 42 U.S.C. § 1805.

"(3) PROHIBITION.—It shall be unlawful for any person to (A) possess or transfer any fissionable material, except as authorized by the Commission; or (B) export from or import into the United States any fissionable material; or (C) directly or indirectly engage in the production of any fissionable material outside of the United States, except, subject to the limitations and conditions contained in section 10 (a) (3), as authorized by the Commission upon a determination by the President that the common defense and security will not be adversely affected thereby."

Section 10 (a) is hereby amended by inserting the following subsection 10 (a) (3) after subsection 10 (a) (2):

42 U.S.C. § 1810.

"(3) Nothing contained in this section shall prohibit the Commission, when in its unanimous judgment the common defense and security would be substantially promoted and would not be endangered, subject to the limitations hereinafter set out, from entering into specific arrangements involving the communication to another nation of restricted data on refining, purification, and subsequent treatment of source materials; reactor development; production of fissionable materials; and research and development relating to the foregoing:

Communication of certain restricted data to other nations.

Provided,

Restrictions.

"(1) that no such arrangement shall involve the communication of restricted data on design and fabrication of atomic weapons;

"(2) that no such arrangement shall be entered into with any nation threatening the security of the United States;

"(3) that the restricted data involved shall be limited and circumscribed to the maximum degree consistent with the common defense and security objective in view, and that in the judgment of the Commission the recipient nation's security standards applicable to such data are adequate;

"(4) that the President, after securing the written recommendation of the National Security Council, has determined in writing (incorporating the National Security Council recommendation) that the arrangement would substantially promote and would not endanger the common defense and security of the United States, giving specific consideration to the security sensitivity of the restricted data involved and the adequacy and sufficiency of the security safeguards undertaken to be maintained by the recipient nation; and

Determination by the President.

All 65 Stat. 692.

Informing of
Joint Commit-
tee.

"(5) that before the arrangement is consummated by the Commission the Joint Committee on Atomic Energy has been fully informed for a period of thirty days in which the Congress was in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days)."

Approved October 30, 1951.

Public Law 164 - 83d Congress
Chapter 283 - 1st Session
S. 2399

AN ACT

To amend the Atomic Energy Act of 1946, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 (a) (4) (B) of the Atomic Energy Act of 1946, as amended, is amended to read as follows:

60 Stat. 757.
42 USC 1802.

"(B) a Division of Military Application and such other program divisions (not to exceed ten in number) as the Commission may determine to be necessary to the discharge of its responsibilities. Each division shall be under the direction of a Director who shall be appointed by the Commission and shall be compensated at a rate determined by the Commission, but not in excess of \$16,000 per annum. The Director of the Division of Military Application shall be a member of the Armed Forces. The Commission shall require each such division to exercise such of the Commission's powers as the Commission may determine."

Division of
Military Ap-
plication, etc.

SEC. 2. Section 10 (b) (5) (B) (iv) of the Atomic Energy Act of 1946, as amended, is renumbered as section 10 (b) (5) (B) (vii).

42 USC 1810.

SEC. 3. Section 10 (b) (5) (B) of the Atomic Energy Act of 1946, as amended, is amended by adding the following subsection:

Control of
information.
FBI investiga-
tions, etc.

"(iv) In the event an investigation made pursuant to sections 10 (b) (5) (B) (i) and (ii) develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action."

67 Stat. 240.
67 Stat. 241.

SEC. 4. Section 10 (b) (5) (B) of the Atomic Energy Act of 1946, as amended, is amended by adding the following subsection:

"(v) If the President deems it to be in the national interest, he may from time to time cause investigations of any group or class which are required by sections 10 (b) (5) (B) (i) and (ii) to be made by the Federal Bureau of Investigation rather than the Civil Service Commission."

SEC. 5. Section 10 (b) (5) (B) of the Atomic Energy Act of 1946, as amended, is amended by adding the following subsection:

"(vi) Notwithstanding the provisions of sections 10 (b) (5) (B) (i) and (ii) above, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity and upon such certification the investigation and reports required by such provisions shall be made by the Federal Bureau of Investigation rather than by the Civil Service Commission."

SEC. 6. Section 12 (a) of the Atomic Energy Act of 1946, as amended, is amended by adding the following subsection:

42 USC 1812.

"(9) authorize such of its members, officers and employees as it deems necessary in the interest of the common defense and security to carry firearms while in the discharge of their official duties. The Commission may also authorize such of those employees of its contractors engaged in guard duties at facilities owned by the United States as it deems necessary in the interest of the common defense and security to carry firearms while in the discharge of their official duties."

Carrying of
firearms.

SEC. 7. Section 12 (a) of the Atomic Energy Act of 1946, as amended, is amended by adding the following subsection:

"(10) make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act."

Rules and
regulations.

All 67 Stat. 241.

42 USC 1815.
Congressional
Committees,
etc.
Carrying of
firearms.
42 USC 1801.
Repeal of
provisos.

Sec. 8. Section 15 (e) of the Atomic Energy Act of 1946, as amended, is amended by adding at the end thereof the following sentence: "The committee is authorized to permit such of its members, employees and consultants as it deems necessary in the interest of common defense and security to carry firearms while in the discharge of their official duties for the committee."

Sec. 9. The provisos contained in section 1 of the Act to provide for certain investigations by the Civil Service Commission in lieu of the Federal Bureau of Investigation and for other purposes, approved April 5, 1952, are hereby repealed as of the date of this Act insofar as they apply to the Atomic Energy Act of 1946.

Approved July 31, 1953.

Public Law 137 - 83d Congress
Chapter 228 - 1st Session
H. R. 4905

AN ACT

To amend the Atomic Energy Act of 1946, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Atomic Energy Act of 1946, as amended, is amended by adding a new subsection (d) as follows:

"(d) The Atomic Energy Commission is authorized in connection with the construction or operation of the Oak Ridge, Paducah, and Portsmouth installations of the Commission, without regard to section 3079 of the Revised Statutes, as amended, to enter into new contracts or modify or confirm existing contracts to provide for electric-utility services for periods not exceeding twenty-five years, and such contracts shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contracts, and any appropriation presently or hereafter made available to the Commission shall be available for the payment of such cancellation costs. Any such cancellation payments shall be taken into consideration in determination of the rate to be charged in the event the Commission or any other agency of the Federal Government shall purchase electric-utility services from the contractor subsequent to the cancellation and during the life of the original contract."

SEC. 2. The first proviso under the appropriation to the Commission for "Plant and equipment" in the Supplemental Appropriation Act, 1953, is hereby repealed.

Approved July 17, 1953.

Atomic Energy
Commission.
60 Stat. 770.
42 USC 1812.
Electric-utility
contracts.

31 USC 665.

67 Stat. 181.

67 Stat. 182.

Repeal.

66 Stat. 643.

Public Law 262 - 83d Congress
Chapter 432 - 1st Session
S. 671

AN ACT

All 67 Stat. 575.

To amend section 9 (b) of the Atomic Energy Act of 1946 relating to the exemption of activities of the Atomic Energy Commission from State and local taxation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 (b) of the Atomic Energy Act of 1946 is amended by striking out the last sentence thereof.

60 Stat. 765.
42 USC 1809.

SEC. 2. This amendment shall be effective only as to tax liabilities which accrue on or after October 1, 1953.

Approved August 13, 1953.

Public Law 703 - 83d Congress
Chapter 1073 - 2d Session
H. R. 9757

AN ACT

All 68 Stat. 919.

To amend the Atomic Energy Act of 1946, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Act of 1946, as amended, is amended to read as follows:

"ATOMIC ENERGY ACT OF 1954

"CHAPTER 1. DECLARATION, FINDINGS, AND PURPOSE

Post, p. 921.

- "Sec. 1. Declaration.
- "Sec. 2. Findings.
- "Sec. 3. Purpose.

"CHAPTER 2. DEFINITIONS

Post, p. 922.

- "Sec. 11. Definitions.

"CHAPTER 3. ORGANIZATION

Post, p. 924.

- "Sec. 21. Atomic Energy Commission.
- "Sec. 22. Members.
- "Sec. 23. Office.
- "Sec. 24. General Manager.
- "Sec. 25. Divisions and Offices.
- "Sec. 26. General Advisory Committee.
- "Sec. 27. Military Liaison Committee.
- "Sec. 28. Appointment of Army, Navy, or Air Force Officers.

"CHAPTER 4. RESEARCH

Post, p. 927.

- "Sec. 31. Research Assistance.
- "Sec. 32. Research by the Commission.
- "Sec. 33. Research for Others.

"CHAPTER 5. PRODUCTION OF SPECIAL NUCLEAR MATERIALS

Post, p. 938.

- "Sec. 41. Ownership and Operation of Production Facilities.
- "Sec. 42. Irradiation of Materials.
- "Sec. 43. Acquisition of Production Facilities.
- "Sec. 44. Disposition of Energy.

"CHAPTER 6. SPECIAL NUCLEAR MATERIAL

Post, p. 929.

- "Sec. 51. Special Nuclear Material.
- "Sec. 52. Government Ownership of All Special Nuclear Material.
- "Sec. 53. Domestic Distribution of Special Nuclear Material.
- "Sec. 54. Foreign Distribution of Special Nuclear Material.
- "Sec. 55. Acquisition.
- "Sec. 56. Fair Price.
- "Sec. 57. Prohibition.

"CHAPTER 7. SOURCE MATERIAL

Post, p. 932.

- "Sec. 61. Source Material.
- "Sec. 62. License for Transfers Required.
- "Sec. 63. Domestic Distribution of Source Material.
- "Sec. 64. Foreign Distribution of Source Material.
- "Sec. 65. Reporting.
- "Sec. 66. Acquisition.
- "Sec. 67. Operations on Lands Belonging to the United States.
- "Sec. 68. Public Lands.
- "Sec. 69. Prohibition.

"CHAPTER 8. BYPRODUCT MATERIAL

Post, p. 935.

- "Sec. 81. Domestic Distribution.
- "Sec. 82. Foreign Distribution of Byproduct Material.

"CHAPTER 9. MILITARY APPLICATION OF ATOMIC ENERGY

Post, p. 936.

- "Sec. 91. Authority.
- "Sec. 92. Prohibition.

All 68 Stat. 920.Post, p. 986.**"CHAPTER 10. ATOMIC ENERGY LICENSES**

- "Sec. 101. License Required.
- "Sec. 102. Finding of Practical Value.
- "Sec. 103. Commercial Licenses.
- "Sec. 104. Medical Therapy and Research and Development.
- "Sec. 105. Antitrust Provisions.
- "Sec. 106. Classes of Facilities.
- "Sec. 107. Operators' Licenses.
- "Sec. 108. War or National Emergency.
- "Sec. 109. Component Parts of Facilities.
- "Sec. 110. Exclusions.

Post, p. 930.**"CHAPTER 11. INTERNATIONAL ACTIVITIES**

- "Sec. 121. Effect of International Arrangements.
- "Sec. 122. Policies Contained in International Arrangements.
- "Sec. 123. Cooperation with other Nations.
- "Sec. 124. International Atomic Pool.

Post, p. 940.**"CHAPTER 12. CONTROL OF INFORMATION**

- "Sec. 141. Policy.
- "Sec. 142. Classification and Declassification of Restricted Data.
- "Sec. 143. Department of Defense Participation.
- "Sec. 144. International Cooperation.
- "Sec. 145. Restrictions.
- "Sec. 146. General Provisions.

Post, p. 943.**"CHAPTER 13. PATENTS AND INVENTIONS**

- "Sec. 151. Military Utilization.
- "Sec. 152. Inventions Conceived During Commission Contracts.
- "Sec. 153. Nonmilitary Utilization.
- "Sec. 154. Injunctions.
- "Sec. 155. Prior Art.
- "Sec. 156. Commission Patent Licenses.
- "Sec. 157. Compensation, Awards, and Royalties.
- "Sec. 158. Monopolistic Use of Patents.
- "Sec. 159. Federally Financed Research.
- "Sec. 160. Saving Clause.

Post, p. 948.**"CHAPTER 14. GENERAL AUTHORITY**

- "Sec. 161. General Provisions.
- "Sec. 162. Contracts.
- "Sec. 163. Advisory Committees.
- "Sec. 164. Electric Utility Contracts.
- "Sec. 165. Contract Practices.
- "Sec. 166. Comptroller General Audit.
- "Sec. 167. Claim Settlements.
- "Sec. 168. Payments in lieu of Taxes.
- "Sec. 169. No Subsidy.

Post, p. 952.**"CHAPTER 15. COMPENSATION FOR PRIVATE PROPERTY ACQUIRED**

- "Sec. 171. Just Compensation.
- "Sec. 172. Condemnation of Real Property.
- "Sec. 173. Patent Application Disclosures.
- "Sec. 174. Attorney General Approval of Title.

Post, p. 953.**"CHAPTER 16. JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE**

- "Sec. 181. General.
- "Sec. 182. License Applications.
- "Sec. 183. Terms of Licenses.
- "Sec. 184. Inalienability of Licenses.
- "Sec. 185. Construction Permits.
- "Sec. 186. Revocation.
- "Sec. 187. Modification of License.
- "Sec. 188. Continued Operation of Facilities.
- "Sec. 189. Hearings and Judicial Review.

"CHAPTER 17. JOINT COMMITTEE ON ATOMIC ENERGY

- "Sec. 201. Membership.
- "Sec. 202. Authority and Duty.
- "Sec. 203. Chairman.
- "Sec. 204. Powers.
- "Sec. 205. Staff and Assistance.
- "Sec. 206. Classification of Information.
- "Sec. 207. Records.

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"CHAPTER 18. ENFORCEMENT

- "Sec. 221. General Provisions.
- "Sec. 222. Violation of Specific Sections.
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- "Sec. 225. Receipt of Restricted Data.
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"CHAPTER 19. MISCELLANEOUS

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"CHAPTER 1. DECLARATION, FINDINGS, AND PURPOSE

"SECTION 1. DECLARATION.—Atomic energy is capable of application for peaceful as well as military purposes. It is therefore declared to be the policy of the United States that—

"a. the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security; and

"b. the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise.

"SEC. 2. FINDINGS.—The Congress of the United States hereby makes the following findings concerning the development, use, and control of atomic energy:

"a. The development, utilization, and control of atomic energy for military and for all other purposes are vital to the common defense and security.

"b. In permitting the property of the United States to be used by others, such use must be regulated in the national interest and in order to provide for the common defense and security and to protect the health and safety of the public.

"c. The processing and utilization of source, byproduct, and special nuclear material affect interstate and foreign commerce and must be regulated in the national interest.

"d. The processing and utilization of source, byproduct, and special nuclear material must be regulated in the national interest and in order to provide for the common defense and security and to protect the health and safety of the public.

All 68 Stat., 922.

"e. Source and special nuclear material, production facilities, and utilization facilities are affected with the public interest, and regulation by the United States of the production and utilization of atomic energy and of the facilities used in connection therewith is necessary in the national interest to assure the common defense and security and to protect the health and safety of the public.

"f. The necessity for protection against possible interstate damage occurring from the operation of facilities for the production or utilization of source or special nuclear material places the operation of those facilities in interstate commerce for the purposes of this Act.

"g. Funds of the United States may be provided for the development and use of atomic energy under conditions which will provide for the common defense and security and promote the general welfare.

"h. It is essential to the common defense and security that title to all special nuclear material be in the United States while such special nuclear material is within the United States.

Programs.

"SEC. 3. PURPOSE.—It is the purpose of this Act to effectuate the policies set forth above by providing for—

"a. a program of conducting, assisting, and fostering research and development in order to encourage maximum scientific and industrial progress;

"b. a program for the dissemination of unclassified scientific and technical information and for the control, dissemination, and declassification of Restricted Data, subject to appropriate safeguards, so as to encourage scientific and industrial progress;

"c. a program for Government control of the possession, use, and production of atomic energy and special nuclear material so directed as to make the maximum contribution to the common defense and security and the national welfare;

"d. a program to encourage widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public;

"e. a program of international cooperation to promote the common defense and security and to make available to cooperating nations the benefits of peaceful applications of atomic energy as widely as expanding technology and considerations of the common defense and security will permit; and

"f. a program of administration which will be consistent with the foregoing policies and programs, with international arrangements, and with agreements for cooperation, which will enable the Congress to be currently informed so as to take further legislative action as may be appropriate.

"CHAPTER 2. DEFINITIONS

"SEC. 11. DEFINITIONS.—The intent of Congress in the definitions as given in this section should be construed from the words or phrases used in the definitions. As used in this Act:

"Agency of the U. S."

"a. The term 'agency of the United States' means the executive branch of the United States, or any Government agency, or the legislative branch of the United States, or any agency, committee, commission, office, or other establishment in the legislative branch, or the judicial branch of the United States, or any office, agency, committee, commission, or other establishment in the judicial branch.

"Agreement for cooperation."

"b. The term 'agreement for cooperation' means any agreement with another nation or regional defense organization, authorized or permitted by sections 54, 57, 64, 82, 103, 104, or 144, and made pursuant to section 123.

- "c. The term 'atomic energy' means all forms of energy released in the course of nuclear fission or nuclear transformation. "Atomic energy."
- "d. The term 'atomic weapon' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device. "Atomic weapon."
- "e. The term 'byproduct material' means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material. "Byproduct materials."
- "f. The term 'Commission' means the Atomic Energy Commission. "Commission."
- "g. The term 'common defense and security' means the common defense and security of the United States.
- "h. The term 'defense information' means any information in any category determined by any Government agency authorized to classify information, as being information respecting, relating to, or affecting the national defense. "Defense information."
- "i. The term 'design' means (1) specifications, plans, drawings, blueprints, and other items of like nature; (2) the information contained therein; or (3) the research and development data pertinent to the information contained therein. "Design."
- "j. The term 'Government agency' means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government. "Government agency."
- "k. The term 'international arrangement' means any international agreement hereafter approved by the Congress or any treaty during the time such agreement or treaty is in full force and effect, but does not include any agreement for cooperation. "International arrangement."
- "l. The term 'Joint Committee' means the Joint Committee on Atomic Energy. "Joint Committee."
- "m. The term 'operator' means any individual who manipulates the controls of a utilization or production facility. "Operator."
- "n. The term 'person' means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing. "Person."
- "o. The term 'produce', when used in relation to special nuclear material, means (1) to manufacture, make, produce, or refine special nuclear material; (2) to separate special nuclear material from other substances in which such material may be contained; or (3) to make or to produce new special nuclear material. "Produce."
- "p. The term 'production facility' means (1) any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission. "Production facility."
- "q. The term 'research and development' means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration pur- "Research and development."

All 68 Stat. 924.

- poses, including the experimental production and testing of models, devices, equipment, materials, and processes.
- "Restricted Data." "r. The term 'Restricted Data' means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142.
- "Source material." "s. The term 'source material' means (1) uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time.
- "Special nuclear material." "t. The term 'special nuclear material' means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.
- "United States." "u. The term 'United States', when used in a geographical sense, includes all Territories and possessions of the United States, and the Canal Zone.
- "Utilization facility." "v. The term 'utilization facility' means (1) any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or (2) any important component part especially designed for such equipment or device as determined by the Commission.

CHAPTER 3. ORGANIZATION

"SEC. 21. ATOMIC ENERGY COMMISSION.—There is hereby established an Atomic Energy Commission, which shall be composed of five members, each of whom shall be a citizen of the United States. The President shall designate one member of the Commission as Chairman thereof to serve as such during the pleasure of the President. The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all meetings of the Commission and a quorum for the transaction of business shall consist of at least three members present. Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission and shall have one vote. Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or Acting Chairman in the absence of the Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons, or the public, and, on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct. The Commission shall have an official seal which shall be judicially noticed.

"SEC. 22. MEMBERS.—

"a. Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate. In submitting any nomination to the Senate, the President shall set forth the experience and qualifications of the nominee. The term of office of each member of the Commission taking office after June 30, 1950, shall be five years, except that (1) the terms of office of the members first taking office after June 30, 1950, shall expire, as designated by the President at the time of the appointment, one at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years, after June 30, 1950; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Each member, except the Chairman, shall receive compensation at the rate of \$18,000 per annum; and the member designated as Chairman shall receive compensation at the rate of \$20,000 per annum.

Appointment,
terms, etc.
68 Stat. 924.
68 Stat. 925.

"b. No member of the Commission shall engage in any business, vocation, or employment other than that of serving as a member of the Commission.

"SEC. 23. OFFICE.—The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia.

"SEC. 24. GENERAL MANAGER.—There is hereby established within the Commission a General Manager, who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate determined by the Commission, but not in excess of \$20,000 per annum.

"SEC. 25. DIVISIONS AND OFFICES.—There is hereby established within the Commission—

"a. a Division of Military Application and such other program divisions (not to exceed ten in number) as the Commission may determine to be necessary to the discharge of its responsibilities, including a division or divisions the primary responsibilities of which include the development and application of civilian uses of atomic energy. Each such division shall be under the direction of a Director who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of \$16,000 per annum. The Director of the Division of Military Application shall be an active member of the Armed Forces. The Commission shall require each such division to exercise such of the Commission's administrative and executive powers as the Commission may determine; Directors.

"b. an Office of the General Counsel under the direction of the General Counsel who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of \$16,000 per annum; and General Counsel.

"c. an Inspection Division under the direction of a Director who shall be appointed by the Commission and shall receive compensation at a rate determined by the Commission, but not in excess of \$16,000 per annum. The Inspection Division shall be responsible for gathering information to show whether or not the contractors, licensees, and officers and employees of the Commission. Inspection Division.

sion are complying with the provisions of this Act (except those provisions for which the Federal Bureau of Investigation is responsible) and the appropriate rules and regulations of the Commission.

"SEC. 26. GENERAL ADVISORY COMMITTEE.—There shall be a General Advisory Committee to advise the Commission on scientific and technical matters relating to materials, production, and research and development, to be composed of nine members, who shall be appointed from civilian life by the President. Each member shall hold office for a term of six years, except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (b) the terms of office of the members first taking office after August 1, 1946, shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years, after August 1, 1946. The Committee shall designate one of its own members as Chairman. The Committee shall meet at least four times in every calendar year. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Committee.

"SEC. 27. MILITARY LIAISON COMMITTEE.—There is hereby established a Military Liaison Committee consisting of—

"a. a Chairman, who shall be the head thereof and who shall be appointed by the President, by and with the advice and consent of the Senate, who shall serve at the pleasure of the President, and who shall receive compensation at the rate prescribed for an Assistant Secretary of Defense; and

"b. a representative or representatives from each of the Departments of the Army, Navy, and Air Force, in equal numbers, as determined by the Secretary of Defense, to be assigned from each Department by the Secretary thereof, and who will serve without additional compensation.

The Chairman of the Committee may designate one of the members of the Committee as Acting Chairman to act during his absence. The Commission shall advise and consult with the Department of Defense, through the Committee, on all atomic energy matters which the Department of Defense deems to relate to military applications of atomic weapons or atomic energy including the development, manufacture, use, and storage of atomic weapons, the allocation of special nuclear material for military research, and the control of information relating to the manufacture or utilization of atomic weapons; and shall keep the Department of Defense, through the Committee, fully and currently informed of all such matters before the Commission. The Department of Defense, through the Committee, shall keep the Commission fully and currently informed on all matters within the Department of Defense which the Commission deems to relate to the development or application of atomic energy. The Department of Defense, through the Committee, shall have the authority to make written recommendations to the Commission from time to time on matters relating to military applications of atomic energy as the Department of Defense may deem appropriate. If the Department of Defense at any time concludes that any request, action, proposed action, or failure to act on the part of the Commission is adverse to the responsibilities of the Department of Defense, the Secretary of Defense shall refer the matter to the President whose decision shall be final.

Authority of
Defense Department.

Director, Division of Military Application.

"SEC. 28. APPOINTMENT OF ARMY, NAVY, OR AIR FORCE OFFICERS.—Notwithstanding the provisions of any other law, any active officer of

the Army, Navy, or Air Force may serve as Director of the Division of Military Application without prejudice to his commissioned status as such officer. Any such officer serving as Director of the Division of Military Application shall receive in addition to his pay and allowances, including special and incentive pays, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation prescribed in section 25. Notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Military Liaison Committee without prejudice to his active or retired status as such officer. Any such officer serving as Chairman of the Military Liaison Committee shall receive, in addition to his pay and allowances, including special and incentive pays, or in addition to his retired pay, an amount equal to the difference between such pay and allowances, including special and incentive pays, or between his retired pay, and the compensation prescribed for the Chairman of the Military Liaison Committee.

Chairman, Military Liaison Committee.

"CHAPTER 4. RESEARCH

"SEC. 31. RESEARCH ASSISTANCE.—

"a. The Commission is directed to exercise its powers in such manner as to insure the continued conduct of research and development activities in the fields specified below, by private or public institutions or persons, and to assist in the acquisition of an ever-expanding fund of theoretical and practical knowledge in such fields. To this end the Commission is authorized and directed to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities relating to—

- "(1) nuclear processes;
- "(2) the theory and production of atomic energy, including processes, materials, and devices related to such production;
- "(3) utilization of special nuclear material and radioactive material for medical, biological, agricultural, health, or military purposes;
- "(4) utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial uses, the generation of usable energy, and the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes; and
- "(5) the protection of health and the promotion of safety during research and production activities.

"b. The Commission may (1) make arrangements pursuant to this section, without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable; (2) make partial and advance payments under such arrangements; and (3) make available for use in connection therewith such of its equipment and facilities as it may deem desirable. 41 USC 5.

"c. The arrangements made pursuant to this section shall contain such provisions (1) to protect health, (2) to minimize danger to life or property, and (3) to require the reporting and to permit the inspection of work performed thereunder, as the Commission may determine. No such arrangement shall contain any provisions or conditions which prevent the dissemination of scientific or technical information, except to the extent such dissemination is prohibited by law.

All 68 Stat. 928.

"**SEC. 32. RESEARCH BY THE COMMISSION.**—The Commission is authorized and directed to conduct, through its own facilities, activities and studies of the types specified in section 31.

"**SEC. 33. RESEARCH FOR OTHERS.**—Where the Commission finds private facilities or laboratories are inadequate to the purpose, it is authorized to conduct for other persons, through its own facilities, such of those activities and studies of the types specified in section 31 as it deems appropriate to the development of atomic energy. The Commission is authorized to determine and make such charges as in its discretion may be desirable for the conduct of such activities and studies.

"CHAPTER 5. PRODUCTION OF SPECIAL NUCLEAR MATERIAL

"**SEC. 41. OWNERSHIP AND OPERATION OF PRODUCTION FACILITIES.**—

"**a. OWNERSHIP OF PRODUCTION FACILITIES.**—The Commission, as agent of and on behalf of the United States, shall be the exclusive owner of all production facilities other than facilities which (1) are useful in the conduct of research and development activities in the fields specified in section 31, and do not, in the opinion of the Commission, have a potential production rate adequate to enable the user of such facilities to produce within a reasonable period of time a sufficient quantity of special nuclear material to produce an atomic weapon; or (2) are licensed by the Commission pursuant to section 103 or 104.

"**b. OPERATION OF THE COMMISSION'S PRODUCTION FACILITIES.**—The Commission is authorized and directed to produce or to provide for the production of special nuclear material in its own production facilities. To the extent deemed necessary, the Commission is authorized to make, or to continue in effect, contracts with persons obligating them to produce special nuclear material in facilities owned by the Commission. The Commission is also authorized to enter into research and development contracts authorizing the contractor to produce special nuclear material in facilities owned by the Commission to the extent that the production of such special nuclear material may be incident to the conduct of research and development activities under such contracts. Any contract entered into under this section shall contain provisions (1) prohibiting the contractor from subcontracting any part of the work he is obligated to perform under the contract, except as authorized by the Commission; and (2) obligating the contractor (A) to make such reports pertaining to activities under the contract to the Commission as the Commission may require, (B) to submit to inspection by employees of the Commission of all such activities, and (C) to comply with all safety and security regulations which may be prescribed by the Commission. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under such contracts. The President shall determine in writing at least once each year the quantities of special nuclear material to be produced under this section and shall specify in such determination the quantities of special nuclear material to be available for distribution by the Commission pursuant to section 53 or 54.

"c. OPERATION OF OTHER PRODUCTION FACILITIES.—Special nuclear material may be produced in the facilities which under this section are not required to be owned by the Commission.

"SEC. 42. IRRADIATION OF MATERIALS.—The Commission and persons lawfully producing or utilizing special nuclear material are authorized to expose materials of any kind to the radiation incident to the processes of producing or utilizing special nuclear material.

"SEC. 43. ACQUISITION OF PRODUCTION FACILITIES.—The Commission is authorized to purchase any interest in facilities for the production of special nuclear materials, or in real property on which such facilities are located, without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes. The Commission is further authorized to requisition, condemn, or otherwise acquire any interest in such production facilities, or to condemn or otherwise acquire such real property, and just compensation shall be made therefor. 41 USC 5.

"SEC. 44. DISPOSITION OF ENERGY.—If energy is produced at production facilities of the Commission or is produced in experimental utilization facilities of the Commission, such energy may be used by the Commission, or transferred to other Government agencies, or sold to publicly, cooperatively, or privately owned utilities or users at reasonable and nondiscriminatory prices. If the energy produced is electric energy, the price shall be subject to regulation by the appropriate agency having jurisdiction. In contracting for the disposal of such energy, the Commission shall give preference and priority to public bodies and cooperatives or to privately owned utilities providing electric utility services to high cost areas not being served by public bodies or cooperatives. Nothing in this Act shall be construed to authorize the Commission to engage in the sale or distribution of energy for commercial use except such energy as may be produced by the Commission incident to the operation of research and development facilities of the Commission, or of production facilities of the Commission.

"CHAPTER 6. SPECIAL NUCLEAR MATERIAL

"SEC. 51. SPECIAL NUCLEAR MATERIAL.—The Commission may determine from time to time that other material is special nuclear material in addition to that specified in the definition as special nuclear material. Before making any such determination, the Commission must find that such material is capable of releasing substantial quantities of atomic energy and must find that the determination that such material is special nuclear material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission's determination, together with the assent of the President, shall be submitted to the Joint Committee and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment for more than three days) before the determination of the Commission may become effective: *Provided, however,* That the Joint Committee, after having received such determination, may by resolution in writing, waive the conditions of or all or any portion of such thirty-day period.

"SEC. 52. GOVERNMENT OWNERSHIP OF ALL SPECIAL NUCLEAR MATERIAL.—All rights, title, and interest in or to any special nuclear

All 68 Stat., 930.

material within or under the jurisdiction of the United States, now or hereafter produced, shall be the property of the United States and shall be administered and controlled by the Commission as agent of and on behalf of the United States by virtue of this Act. Any person owning any interest in any special nuclear material at the time when such material is hereafter determined to be a special nuclear material shall be paid just compensation therefor. Any person who lawfully produces any special nuclear material, except pursuant to a contract with the Commission under the provisions of section 31 or 41, shall be paid a fair price, determined pursuant to section 56, for producing such material.

"SEC. 53. DOMESTIC DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.—

Licenses.

"a. The Commission is authorized to issue licenses for the possession of, to make available for the period of the license, and to distribute special nuclear material within the United States to qualified applicants requesting such material—

"(1) for the conduct of research and development activities of the types specified in section 31;

"(2) for use in the conduct of research and development activities or in medical therapy under a license issued pursuant to section 104; or

"(3) for use under a license issued pursuant to section 103.

"b. The Commission shall establish, by rule, minimum criteria for the issuance of specific or general licenses for the distribution of special nuclear material depending upon the degree of importance to the common defense and security or to the health and safety of the public—

"(1) the physical characteristics of the special nuclear material to be distributed;

"(2) the quantities of special nuclear material to be distributed; and

"(3) the intended use of the special nuclear material to be distributed.

Charges.

"c. The Commission may make a reasonable charge, determined pursuant to this section, for the use of special nuclear material licensed and distributed under subsection 53 a. (1) or subsection 53 a. (2) and shall make a reasonable charge determined pursuant to this section for the use of special nuclear material licensed and distributed under subsection 53 a. (3). The Commission shall establish criteria in writing for the determination of whether a charge will be made for the use of special nuclear material licensed and distributed under subsection 53 a. (1) or subsection 53 a. (2), considering, among other things, whether the licensee is a nonprofit or eleemosynary institution and the purposes for which the special nuclear material will be used.

"d. In determining the reasonable charge to be made by the Commission for the use of special nuclear material distributed to licensees of utilization or production facilities licensed pursuant to section 103 or 104, in addition to consideration of the cost thereof, the Commission shall take into consideration—

"(1) the use to be made of the special nuclear material;

"(2) the extent to which the use of the special nuclear material will advance the development of the peaceful uses of atomic energy;

"(3) the energy value of the special nuclear material in the particular use for which the license is issued;

"(4) whether the special nuclear material is to be used in facilities licensed pursuant to section 103 or 104. In this respect, the Commission shall, insofar as practicable, make uniform, non-discriminatory charges for the use of special nuclear material distributed to facilities licensed pursuant to section 103; and

"(5) with respect to special nuclear material consumed in a facility licensed pursuant to section 103, the Commission shall make a further charge based on the cost to the Commission, as estimated by the Commission, or the average fair price paid for the production of such special nuclear material as determined by section 56, whichever is lower.

"e. Each license issued pursuant to this section shall contain and be subject to the following conditions— License conditions.

"(1) title to all special nuclear material shall at all times be in the United States;

"(2) no right to the special nuclear material shall be conferred by the license except as defined by the license;

"(3) neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of this Act;

"(4) all special nuclear material shall be subject to the right of recapture or control reserved by section 108 and to all other provisions of this Act;

"(5) no special nuclear material may be used in any utilization or production facility except in accordance with the provisions of this Act;

"(6) special nuclear material shall be distributed only on terms, as may be established by rule of the Commission, such that no user will be permitted to construct an atomic weapon;

"(7) special nuclear material shall be distributed only pursuant to such safety standards as may be established by rule of the Commission to protect health and to minimize danger to life or property; and

"(8) the licensee will hold the United States and the Commission harmless from any damages resulting from the use or possession of special nuclear material by the licensee.

"f. The Commission is directed to distribute within the United States sufficient special nuclear material to permit the conduct of widespread independent research and development activities to the maximum extent practicable and within the limitations set by the President pursuant to section 41. In the event that applications for special nuclear material exceed the amount available for distribution, preference shall be given to those activities which are most likely, in the opinion of the Commission, to contribute to basic research, to the development of peacetime uses of atomic energy, or to the economic and military strength of the Nation. Distribution for independent research, etc.

"SEC. 54. FOREIGN DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.—The Commission is authorized to cooperate with any nation by distributing special nuclear material and to distribute such special nuclear material, pursuant to the terms of an agreement for cooperation to which such nation is a party and which is made in accordance with section 123.

"SEC. 55. ACQUISITION.—The Commission is authorized to purchase or otherwise acquire any special nuclear material or any interest therein outside the United States without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes. 41 USC 5.

"SEC. 56. FAIR PRICE.—In determining the fair price to be paid by the Commission pursuant to section 52 for the production of any special nuclear material, the Commission shall take into consideration the value of the special nuclear material for its intended use by the United

All 68 Stat. 932.

States and may give such weight to the actual cost of producing that material as the Commission finds to be equitable. The fair price, as may be determined by the Commission, shall apply to all licensed producers of the same material: *Provided, however,* That the Commission may establish guaranteed fair prices for all special nuclear material delivered to the Commission for such period of time as it may deem necessary but not to exceed seven years.

"SEC. 57. PROHIBITION.—

"a. It shall be unlawful for any person to—

"(1) possess or transfer any special nuclear material which is the property of the United States except as authorized by the Commission pursuant to subsection 53 a.;

"(2) transfer or receive any special nuclear material in interstate commerce except as authorized by the Commission pursuant to subsection 53 a., or export from or import into the United States any special nuclear material; and

"(3) directly or indirectly engage in the production of any special nuclear material outside of the United States except (A) under an agreement for cooperation made pursuant to section 123, or (B) upon authorization by the Commission after a determination that such activity will not be inimical to the interest of the United States.

"b. The Commission shall not distribute any special nuclear material—

"(1) to any person for a use which is not under the jurisdiction of the United States except pursuant to the provisions of section 54; or

"(2) to any person within the United States, if the Commission finds that the distribution of such special nuclear material to such person would be inimical to the common defense and security.

"CHAPTER 7. SOURCE MATERIAL

"SEC. 61. SOURCE MATERIAL.—The Commission may determine from time to time that other material is source material in addition to those specified in the definition of source material. Before making such determination, the Commission must find that such material is essential to the production of special nuclear material and must find that the determination that such material is source material is in the interest of the common defense and security, and the President must have expressly assented in writing to the determination. The Commission's determination, together with the assent of the President, shall be submitted to the Joint Committee and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days) before the determination of the Commission may become effective: *Provided, however,* That the Joint Committee, after having received such determination, may by resolution in writing waive the conditions of or all or any portion of such thirty-day period.

"SEC. 62. LICENSE FOR TRANSFERS REQUIRED.—Unless authorized by a general or specific license issued by the Commission, which the Commission is hereby authorized to issue, no person may transfer or receive in interstate commerce, transfer, deliver, receive possession of or title to, or import into or export from the United States any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source material which, in the opinion of the Commission, are unimportant.

Submittal of
determination
to Joint Com-
mittee.

“SEC. 63. DOMESTIC DISTRIBUTION OF SOURCE MATERIAL.—

“a. The Commission is authorized to issue licenses for and to distribute source material within the United States to qualified applicants requesting such material— Licenses.

“(1) for the conduct of research and development activities of the types specified in section 31;

“(2) for use in the conduct of research and development activities or in medical therapy under a license issued pursuant to section 104;

“(3) for use under a license issued pursuant to section 103; or

“(4) for any other use approved by the Commission as an aid to science or industry.

“b. The Commission shall establish, by rule, minimum criteria for the issuance of specific or general licenses for the distribution of source material depending upon the degree of importance to the common defense and security or to the health and safety of the public of—

“(1) the physical characteristics of the source material to be distributed;

“(2) the quantities of source material to be distributed; and

“(3) the intended use of the source material to be distributed.

“c. The Commission may make a reasonable charge determined pursuant to subsection 161 m. for the source material licensed and distributed under subsection 63 a. (1), subsection 63 a. (2), or subsection 63 a. (4), and shall make a reasonable charge determined pursuant to subsection 161 m., for the source material licensed and distributed under subsection 63 a. (3). The Commission shall establish criteria in writing for the determination of whether a charge will be made for the source material licensed and distributed under subsection 63 a. (1), subsection 63 a. (2), or subsection 63 a. (4), considering, among other things, whether the licensee is a nonprofit or eleemosynary institution and the purposes for which the source material will be used. Charges.

“SEC. 64. FOREIGN DISTRIBUTION OF SOURCE MATERIAL.—The Commission is authorized to cooperate with any nation by distributing source material and to distribute source material pursuant to the terms of an agreement for cooperation to which such nation is a party and which is made in accordance with section 123. The Commission is also authorized to distribute source material outside of the United States upon a determination by the Commission that such activity will not be inimical to the interests of the United States.

“SEC. 65. REPORTING.—The Commission is authorized to issue such rules, regulations, or orders requiring reports of ownership, possession, extraction, refining, shipment, or other handling of source material as it may deem necessary, except that such reports shall not be required with respect to (a) any source material prior to removal from its place of deposit in nature, or (b) quantities of source material which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

“SEC. 66. ACQUISITION.—The Commission is authorized and directed, to the extent it deems necessary to effectuate the provisions of this Act—

“a. to purchase, take, requisition, condemn, or otherwise acquire supplies of source material;

“b. to purchase, condemn, or otherwise acquire any interest in real property containing deposits of source material; and

“c. to purchase, condemn, or otherwise acquire rights to enter upon any real property deemed by the Commission to have possibilities of containing deposits of source material in order to conduct prospecting and exploratory operations for such deposits. Any purchase made under this section may be made without regard to

AIX 68 Stat. 934.

41 USC 5.

the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advanced payments may be made under contracts for such purposes. The Commission may establish guaranteed prices for all source material delivered to it within a specified time. Just compensation shall be made for any right, property, or interest in property taken, requisitioned, condemned, or otherwise acquired under this section.

"SEC. 67. OPERATIONS ON LANDS BELONGING TO THE UNITED STATES.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to issue leases or permits for prospecting for, exploration for, mining of, or removal of deposits of source material in lands belonging to the United States: *Provided, however,* That notwithstanding any other provisions of law, such leases or permits may be issued for lands administered for national park, monument, and wildlife purposes only when the President by Executive Order declares that the requirements of the common defense and security make such action necessary.

"SEC. 68. PUBLIC LANDS.—

"a. No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic energy program, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic energy program, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit.

"b. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the Government agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation. If any rights have been granted by the United States pursuant to any such reservation then such patent shall be made subject to those rights, but the patentee shall be subrogated to the rights of the United States.

"c. Notwithstanding the provisions of the Atomic Energy Act of 1946, as amended, and particularly section 5 (b) (7) thereof, or the provisions of the Act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for or based upon a discovery of a mineral deposit which is a source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a source material.

"SEC. 69. PROHIBITION.—The Commission shall not license any person to transfer or deliver, receive possession of or title to, or import into or export from the United States any source material if, in the opinion of the Commission, the issuance of a license to such person for such

60 Stat. 755.

42 USC 1801

note, 1805(b)

(7).

67 Stat. 539.

30 USC 501-505,

503.

purpose would be inimical to the common defense and security or the health and safety of the public.

"CHAPTER 8. BYPRODUCT MATERIAL

"SEC. 81. DOMESTIC DISTRIBUTION.—No person may transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, own, possess, import, or export any byproduct material, except to the extent authorized by this section or by section 82. The Commission is authorized to issue general or specific licenses to applicants seeking to use byproduct material for research or development purposes, for medical therapy, industrial uses, agricultural uses, or such other useful applications as may be developed. The Commission may distribute, sell, loan, or lease such byproduct material as it owns to licensees with or without charge: *Provided, however, That, for byproduct material to be distributed by the Commission for a charge, the Commission shall establish prices on such equitable basis as, in the opinion of the Commission, (a) will provide reasonable compensation to the Government for such material, (b) will not discourage the use of such material or the development of sources of supply of such material independent of the Commission, and (c) will encourage research and development.* In distributing such material, the Commission shall give preference to applicants proposing to use such material either in the conduct of research and development or in medical therapy. Licensees of the Commission may distribute byproduct material only to applicants therefor who are licensed by the Commission to receive such byproduct material. The Commission shall not permit the distribution of any byproduct material to any licensee, and shall recall or order the recall of any distributed material from any licensee, who is not equipped to observe or who fails to observe such safety standards to protect health as may be established by the Commission or who uses such material in violation of law or regulation of the Commission or in a manner other than as disclosed in the application therefor or approved by the Commission. The Commission is authorized to establish classes of byproduct material and to exempt certain classes or quantities of material or kinds of uses or users from the requirements for a license set forth in this section when it makes a finding that the exemption of such classes or quantities of such material or such kinds of uses or users will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

"SEC. 82. FOREIGN DISTRIBUTION OF BYPRODUCT MATERIAL.—

"a. The Commission is authorized to cooperate with any nation by distributing byproduct material, and to distribute byproduct material, pursuant to the terms of an agreement for cooperation to which such nation is party and which is made in accordance with section 123.

"b. The Commission is also authorized to distribute byproduct material to any person outside the United States upon application therefor by such person and demand such charge for such material as would be charged for the material if it were distributed within the United States: *Provided, however, That the Commission shall not distribute any such material to any person under this section if, in its opinion, such distribution would be inimical to the common defense and security: And provided further, That the Commission may require such reports regarding the use of material distributed pursuant to the provisions of this section as it deems necessary.*

"c. The Commission is authorized to license others to distribute byproduct material to any person outside the United States under the same conditions, except as to charges, as would be applicable if the material were distributed by the Commission.

"CHAPTER 9. MILITARY APPLICATION OF ATOMIC ENERGY

"SEC. 91. AUTHORITY.—

"a. The Commission is authorized to—

"(1) conduct experiments and do research and development work in the military application of atomic energy; and

"(2) engage in the production of atomic weapons, or atomic weapon parts, except that such activities shall be carried on only to the extent that the express consent and direction of the President of the United States has been obtained, which consent and direction shall be obtained at least once each year.

"b. The President from time to time may direct the Commission (1) to deliver such quantities of special nuclear material or atomic weapons to the Department of Defense for such use as he deems necessary in the interest of national defense, or (2) to authorize the Department of Defense to manufacture, produce, or acquire any atomic weapon or utilization facility for military purposes: *Provided, however,* That such authorization shall not extend to the production of special nuclear material other than that incidental to the operation of such utilization facilities.

"SEC. 92. PROHIBITION.—It shall be unlawful for any person to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, import, or export any atomic weapon, except as may be authorized by the Commission pursuant to the provisions of section 91. Nothing in this section shall be deemed to modify the provisions of subsection 31 a. or section 101.

"CHAPTER 10. ATOMIC ENERGY LICENSES

"SEC. 101. LICENSE REQUIRED.—It shall be unlawful, except as provided in section 91, for any person within the United States to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, import, or export any utilization or production facility except under and in accordance with a license issued by the Commission pursuant to section 103 or 104.

"SEC. 102. FINDING OF PRACTICAL VALUE.—Whenever the Commission has made a finding in writing that any type of utilization or production facility has been sufficiently developed to be of practical value for industrial or commercial purposes, the Commission may thereafter issue licenses for such type of facility pursuant to section 103.

"SEC. 103. COMMERCIAL LICENSES.—

"a. Subsequent to a finding by the Commission as required in section 102, the Commission may issue licenses to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, such type of utilization or production facility. Such licenses shall be issued in accordance with the provisions of chapter 16 and subject to such conditions as the Commission may by rule or regulation establish to effectuate the purposes and provisions of this Act.

"b. The Commission shall issue such licenses on a nonexclusive basis to persons applying therefor (1) whose proposed activities will serve a useful purpose proportionate to the quantities of special nuclear material or source material to be utilized; (2) who are equipped to observe and who agree to observe such safety standards to protect health and to minimize danger to life or property as the Commission

may by rule establish; and (3) who agree to make available to the Commission such technical information and data concerning activities under such licenses as the Commission may determine necessary to promote the common defense and security and to protect the health and safety of the public. All such information may be used by the Commission only for the purposes of the common defense and security and to protect the health and safety of the public.

"c. Each such license shall be issued for a specified period, as determined by the Commission, depending on the type of activity to be licensed, but not exceeding forty years, and may be renewed upon the expiration of such period.

"d. No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for cooperation arranged pursuant to section 123, or except under the provisions of section 109. No license may be issued to any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

"SEC. 104. MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—

"a. The Commission is authorized to issue licenses to persons applying therefor for utilization facilities for use in medical therapy. In issuing such licenses the Commission is directed to permit the widest amount of effective medical therapy possible with the amount of special nuclear material available for such purposes and to impose the minimum amount of regulation consistent with its obligations under this Act to promote the common defense and security and to protect the health and safety of the public.

"b. The Commission is authorized to issue licenses to persons applying therefor for utilization and production facilities involved in the conduct of research and development activities leading to the demonstration of the practical value of such facilities for industrial or commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public and will be compatible with the regulations and terms of license which would apply in the event that a commercial license were later to be issued pursuant to section 103 for that type of facility. In issuing such licenses, priority shall be given to those activities which will, in the opinion of the Commission, lead to major advances in the application of atomic energy for industrial or commercial purposes.

"c. The Commission is authorized to issue licenses to persons applying therefor for utilization and production facilities useful in the conduct of research and development activities of the types specified in section 31 and which are not facilities of the type specified in subsection 104 b. The Commission is directed to impose only such minimum amount of regulation of the licensee as the Commission finds will permit the Commission to fulfill its obligations under this Act to promote the common defense and security and to protect the health and safety of the public and will permit the conduct of widespread and diverse research and development.

"d. No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities

All 68 Stat. 938.

under terms of an agreement for cooperation arranged pursuant to section 123 or except under the provisions of section 109. No license may be issued to any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

"SEC. 105. ANTITRUST PROVISIONS.—

"a. Nothing contained in this Act, including the provisions which vest title to all special nuclear material in the United States, shall relieve any person from the operation of the following Acts, as amended, 'An Act to protect trade and commerce against unlawful restraints and monopolies' approved July second, eighteen hundred and ninety; sections seventy-three to seventy-seven, inclusive, of an Act entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes' approved August twenty-seven, eighteen hundred and ninety-four; 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes' approved October fifteen, nineteen hundred and fourteen; and 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes' approved September twenty-six, nineteen hundred and fourteen. In the event a licensee is found by a court of competent jurisdiction, either in an original action in that court or in a proceeding to enforce or review the findings or orders of any Government agency having jurisdiction under the laws cited above, to have violated any of the provisions of such laws in the conduct of the licensed activity, the Commission may suspend, revoke, or take such other action as it may deem necessary with respect to any license issued by the Commission under the provisions of this Act.

"b. The Commission shall report promptly to the Attorney General any information it may have with respect to any utilization of special nuclear material or atomic energy which appears to violate or to tend toward the violation of any of the foregoing Acts, or to restrict free competition in private enterprise.

"c. Whenever the Commission proposes to issue any license to any person under section 103, it shall notify the Attorney General of the proposed license and the proposed terms and conditions thereof, except such classes or types of licenses, as the Commission, with the approval of the Attorney General, may determine would not significantly affect the licensee's activities under the antitrust laws as specified in subsection 105 a. Within a reasonable time, in no event to exceed 90 days after receiving such notification, the Attorney General shall advise the Commission whether, insofar as he can determine, the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws, and such advice shall be published in the Federal Register. Upon the request of the Attorney General, the Commission shall furnish or cause to be furnished such information as the Attorney General determines to be appropriate or necessary to enable him to give the advice called for by this section.

"SEC. 106. CLASSES OF FACILITIES.—The Commission may—

"a. group the facilities licensed either under section 103 or under section 104 into classes which may include either production or utilization facilities or both, upon the basis of the similarity of operating and technical characteristics of the facilities;

"b. define the various activities to be carried on at each such class of facility; and

"c. designate the amounts of special nuclear material available for use by each such facility.

26 Stat. 209.
15 USC 1-7.

28 Stat. 570.
15 USC 8-11.

38 Stat. 730.
15 USC 12-27,
44; 18 USC 402;
29 USC 52, 53.
38 Stat. 717.
15 USC 41-48.

"SEC. 107. OPERATORS' LICENSES.—The Commission shall—

"a. prescribe uniform conditions for licensing individuals as operators of any of the various classes of production and utilization facilities licensed in this Act;

"b. determine the qualifications of such individuals;

"c. issue licenses to such individuals in such form as the Commission may prescribe; and

"d. suspend such licenses for violations of any provision of this Act or any rule or regulation issued thereunder whenever the Commission deems such action desirable.

"SEC. 108. WAR OR NATIONAL EMERGENCY.—Whenever the Congress declares that a state of war or national emergency exists, the Commission is authorized to suspend any licenses granted under this Act if in its judgment such action is necessary to the common defense and security. The Commission is authorized during such period, if the Commission finds it necessary to the common defense and security, to order the recapture of any special nuclear material distributed under the provisions of subsection 53 a., or to order the operation of any facility licensed under section 103 or 101, and is authorized to order the entry into any plant or facility in order to recapture such material, or to operate such facility. Just compensation shall be paid for any damages caused by the recapture of any special nuclear material or by the operation of any such facility.

"SEC. 109. COMPONENT PARTS OF FACILITIES.—With respect to those utilization and production facilities which are so determined by the Commission pursuant to subsection 11 p. (2) or 11 v. (2) the Commission may (a) issue general licenses for activities required to be licensed under section 101, if the Commission determines in writing that such general licensing will not constitute an unreasonable risk to the common defense and security, and (b) issue licenses for the export of such facilities, if the Commission determines in writing that each export will not constitute an unreasonable risk to the common defense and security.

"SEC. 110. EXCLUSIONS.—Nothing in this chapter shall be deemed—

"a. to require a license for (1) the processing, fabricating, or refining of special nuclear material, or the separation of special nuclear material, or the separation of special nuclear material from other substances, under contract with and for the account of the Commission; or (2) the construction or operation of facilities under contract with and for the account of the Commission; or

"b. to require a license for the manufacture, production, or acquisition by the Department of Defense of any utilization facility authorized pursuant to section 91, or for the use of such facility by the Department of Defense or a contractor thereof.

"CHAPTER 11. INTERNATIONAL ACTIVITIES

"SEC. 121. EFFECT OF INTERNATIONAL ARRANGEMENTS.—Any provision of this Act or any action of the Commission to the extent and during the time that it conflicts with the provisions of any international arrangement made after the date of enactment of this Act shall be deemed to be of no force or effect.

"SEC. 122. POLICIES CONTAINED IN INTERNATIONAL ARRANGEMENTS.—In the performance of its functions under this Act, the Commission shall give maximum effect to the policies contained in any international arrangement made after the date of enactment of this Act.

All 68 Stat. 940.

SEC. 123. COOPERATION WITH OTHER NATIONS.—No cooperation with any nation or regional defense organization pursuant to sections 54, 57, 64, 82, 103, 104, or 144 shall be undertaken until—

“a. the Commission or, in the case of those agreements for cooperation arranged pursuant to subsection 144 b., the Department of Defense has submitted to the President the proposed agreement for cooperation, together with its recommendation thereon, which proposed agreement shall include (1) the terms, conditions, duration, nature, and scope of the cooperation; (2) a guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained; (3) a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose; and (4) a guaranty by the cooperating party that any material or any Restricted Data to be transferred pursuant to the agreement for cooperation will not be transferred to unauthorized persons or beyond the jurisdiction of the cooperating party, except as specified in the agreement for cooperation;

“b. the President has approved and authorized the execution of the proposed agreement for cooperation, and has made a determination in writing that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security; and

“c. the proposed agreement for cooperation, together with the approval and the determination of the President, has been submitted to the Joint Committee and a period of thirty days has elapsed while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days).

SEC. 124. INTERNATIONAL ATOMIC POOL.—The President is authorized to enter into an international arrangement with a group of nations providing for international cooperation in the nonmilitary applications of atomic energy and he may thereafter cooperate with that group of nations pursuant to sections 54, 57, 64, 82, 103, 104, or 144 a.: *Provided, however,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123.

CHAPTER 12. CONTROL OF INFORMATION

SEC. 141. POLICY.—It shall be the policy of the Commission to control the dissemination and declassification of Restricted Data in such a manner as to assure the common defense and security. Consistent with such policy, the Commission shall be guided by the following principles:

“a. Until effective and enforceable international safeguards against the use of atomic energy for destructive purposes have been established by an international arrangement, there shall be no exchange of Restricted Data with other nations except as authorized by section 144; and

“b. The dissemination of scientific and technical information relating to atomic energy should be permitted and encouraged so as to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding and to enlarge the fund of technical information.

"SEC. 142. CLASSIFICATION AND DECLASSIFICATION OF RESTRICTED DATA.—

"a. The Commission shall from time to time determine the data, within the definition of Restricted Data, which can be published without undue risk to the common defense and security and shall thereupon cause such data to be declassified and removed from the category of Restricted Data.

"b. The Commission shall maintain a continuous review of Restricted Data and of any Classification Guides issued for the guidance of those in the atomic energy program with respect to the areas of Restricted Data which have been declassified in order to determine which information may be declassified and removed from the category of Restricted Data without undue risk to the common defense and security.

"c. In the case of Restricted Data which the Commission and the Department of Defense jointly determine to relate primarily to the military utilization of atomic weapons, the determination that such data may be published without constituting an unreasonable risk to the common defense and security shall be made by the Commission and the Department of Defense jointly, and if the Commission and the Department of Defense do not agree, the determination shall be made by the President.

"d. The Commission shall remove from the Restricted Data category such data as the Commission and the Department of Defense jointly determine relates primarily to the military utilization of atomic weapons and which the Commission and Department of Defense jointly determine can be adequately safeguarded as defense information: *Provided, however,* That no such data so removed from the Restricted Data category shall be transmitted or otherwise made available to any nation or regional defense organization, while such data remains defense information, except pursuant to an agreement for cooperation entered into in accordance with subsection 144 b.

"e. The Commission shall remove from the Restricted Data category such information concerning the atomic energy programs of other nations as the Commission and the Director of Central Intelligence jointly determine to be necessary to carry out the provisions of section 102 (d) of the National Security Act of 1947, as amended, and can be adequately safeguarded as defense information.

61 Stat. 498.
50 USC 403(d).

"SEC. 143. DEPARTMENT OF DEFENSE PARTICIPATION.—The Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee or prospective licensee of the Commission to permit any employee of an agency of the Department of Defense or of its contractors, or any member of the Armed Forces to have access to Restricted Data required in the performance of his duties and so certified by the head of the appropriate agency of the Department of Defense or his designee: *Provided, however,* That the head of the appropriate agency of the Department of Defense or his designee has determined, in accordance with the established personnel security procedures and standards of such agency, that permitting the member or employee to have access to such Restricted Data will not endanger the common defense and security: *And provided further,* That the Secretary of Defense finds that the established personnel and other security procedures and standards of such agency are adequate and in reasonable conformity to the standards established by the Commission under section 145.

All 69 Stat. 942.

"SEC. 144. INTERNATIONAL COOPERATION.—

"a. The President may authorize the Commission to cooperate with another nation and to communicate to that nation Restricted Data on—

"(1) refining, purification, and subsequent treatment of source material;

"(2) reactor development;

"(3) production of special nuclear material;

"(4) health and safety;

"(5) industrial and other applications of atomic energy for peaceful purposes; and

"(6) research and development relating to the foregoing:

Provided, however, That no such cooperation shall involve the communication of Restricted Data relating to the design or fabrication of atomic weapons: *And provided further,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123, or is undertaken pursuant to an agreement existing on the effective date of this Act.

"b. The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data as is necessary to—

"(1) the development of defense plans;

"(2) the training of personnel in the employment of and defense against atomic weapons; and

"(3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons,

while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security:

Provided, however, That no such cooperation shall involve communication of Restricted Data relating to the design or fabrication of atomic weapons except with regard to external characteristics, including size, weight, and shape, yields and effects, and systems employed in the delivery or use thereof but not including any data in these categories unless in the joint judgment of the Commission and the Department of Defense such data will not reveal important information concerning the design or fabrication of the nuclear components of an atomic weapon: *And provided further,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123.

"SEC. 145. RESTRICTIONS.—

"a. No arrangement shall be made under section 31, no contract shall be made or continued in effect under section 41, and no license shall be issued under section 103 or 104, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"b. Except as authorized by the Commission or the General Manager upon a determination by the Commission or General Manager that such action is clearly consistent with the national interest, no individual shall be employed by the Commission nor shall the Commission permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report

Investigations
by CSO.

to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"c. In the event an investigation made pursuant to subsections a. and b. of this section develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action. Investigations by FBI.

"d. If the President deems it to be in the national interest, he may from time to time cause investigations of any group or class which are required by subsections a. and b. of this section to be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

"e. Notwithstanding the provisions of subsections a. and b. of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity and upon such certification the investigation and reports required by such provisions shall be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

"f. The Commission shall establish standards and specifications in writing as to the scope and extent of investigations to be made by the Civil Service Commission pursuant to subsections a. and b. of this section. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the Restricted Data to which access will be permitted. Establishment by Commission of investigations standards, etc.

"SEC 146. GENERAL PROVISIONS.—

"a. Sections 141 to 145, inclusive, shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of those sections.

"b. The Commission shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

"CHAPTER 13. PATENTS AND INVENTIONS

"SEC. 151. MILITARY UTILIZATION.—

"a. No patent shall hereafter be granted for any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon. Any patent granted for any such invention or discovery is hereby revoked, and just compensation shall be made therefor.

"b. No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the utilization of special nuclear material or atomic energy in atomic weapons. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

"c. Any person who has made or hereafter makes any invention or discovery useful (1) in the production or utilization of special nuclear material or atomic energy; (2) in the utilization of special nuclear material in an atomic weapon; or (3) in the utilization of atomic energy in an atomic weapon, shall file with the Commission a report Report of invention to Commission.

containing a complete description thereof unless such invention or discovery is described in an application for a patent filed with the Commissioner of Patents by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the later: either the ninetieth day after completion of such invention or discovery; or the ninetieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.

"d. The Commissioner of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which, in his opinion, disclose inventions or discoveries required to be reported under subsection 151 c., and shall provide the Commission access to all such applications.

"SEC. 152. INVENTIONS CONCEIVED DURING COMMISSION CONTRACTS.— Any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, made or conceived under any contract, subcontract, arrangement, or other relationship with the Commission, regardless of whether the contract or arrangement involved the expenditure of funds by the Commission, shall be deemed to have been made or conceived by the Commission, except that the Commission may waive its claim to any such invention or discovery if made or conceived by any person at or in connection with any laboratory under the jurisdiction of the Commission as provided in section 33, or under such other circumstances as the Commission may deem appropriate. No patent for any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, shall be issued unless the applicant files with the application, or within 30 days after request therefor by the Commissioner of Patents, a statement under oath setting forth the full facts surrounding the making or conception of the invention or discovery described in the application and whether the invention or discovery was made or conceived in the course of, in connection with, or under the terms of any contract, subcontract, arrangement, or other relationship with the Commission, regardless of whether the contract or arrangement involved the expenditure of funds by the Commission. The Commissioner of Patents shall forthwith forward copies of the application and the statement to the Commission.

"The Commissioner of Patents may proceed with the application and issue the patent to the applicant (if the invention or discovery is otherwise patentable) unless the Commission, within 90 days after receipt of copies of the application and statement, directs the Commissioner of Patents to issue the patent to the Commission (if the invention or discovery is otherwise patentable) to be held by the Commission as the agent of and on behalf of the United States.

"If the Commission files such a direction with the Commissioner of Patents, and if the applicant's statement claims, and the applicant still believes, that the invention or discovery was not made or conceived in the course of, in connection with, or under the terms of any contract, subcontract, arrangement, or other relationship with the Commission entitling the Commission to take title to the application or the patent, the applicant may, within 30 days after notification of the filing of such a direction, request a hearing before a Board of Patent Interferences. The Board shall have the power to hear and determine whether the Commission was entitled to the direction filed with the Commissioner of Patents. The Board shall follow the rules and procedures established for interference cases and an appeal may be taken by either the applicant or the Commission from the final order of the Board to the Court of Customs and Patent Appeals

in accordance with the procedures governing the appeals from the Board of Patent Interferences.

"If the statement filed by the applicant should thereafter be found to contain false material statements any notification by the Commission that it has no objections to the issuance of a patent to the applicant shall not be deemed in any respect to constitute a waiver of the provisions of this section or of any applicable civil or criminal statute, and the Commission may have the title to the patent transferred to the Commission on the records of the Commissioner of Patents in accordance with the provisions of this section.

SEC. 153. NONMILITARY UTILIZATION.—

"a. The Commission may, after giving the patent owner an opportunity for a hearing, declare any patent to be affected with the public interest if (1) the invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy; and (2) the licensing of such invention or discovery under this section is of primary importance to effectuate the policies and purposes of this Act.

"b. Whenever any patent has been declared affected with the public interest, pursuant to subsection 153 a.—

"(1) the Commission is hereby licensed to use the invention or discovery covered by such patent in performing any of its powers under this Act; and

"(2) any person may apply to the Commission for a nonexclusive patent license to use the invention or discovery covered by such patent, and the Commission shall grant such patent license to the extent that it finds that the use of the invention or discovery is of primary importance to the conduct of an activity by such person authorized under this Act.

"c. Any person—

"(1) who has made application to the Commission for a license under sections 53, 62, 63, 81, 103, or 104, or a permit or lease under section 67;

"(2) to whom such license, permit, or lease has been issued by the Commission;

"(3) who is authorized to conduct such activities as such applicant is conducting or proposes to conduct under a general license issued by the Commission under sections 62 or 81; or

"(4) whose activities or proposed activities are authorized under section 31,

may at any time make application to the Commission for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent. Each such application shall set forth the nature and purpose of the use which the applicant intends to make of the patent license, the steps taken by the applicant to obtain a patent license from the owner of the patent, and a statement of the effects, as estimated by the applicant, on the authorized activities which will result from failure to obtain such patent license and which will result from the granting of such patent license.

"d. Whenever any person has made an application to the Commission for a patent license pursuant to subsection 153 c.—

"(1) the Commission, within 30 days after the filing of such application, shall make available to the owner of the patent all of the information contained in such application, and shall notify the owner of the patent of the time and place at which a hearing will be held by the Commission;

All 68 Stat. 946,

"(2) the Commission shall hold a hearing within 60 days after the filing of such application at a time and place designated by the Commission; and

"(3) in the event an applicant applies for two or more patent licenses, the Commission may, in its discretion, order the consolidation of such applications, and if the patents are owned by more than one owner, such owners may be made parties to one hearing.

"e. If, after any hearing conducted pursuant to subsection 153 d., the Commission finds that—

"(1) the invention or discovery covered by the patent is of primary importance in the production or utilization of special nuclear material or atomic energy;

"(2) the licensing of such invention or discovery is of primary importance to the conduct of the activities of the applicant;

"(3) the activities to which the patent license are proposed to be applied by such applicant are of primary importance to the furtherance of policies and purposes of this Act; and

"(4) such applicant cannot otherwise obtain a patent license from the owner of the patent on terms which the Commission deems to be reasonable for the intended use of the patent to be made by such applicant,

the Commission shall license the applicant to use the invention or discovery covered by the patent for the purposes stated in such application on terms deemed equitable by the Commission and generally not less fair than those granted by the patentee or by the Commission to similar licensees for comparable use.

"f. The Commission shall not grant any patent license pursuant to subsection 153 e. for any other purpose than that stated in the application. Nor shall the Commission grant any patent license to any other applicant for a patent license on the same patent without an application being made by such applicant pursuant to subsection 153 c., and without separate notification and hearing as provided in subsection 153 d., and without a separate finding as provided in subsection 153 e.

"g. The owner of the patent affected by a declaration or a finding made by the Commission pursuant to subsection 153 b. or 153 e. shall be entitled to a reasonable royalty fee from the licensee for any use of an invention or discovery licensed by this section. Such royalty fee may be agreed upon by such owner and the patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to subsection 157 c.

"h. The provisions of this section shall apply to any patent the application for which shall have been filed before September 1, 1959.

SEC. 154. INJUNCTIONS.—No court shall have jurisdiction or power to stay, restrain, or otherwise enjoin the use of any invention or discovery by a patent licensee, to the extent that such use is licensed by subsection 153 b. or 153 e. If, in any action against such patent licensee, the court shall determine that the defendant is exercising such license, the measure of damages shall be the royalty fee determined pursuant to subsection 157 c., together with such costs, interest, and reasonable attorney's fees as may be fixed by the court. If no royalty fee has been determined, the court shall stay the proceeding until the royalty fee is determined pursuant to subsection 157 c. If any such patent licensee shall fail to pay such royalty fee, the patentee may bring an action in any court of competent jurisdiction for such royalty fee, together with such costs, interest, and reasonable attorney's fees as may be fixed by the court.

"SEC. 155. PRIOR ART.—In connection with applications for patents covered by this Chapter, the fact that the invention or discovery was known or used before shall be a bar to the patenting of such invention or discovery even though such prior knowledge or use was under secrecy within the atomic energy program of the United States.

"SEC. 156. COMMISSION PATENT LICENSES.—The Commission shall establish standard specifications upon which it may grant a patent license to use any patent held by the Commission or declared to be affected with the public interest pursuant to subsection 153 a. Such a patent license shall not waive any of the other provisions of this Act.

"SEC. 157. COMPENSATION, AWARDS, AND ROYALTIES.—

"a. PATENT COMPENSATION BOARD.—The Commission shall designate a Patent Compensation Board to consider applications under this section. The members of the Board shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Board. The members of the Board may serve as such without regard to the provisions of sections 281, 283, or 284 of Title 18 of the United States Code, except in so far as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested. 62 Stat. 697.

"b. ELIGIBILITY.—

"(1) Any owner of a patent licensed under section 158 or subsections 153 b. or 153 e., or any patent licensee thereunder may make application to the Commission for the determination of a reasonable royalty fee in accordance with such procedures as the Commission by regulation may establish.

"(2) Any person seeking to obtain the just compensation provided in section 151 shall make application therefor to the Commission in accordance with such procedures as the Commission may by regulation establish.

"(3) Any person making any invention or discovery useful in the production or utilization of special nuclear material or atomic energy, who is not entitled to compensation or a royalty therefor under this Act and who has complied with the provisions of section 151 c. hereof may make application to the Commission for, and the Commission may grant, an award. The Commission may also, upon the recommendation of the General Advisory Committee, and with the approval of the President, grant an award for any especially meritorious contribution to the development, use, or control of atomic energy.

"c. STANDARDS.—

"(1) In determining a reasonable royalty fee as provided for in subsections 153 b. or 153 e., the Commission shall take into consideration (A) the advice of the Patent Compensation Board; (B) any defense, general or special, that might be pleaded by a defendant in an action for infringement; (C) the extent to which, if any, such patent was developed through federally financed research; and (D) the degree of utility, novelty, and importance of the invention or discovery, and may consider the cost to the owner of the patent of developing such invention or discovery or acquiring such patent.

"(2) In determining what constitutes just compensation as provided for in section 151, or in determining the amount of any award under subsection 157 b. (3), the Commission shall take into account the considerations set forth in subsection 157 c. (1) and the actual use of such invention or discovery. Such compensation may be paid by the Commission in periodic payments or in a lump sum.

"SEC. 158. MONOPOLISTIC USE OF PATENTS.—Whenever the owner of any patent hereafter granted for any invention or discovery of pri-

All 68 Stat. 948,

mary use in the utilization or production of special nuclear material or atomic energy is found by a court of competent jurisdiction to have intentionally used such patent in a manner so as to violate any of the antitrust laws specified in subsection 105 a., there may be included in the judgment of the court, in its discretion and in addition to any other lawful sanctions, a requirement that such owner license such patent to any other licensee of the Commission who demonstrates a need therefor. Such licensee shall pay a reasonable royalty fee, to be determined in accordance with section 157, to the owner of the patent.

"SEC. 159. FEDERALLY FINANCED RESEARCH.—Nothing in this Act shall affect the right of the Commission to require that patents granted on inventions, made or conceived during the course of federally financed research or operations, be assigned to the United States.

60 Stat. 768.
42 USC 1811.

"SEC. 160. SAVING CLAUSE.—Any patent application on which a patent was denied by the United States Patent Office under sections 11 (a) (1), 11 (a) (2), or 11 (b) of the Atomic Energy Act of 1946, and which is not prohibited by section 151 or section 155 of this Act may be reinstated upon application to the Commissioner of Patents within one year after enactment of this Act and shall then be deemed to have been continuously pending since its original filing date: *Provided, however,* That no patent issued upon any patent application so reinstated shall in any way furnish a basis of claim against the Government of the United States.

"CHAPTER 14. GENERAL AUTHORITY

"SEC. 161. GENERAL PROVISIONS.—In the performance of its functions the Commission is authorized to—

"a. establish advisory boards to advise with and make recommendations to the Commission on legislation, policies, administration, research, and other matters, provided that the Commission issues regulations setting forth the scope, procedure, and limitations of the authority of each such board;

"b. establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material as the Commission may deem necessary or desirable to promote the common defense and security or to protect health or to minimize danger to life or property;

"c. make such studies and investigations, obtain such information, and hold such meetings or hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this Act, or in the administration or enforcement of this Act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpoena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893, shall apply with respect to any individual who specifically claims such privilege. Witnesses subpoenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States;

27 Stat. 443.
49 USC 46.

"d. appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation

fixed in accordance with the Classification Act of 1949, as amended, 63 Stat. 954, except that, to the extent the Commission deems such action necessary to the discharge of its responsibilities, personnel may be employed and their compensation fixed without regard to such laws: *Provided, however*, That no officer or employee (except such officers and employees whose compensation is fixed by law, and scientific and technical personnel) whose position would be subject to the Classification Act of 1949, as amended, if such Act were applicable to such position, shall be paid a salary at a rate in excess of the rate payable under such Act for positions of equivalent difficulty or responsibility. The Commission shall make adequate provision for administrative review of any determination to dismiss any employee; 5 USC 1071 note.

"e. acquire such material, property, equipment, and facilities, establish or construct such buildings and facilities, and modify such buildings and facilities from time to time, as it may deem necessary, and construct, acquire, provide, or arrange for such facilities and services (at project sites where such facilities and services are not available) for the housing, health, safety, welfare, and recreation of personnel employed by the Commission as it may deem necessary, subject to the provisions of section 174;

"f. with the consent of the agency concerned, utilize or employ the services or personnel of any Government agency or any State or local government, or voluntary or uncompensated personnel, to perform such functions on its behalf as may appear desirable;

"g. acquire, purchase, lease, and hold real and personal property, including patents, as agent of and on behalf of the United States, subject to the provisions of section 174, and to sell, lease, grant, and dispose of such real and personal property as provided in this Act;

"h. consider in a single application one or more of the activities for which a license is required by this Act, combine in a single license one or more of such activities, and permit the applicant or licensee to incorporate by reference pertinent information already filed with the Commission;

"i. prescribe such regulations or orders as it may deem necessary (1) to protect Restricted Data received by any person in connection with any activity authorized pursuant to this Act, (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to section 53 or produced by any person in connection with any activity authorized pursuant to this Act, and to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security, and (3) to govern any activity authorized pursuant to this Act, including standards and restrictions governing the design, location, and operation of facilities used in the conduct of such activity, in order to protect health and to minimize danger to life or property;

"j. without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended, except section 207 of that Act, or any other law, make such disposition as it may deem desirable of (1) radioactive materials, and (2) any other property, the special disposition of which is, in the opinion of the Commission, in the interest of the national security: *Provided, however*, That the property furnished to licensees in accordance with the provisions of subsection 161 m. shall not be deemed to be property disposed of by the Commission pursuant to this subsection; 63 Stat. 377, 40 USC 471 note, 488.

All 68 Stat. 950.

"k. authorize such of its members, officers, and employees as it deems necessary in the interest of the common defense and security to carry firearms while in the discharge of their official duties. The Commission may also authorize such of those employees of its contractors engaged in the protection of property owned by the United States and located at facilities owned by or contracted to the United States as it deems necessary in the interests of the common defense and security to carry firearms while in the discharge of their official duties;

"l. secure the admittance free of duty into the United States of purchases made abroad of source materials, upon certification to the Secretary of the Treasury that such entry is necessary in the interest of the common defense and security;

"m. enter into agreements with persons licensed under section 103 or 104 for such periods of time as the Commission may deem necessary or desirable (1) to provide for the processing, fabricating, separating, or refining in facilities owned by the Commission of source, byproduct, or other material or special nuclear material owned by or made available to such licensees and which is utilized or produced in the conduct of the licensed activity, and (2) to sell, lease, or otherwise make available to such licensees such quantities of source or byproduct material, and other material not defined as special nuclear material pursuant to this Act, as may be necessary for the conduct of the licensed activity: *Provided, however,* That any such agreement may be canceled by the licensee at any time upon payment of such reasonable cancellation charges as may be agreed upon by the licensee and the Commission: *And provided further,* That the Commission shall establish prices to be paid by licensees for material or services to be furnished by the Commission pursuant to this subsection, which prices shall be established on such a nondiscriminatory basis as, in the opinion of the Commission, will provide reasonable compensation to the Government for such material or services and will not discourage the development of sources of supply independent of the Commission;

"n. assign scientific, technical, professional, and administrative employees for instruction, education, or training by public or private agencies, institutions of learning, laboratories, or industrial or commercial organizations and to pay the whole or any part of the salaries of such employees, costs of their transportation and per diem in lieu of subsistence in accordance with applicable laws and regulations, and training charges incident to their assignments (including tuition and other related fees): *Provided, however,* That (1) not more than one per centum of the eligible employees shall be so assigned during any fiscal year, and (2) any such assignment shall be approved in advance by the Commission or shall be in accordance with a training program previously approved by the Commission: *And provided further,* That appropriations or other funds available to the Commission for salaries or expenses shall be available for the purposes of this subsection;

"o. delegate to the General Manager or other officers of the Commission any of those functions assigned to it under this Act except those specified in sections 51, 57 a. (3), 61, 102 (with respect to the finding of practical value), 108, 123, 145 b. (with respect to the determination of those persons to whom the Commission may reveal Restricted Data in the national interest), 145 e., and 161 a.;

"p. require by rule, regulation, or order, such reports, and the keeping of such records with respect to, and to provide for such

inspections of, activities and studies of types specified in section 31 and of activities under licenses issued pursuant to sections 53, 63, 81, 103, and 104, as may be necessary to effectuate the purposes of this Act, including section 105; and

"q. make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act.

"SEC. 162. CONTRACTS.—The President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

"SEC. 163. ADVISORY COMMITTEES.—The members of the General Advisory Committee established pursuant to section 26 and the members of advisory boards established pursuant to section 161 a. may serve as such without regard to the provisions of sections 281, 283, or 284 of Title 18 of the United States Code, except insofar as such sections may prohibit any such member from receiving compensation in respect of any particular matter which directly involves the Commission or in which the Commission is directly interested. 62 Stat. 697.

"SEC. 164. ELECTRIC UTILITY CONTRACTS.—The Commission is authorized in connection with the construction or operation of the Oak Ridge, Paducah, and Portsmouth installations of the Commission, without regard to section 3079 of the Revised Statutes, as amended, to enter into new contracts or modify or confirm existing contracts to provide for electric utility services for periods not exceeding twenty-five years, and such contracts shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contracts, and any appropriation presently or hereafter made available to the Commission shall be available for the payment of such cancellation costs. Any such cancellation payments shall be taken into consideration in determination of the rate to be charged in the event the Commission or any other agency of the Federal Government shall purchase electric utility services from the contractor subsequent to the cancellation and during the life of the original contract. The authority of the Commission under this section to enter into new contracts or modify or confirm existing contracts to provide for electric utility services includes, in case such electric utility services are to be furnished to the Commission by the Tennessee Valley Authority, authority to contract with any person to furnish electric utility services to the Tennessee Valley Authority in replacement thereof. Any contract hereafter entered into by the Commission pursuant to this section shall be submitted to the Joint Committee and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days) before the contract of the Commission shall become effective: *Provided, however*, That the Joint Committee, after having received the proposed contract, may by resolution in writing, waive the conditions of or all or any portion of such thirty-day period. 31 USC 665.

"SEC. 165. CONTRACT PRACTICES.—

"a. In carrying out the purposes of this Act the Commission shall not use the cost-plus-percentage-of-cost system of contracting.

"b. No contract entered into under the authority of this Act shall provide, and no contract entered into under the authority of the Atomic Energy Act of 1946, as amended, shall be modified or amended after the date of enactment of this Act to provide, for direct payment or direct reimbursement by the Commission of any Federal income taxes on behalf of any contractor performing such contract for profit. 60 Stat. 755. 42 USC 1801 note.

"SEC. 166. COMPTROLLER GENERAL AUDIT.—No moneys appropriated

for the purposes of this Act shall be available for payments under any contract with the Commission, negotiated without advertising, except contracts with any foreign government or any agency thereof and contracts with foreign producers, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to such contracts or subcontracts: *Provided, however,* That no moneys so appropriated shall be available for payment under such contract which includes any provision precluding an audit by the General Accounting Office of any transaction under such contract.

"SEC. 167. CLAIM SETTLEMENTS.—The Commission, acting on behalf of the United States, is authorized to consider, ascertain, adjust, determine, settle, and pay, any claim for money damage of \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of the Commission's program for testing atomic weapons, where such claim is presented to the Commission in writing within one year after the accident or incident out of which the claim arises: *Provided, however,* That the damage to or loss of property, or bodily injury or death, shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agents, or employees. Any such settlement under the authority of this section shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary.

"SEC. 168. PAYMENTS IN LIEU OF TAXES.—In order to render financial assistance to those States and localities in which the activities of the Commission are carried on, and in which the Commission has acquired property previously subject to State and local taxation, the Commission is authorized to make payments to State and local governments in lieu of property taxes. Such payments may be in the amounts, at the times, and upon the terms the Commission deems appropriate, but the Commission shall be guided by the policy of not making payments in excess of the taxes which would have been payable for such property in the condition in which it was acquired, except in cases where special burdens have been cast upon the State or local government by activities of the Commission, the Manhattan Engineer District or their agents. In any such case, any benefit accruing to the State or local government by reason of such activities shall be considered in determining the amount of the payment.

"SEC. 169. NO SUBSIDY.—No funds of the Commission shall be employed in the construction or operation of facilities licensed under section 103 or 104 except under contract or other arrangement entered into pursuant to section 31.

"CHAPTER 15. COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

"SEC. 171. JUST COMPENSATION.—The United States shall make just compensation for any property or interests therein taken or requisitioned pursuant to sections 43, 52 (with respect to the material for which the United States is required to pay just compensation), 66, and 108. 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 Court of 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 of the United States Code to recover such further sum as added to said 75 per centum will constitute just compensation. 62 Stat. 933.

"SEC. 172. CONDEMNATION OF REAL PROPERTY.—Proceedings for condemnation shall be instituted pursuant to the provisions of the Act approved August 1, 1888, as amended, and section 1403 of Title 28 of the United States Code. The Act approved February 26, 1931, as amended, shall be applicable to any such proceedings. 62 Stat. 986, 937; 46 Stat. 1421, 40 USC 257, 258a-258e.

"SEC. 173. PATENT APPLICATION DISCLOSURES.—In the event that the Commission communicates to any nation any Restricted Data based on any patent application not belonging to the United States, just compensation shall be paid by the United States to the owner of the patent application. The Commission shall determine such 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 Court of Claims or in any district court of the United States for the district in which such claimant is a resident in a manner provided by section 1346 of Title 28 of the United States Code to recover such further sum as added to such 75 per centum will constitute just compensation. 62 Stat. 933.

"SEC. 174. ATTORNEY GENERAL APPROVAL OF TITLE.—All real property acquired under this Act shall be subject to the provisions of section 355 of the Revised Statutes, as amended: *Provided, however,* That real property acquired by purchase or donation, or other means of transfer may also be occupied, used, and improved for the purposes of this Act prior to approval of title by the Attorney General in those cases where the President determines that such action is required in the interest of the common defense and security. 40 USC 255.

"CHAPTER 16. JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

"SEC. 181. GENERAL.—The provisions of the Administrative Procedure Act (Public Law 404, Seventy-ninth Congress, approved June 11, 1946) shall apply to all agency action taken under this Act, and the terms 'agency' and 'agency action' shall have the meaning specified in the Administrative Procedure Act: *Provided, however,* That in the case of agency proceedings or actions which involve Restricted Data or defense information, the Commission shall provide by regulation for such parallel procedures as will effectively safeguard and prevent disclosure of Restricted Data or defense information to unauthorized persons with minimum impairment of the procedural rights which would be available if Restricted Data or defense information were not involved. 60 Stat. 237, 5 USC 1001 note.

"SEC. 182. LICENSE APPLICATIONS.—

"a. Each application for a license hereunder shall be in writing and shall specifically state such information as the Commission, by rule or regulation, may determine to be necessary to decide such of the technical and financial qualifications of the applicant, the character of the applicant, the citizenship of the applicant, or any other qualifications of the applicant as the Commission may deem appropriate for the license. In connection with applications for licenses to operate production or utilization facilities, the applicant shall state such technical specifications, including information of the amount, kind, and source of special nuclear material required, the place of the use, the specific

All 68 Stat. 954.

characteristics of the facility, and such other information as the Commission may, by rule or regulation, deem necessary in order to enable it to find that the utilization or production of special nuclear material will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. Such technical specifications shall be a part of any license issued. The Commission may at any time after the filing of the original application, and before the expiration of the license, require further written statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee under oath or affirmation.

Commercial
power.

"b. The Commission shall not issue any license for a utilization or production facility for the generation of commercial power under section 103, until it has given notice in writing to such regulatory agency as may have jurisdiction over the rates and services of the proposed activity, to municipalities, private utilities, public bodies, and cooperatives within transmission distance authorized to engage in the distribution of electric energy and until it has published notice of such application once each week for four consecutive weeks in the Federal Register, and until four weeks after the last notice.

Notice in RA.

"c. The Commission, in issuing any license for a utilization or production facility for the generation of commercial power under section 103, shall give preferred consideration to applications for such facilities which will be located in high cost power areas in the United States if there are conflicting applications for a limited opportunity for such license. Where such conflicting applications resulting from limited opportunity for such license include those submitted by public or cooperative bodies such applications shall be given preferred consideration.

"SEC. 183. 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 Act, including the following provisions:

"a. Title to all special nuclear material utilized or produced by facilities pursuant to the license, shall at all times be in the United States.

"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 Act.

"d. Every license issued under this Act shall be subject to the right of recapture or control reserved by section 108, and to all of the other provisions of this Act, now or hereafter in effect and to all valid rules and regulations of the Commission.

"SEC. 184. 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 Act, 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 owned or thereafter acquired by a licensee, or upon any leasehold or other interest in such property, 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.

"SEC. 185. CONSTRUCTION PERMITS.—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 Act 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 Act, the Commission shall thereupon issue a license to the applicant. For all other purposes of this Act, a construction permit is deemed to be a 'license'.

"SEC. 186. REVOCATION.—

"a. Any license may be revoked for any material false statement in the application or any statement of fact required under section 182, 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 Act or of any regulation of the Commission.

"b. The Commission shall follow the provisions of section 9 (b) of the Administrative Procedure Act in revoking any license. 60 Stat. 242,
5 USC 1008(b).

"c. 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 the Administrative Procedure Act. 5 USC 1001 note. Just compensation shall be paid for the use of the facility.

"SEC. 187. MODIFICATION OF LICENSE.—The terms and conditions of all licenses shall be subject to amendment, revision, or modification, by reason of amendments of this Act or by reason of rules and regulations issued in accordance with the terms of this Act.

"SEC. 188. 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 186, 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.

"SEC. 189. HEARINGS AND JUDICIAL REVIEW.—

68 Stat. 955.
68 Stat. 956.

"a. In any proceeding under this Act, 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 153, 157, 186 c., or 188, 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.

5 USC 1031-
1042, 1009.

"b. Any final order entered in any proceeding of the kind specified in subsection a. above shall be subject to judicial review in the manner prescribed in the Act of December 29, 1950, as amended (ch. 1189, 64 Stat. 1129), and to the provisions of section 10 of the Administrative Procedure Act, as amended.

"CHAPTER 17. JOINT COMMITTEE ON ATOMIC ENERGY

"SEC. 201. MEMBERSHIP.—There is hereby established a Joint Committee on Atomic Energy to be composed of nine Members of the Senate to be appointed by the President of the Senate, and nine Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. In each instance not more than five Members shall be members of the same political party.

"SEC. 202. AUTHORITY AND DUTY.—The Joint Committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. During the first sixty days of each session of the Congress, the Joint Committee shall conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of the atomic energy industry. The Commission shall keep the Joint Committee fully and currently informed with respect to all of the Commission's activities. The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of atomic energy. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the Joint Committee. The members of the Joint Committee who are Members of the Senate shall from time to time report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are referred to the Joint Committee or otherwise within the jurisdiction of the Joint Committee.

"SEC. 203. CHAIRMAN.—Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee, and shall be filled in the same manner as in the case of the original selection. The Joint Committee shall select a Chairman and a Vice Chairman from among its members at the beginning of each Congress. The Vice Chairman shall act in the place and stead of the Chairman in the absence of the Chairman. The Chairmanship shall alternate between the Senate and the House of Representatives with each Congress, and the Chairman shall be selected by the Members from that House entitled to the Chair-

manship. The Vice Chairman shall be chosen from the House other than that of the Chairman by the Members from that House.

"SEC. 204. POWERS.—In carrying out its duties under this Act, the Joint Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary: *Provided, however,* That no measure or recommendation shall be reported from the Joint Committee unless a majority of the committee assent. Subpoenas may be issued over the signature of the Chairman of the Joint Committee or by any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such Chairman or member. The Chairman of the Joint Committee or any member thereof may administer oaths to witnesses. The Joint Committee may use a committee seal. The provisions of Committee seal. sections 102 to 104, inclusive, of the Revised Statutes, as amended, shall 2 USC 192-194. apply in case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section. The expenses of the Joint Committee shall be paid from the contingent fund of the Senate from funds appropriated for the Joint Committee upon vouchers approved by the Chairman. The cost of stenographic service to report public hearings shall not be in excess of the amounts prescribed by law for reporting the hearings of standing committees of the Senate. The cost of stenographic service to report executive hearings shall be fixed at an equitable rate by the Joint Committee. Members of the Joint Committee, and its employees and consultants, while traveling on official business for the Joint Committee, may receive either the per diem allowance authorized to be paid to Members of Congress or its employees, or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

"SEC. 205. STAFF AND ASSISTANCE.—The Joint Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government. The Joint Committee is authorized to permit such of its members, employees, and consultants as it deems necessary in the interest of common defense and security to carry firearms while in the discharge of their official duties for the committee.

"SEC. 206. CLASSIFICATION OF INFORMATION.—The Joint Committee may classify information originating within the committee in accordance with standards used generally by the executive branch for classifying Restricted Data or defense information.

"SEC. 207. RECORDS.—The Joint Committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or other places as the Joint Committee may direct under such security safeguards as the Joint Committee shall determine in the interest of the common defense and security.

"CHAPTER 18. ENFORCEMENT

"SEC. 221. GENERAL PROVISIONS.—

"a. To protect against the unlawful dissemination of Restricted Data and to safeguard facilities, equipment, materials, and other property of the Commission, the President shall have authority to utilize the services of any Government agency to the extent he may deem necessary or desirable.

"b. The Federal Bureau of Investigation of the Department of Justice shall investigate all alleged or suspected criminal violations of this Act.

"c. No action shall be brought against any individual or person for any violation under this Act unless and until the Attorney General of the United States has advised the Commission with respect to such action and no such action shall be commenced except by the Attorney General of the United States: *Provided, however,* That no action shall be brought under sections 222, 223, 224, 225 or 226 except by the express direction of the Attorney General.

"SEC. 222. VIOLATION OF SPECIFIC SECTIONS.—Whoever willfully violates, attempts to violate, or conspires to violate, any provision of sections 57, 92, or 101, or whoever unlawfully interferes, attempts to interfere, or conspires to interfere with any recapture or entry under section 108, shall, upon conviction thereof, be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

"SEC. 223. VIOLATION OF SECTIONS GENERALLY.—Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this Act for which no penalty is specifically provided or of any regulation or order prescribed or issued under section 65 or subsections 161 b., i., or p. shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall, upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

"SEC. 224. COMMUNICATION OF RESTRICTED DATA.—Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data—

"a. communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both;

"b. communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation,

shall, upon conviction, be punished by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both.

"SEC. 225. RECEIPT OF RESTRICTED DATA.—Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires, or attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data shall, upon conviction thereof, be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both.

"SEC. 226. TAMPERING WITH RESTRICTED DATA.—Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, removes, conceals, tampers with, alters, mutilates, or destroys any document, writing, sketch, photograph, plan, model, instrument, appliance, or note involving or incorporating Restricted Data and used by any individual or person in connection with the production of special nuclear material, or research or development relating to atomic energy, conducted by the United States, or financed in whole or in part by Federal funds, or conducted with the aid of special nuclear material, shall be punished by death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both.

"SEC. 227. DISCLOSURE OF RESTRICTED DATA.—Whoever, being or having been an employee or member of the Commission, a member of the Armed Forces, an employee of any agency of the United States, or being or having been a contractor of the Commission or of an agency of the United States, or being or having been an employee of a contractor of the Commission or of an agency of the United States, or being or having been a licensee of the Commission, or being or having been an employee of a licensee of the Commission, knowingly communicates, or whoever conspires to communicate or to receive, any Restricted Data, knowing or having reason to believe that such data is Restricted Data, to any person not authorized to receive Restricted Data pursuant to the provisions of this Act or under rule or regulation of the Commission issued pursuant thereto, knowing or having reason to believe such person is not so authorized to receive Restricted Data shall, upon conviction thereof, be punishable by a fine of not more than \$2,500.

"SEC. 228. STATUTE OF LIMITATIONS.—Except for a capital offense, no individual or person shall be prosecuted, tried, or punished for any offense prescribed or defined in sections 224 to 226, inclusive, of this Act unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed.

"SEC. 229. OTHER LAWS.—Sections 224 to 228 shall not exclude the applicable provisions of any other laws.

"SEC. 230. INJUNCTION PROCEEDINGS.—Whenever in the judgment of the Commission any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or any regulation or order issued thereunder, the Attorney-General on behalf of the United States may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Commission that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

All 68 Stat., 960.

"SEC. 231. CONTEMPT PROCEEDINGS.—In case of failure or refusal to obey a subpoena served upon any person pursuant to subsection 161 c., the district court for any district in which such person is found or resides or transacts business, upon application by the Attorney General on behalf of the United States, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, in accordance with the subpoena; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"CHAPTER 19. MISCELLANEOUS

"SEC. 241. TRANSFER OF PROPERTY.—Nothing in this Act shall be deemed to repeal, modify, amend, or alter the provisions of section 9 (a) of the Atomic Energy Act of 1946, as heretofore amended.

60 Stat. 765.
42 USC 1809(a).

"SEC. 251. REPORT TO CONGRESS.—The Commission shall submit to the Congress, in January and July of each year, a report concerning the activities of the Commission. The Commission shall include in such report, and shall at such other times as it deems desirable submit to the Congress, such recommendations for additional legislation as the Commission deems necessary or desirable.

"SEC. 261. APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act except such as may be necessary for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion. The Acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only. Funds appropriated to the Commission shall, if obligated by contract during the fiscal year for which appropriated, remain available for expenditure for four years following the expiration of the fiscal year for which appropriated.

"SEC. 271. AGENCY JURISDICTION.—Nothing in this Act shall be construed to affect the authority or regulations of any Federal, State, or local agency with respect to the generation, sale, or transmission of electric power.

"SEC. 272. APPLICABILITY OF FEDERAL POWER ACT.—Every licensee under this Act who holds a license from the Commission for a utilization or production facility for the generation of commercial electric energy under section 103 and who transmits such electric energy in interstate commerce or sells it at wholesale in interstate commerce shall be subject to the regulatory provisions of the Federal Power Act.

"SEC. 273. LICENSING OF GOVERNMENT AGENCIES.—Nothing in this Act shall preclude any Government agency now or hereafter authorized by law to engage in the production, marketing, or distribution of electric energy from obtaining a license under section 103, if qualified under the provisions of section 103, for the construction and operation of production or utilization facilities for the primary purpose of producing electric energy for disposition for ultimate public consumption.

"SEC. 281. SEPARABILITY.—If any provision of this Act or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 291. SHORT TITLE.—This Act may be cited as the 'Atomic Energy Act of 1954'."

SEC. 2.

a. Section 1 (d) of the Act of December 20, 1950 (64 Stat. 1129), is amended by inserting before the period at the end thereof a semicolon and the following: "when such order was entered by the Atomic Energy Commission, 'agency' means that Commission". 5 USC 1031(d).

b. Section 2 of the Act of December 29, 1950 (64 Stat. 1129), is amended by inserting before the period at the end of the first paragraph thereof a comma and the following: "and (d) of the Atomic Energy Commission made reviewable by section 189 of the Atomic Energy Act of 1954, as amended". 5 USC 1032. Court of Appeals, Jurisdiction.

SEC. 3. 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. Ante, p. New Mexico. Retrocession.

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.

Approved August 30, 1954, 9:44 a. m., E. D. T.

Public Law 31 - 84th Congress
Chapter 34 - 1st Session
S. 1722

AN ACT

All 69 Stat. 47.

To authorize the Atomic Energy Commission to construct a modern office building in or near the District of Columbia to serve as its principal office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Commission is authorized, with funds presently available or otherwise made available to it, to acquire (by purchase, condemnation, or otherwise, under the applicable provisions of chapters 14 and 15 of the Atomic Energy Act of 1954) a suitable site in or near the District of Columbia and, notwithstanding any other provision of law, to provide for the construction on such site, in accordance with plans and specifications prepared by or under the direction of the Commission, of a modern office building (including necessary related equipment, and auxiliary structures, as well as vaults for the protection of Restricted Data) to serve as the principal office of the Commission at a total cost of not to exceed \$10,000,000 and for that purpose there is authorized to be appropriated such sums as may be necessary.

AEC office
in D.C. area.

68 Stat. 948,
952.
42 USC 2201-
2224.

Appropriation.

Approved May 6, 1955.

Public Law 141 - 84th Congress
Chapter 304 - 1st Session
H. R. 6795

AN ACT

All 69 Stat. 291.

To authorize appropriations for the Atomic Energy Commission for acquisition or condemnation of real property or any facilities, or for plant or facility acquisition, construction, or expansion, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission the sum of \$269,159,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows:

AEC appropriation.
Acquisition,
etc., of
property.

(a) **ATOMIC WEAPONS.**—Project 56-a-1, production or development plants or facilities, \$20,000,000.

(b) **REACTOR DEVELOPMENT.**—

1. Project 56-b-1, power reactor development acceleration project, \$25,000,000.

2. Project 56-b-2, fast power breeder pilot facility (EBR-II), \$14,850,000.

3. Project 56-b-3, surface ship reactor facility, \$25,000,000.

4. Project 56-b-4, submarine advanced reactor facility, \$23,140,000.

5. Project 56-b-5, submarine advanced reactor development facilities, Schenectady, New York, \$3,100,000.

6. Project 56-b-6, aircraft nuclear propulsion program plant and test area, Arco, Idaho, \$13,000,000.

7. Project 56-b-7, aircraft reactor test plant, \$1,437,000.

8. Project 56-b-8, modifications and expansions to ANP ground test plant, Idaho, \$1,000,000.

9. Project 56-b-9, special reactor facilities construction program, \$2,000,000.

10. Project 56-b-10, reactor core test facility, Arco, Idaho, \$600,000.

(c) **PHYSICAL RESEARCH.**—Project 56-c-1, particle accelerator program, \$10,000,000.

(d) **SPECIAL NUCLEAR MATERIAL.**—

1. Project 56-d-1, metallex pilot facility, Oak Ridge National Laboratory, \$1,000,000.

2. Project 56-d-2, reactor facilities modifications, Hanford, Washington, \$11,900,000.

3. Project 56-d-3, special reactor facilities equipment, Hanford, Washington, \$5,600,000.

4. Project 56-d-4, modifications to separations and processing facilities, Hanford, Washington, \$2,560,000.

5. Project 56-d-5, conversion of pilot plant and facility to production plant and facility, Fernald, Ohio, \$600,000.

6. Project 56-d-6, barrier plant addition, Oak Ridge, Tennessee, \$2,200,000.

7. Project 56-d-7, new barrier development plant, Oak Ridge, Tennessee, \$404,000.

8. Project 56-d-8, expansion of metal recovery facility, Oak Ridge National Laboratory, \$370,000.

(e) **SOURCE AND OTHER RAW MATERIALS.**—

1. Project 56-e-1, expansion and modification of ore processing plant, Monticello, Utah, \$1,550,000.

2. Project 56-e-2, storage sites for vanadium bearing tailings, \$500,000.

(f) **ATOMIC WEAPONS.**—

1. Project 56-f-1, art construction project, fiscal year 1956 increment, \$17,873,000.

2. Project 56-f-2, expansion of weapons material fabrication plant and facility, \$15,000,000.

3. Project 56-f-3, new Sigma Laboratory, Los Alamos, New Mexico, \$4,015,000.
4. Project 56-f-4, detonator production plant, \$3,750,000.
5. Project 56-f-5, base construction, Pacific proving ground, \$1,568,000.
6. Project 56-f-6, Rocky Flats, Colorado, plant and facilities, \$1,330,000.
7. Project 56-f-7, base construction, Nevada test site, \$927,000.
8. Project 56-f-8, addition to technical laboratory shop building, Los Alamos, New Mexico, \$735,000.

(g) REACTOR DEVELOPMENT.—

1. Project 56-g-1, engineering test reactor facility, \$14,350,000.
2. Project 56-g-2, reactor training school, Argonne National Laboratory, \$712,000.
3. Project 56-g-3, chemistry cave for radioactive materials, Argonne National Laboratory, \$448,000.
4. Project 56-g-4, reactor engineering building addition, Argonne National Laboratory, \$295,000.
5. Project 56-g-5, high level chemical development facility, Oak Ridge National Laboratory, \$280,000.
6. Project 56-g-6, research reactor, Philippine Government, \$500,000.
7. Project 56-g-7, research reactors for the development of peacetime uses of atomic energy under Agreements for Cooperation, \$5,000,000.

(h) PHYSICAL RESEARCH.—

1. Project 56-h-1, conversion of existing building to development plant, Oak Ridge National Laboratory, \$1,150,000.
2. Project 56-h-2, fabrication plant for development equipment, Oak Ridge National Laboratory, \$440,000.

(i) BIOLOGY AND MEDICINE.—Project 56-i-1, medical research plant and facility, Brookhaven National Laboratory, \$6,040,000.

(j) COMMUNITY.—

1. Project 56-j-1, additional housing units, Monticello, Utah, \$250,000.
2. Project 56-j-2, new community hospital, Oak Ridge, Tennessee, \$2,900,000.
3. Project 56-j-3, water and sewer replacements and improvements, Richland, Washington, \$160,000.
4. Project 56-j-4, housing program (group 18), Los Alamos, New Mexico, \$3,500,000.

(k) SOURCE AND OTHER RAW MATERIALS.—Project 56-k-1, offsite access roads, \$4,165,000.

(l) GENERAL PLANT PROJECTS.—\$17,960,000.

SEC. 102. LIMITATIONS.—

(a) The Commission is authorized to start any project set forth in subsections 101 (a) through 101 (d) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101 (e) through 101 (j) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start the project set forth in subsection 101 (k) only if the currently estimated cost of the project does not exceed the estimated cost set forth for that project.

(d) The Commission is authorized to start a project under subsection 101 (l) only if it is in accordance with the following:

1. For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently esti-

mated cost of any building included in such project shall be \$10,000.

2. For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such a project shall be \$100,000.

3. The total cost of all projects undertaken under subsection 101 (1) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. There are hereby authorized to be appropriated funds for advance planning, construction design, and architectural services, in connection with projects which are not otherwise authorized by law, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes. ^{Advance planning, etc.}

SEC. 104. There are hereby authorized to be appropriated funds necessary to restore or to replace plants or facilities destroyed or otherwise seriously damaged, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes. ^{Replacement of plants, etc.}

SEC. 105. In addition to the sums authorized to be appropriated to the Atomic Energy Commission by section 101 of this Act, there are hereby authorized to be appropriated to the Atomic Energy Commission to accomplish the purposes of this Act such sums of money as may be currently available to the Atomic Energy Commission. ^{Additional sums.}

SEC. 106. Funds authorized to be appropriated or otherwise made available by this Act may be used to start any other new project for which an estimate was not included in this Act if it be a substitute for a project authorized in subsections 101 (a), 101 (d), or 101 (f), and the estimated cost thereof is within the limit of cost of the project for which substitution is to be made, and the Commission certifies that— ^{Substitute projects.}

(a) the new project is essential to the common defense and security; and

(b) the new project is required by changes in weapon characteristics or weapon logistic operations;

(c) it is unable to enter into a contract with any person, including a licensee, on terms satisfactory to the Commission to furnish from a privately owned plant or facility the product or services to be provided in the new project.

Approved July 11, 1955.

Public Law 165 - 84th Congress
Chapter 372 - 1st Session
S. 609

AN ACT

To provide rewards for information concerning the illegal introduction into the United States, or the illegal manufacture or acquisition in the United States, of special nuclear material and atomic weapons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Atomic Weapons Rewards Act of 1955".

Atomic Weapons.
Rewards Act of
1955.

SEC. 2. Any person who furnishes original information to the United States—

(a) leading to the finding or other acquisition by the United States of any special nuclear material or atomic weapon which has been introduced into the United States, or which has been manufactured or acquired therein contrary to the laws of the United States, or

(b) with respect to an attempted introduction into the United States or an attempted manufacture or acquisition therein of any special nuclear material or atomic weapon, contrary to the laws of the United States,

shall be rewarded by the payment of an amount not to exceed \$500,000.

SEC. 3. An Awards Board consisting of the Secretary of the Treasury (who shall be the Chairman), the Secretary of Defense, the Attorney General, the Director of Central Intelligence, and of one member of the Atomic Energy Commission designated by that Commission, shall determine whether any person furnishing information to the United States is entitled to any award and the amount thereof to be paid pursuant to section 2. In determining whether any person furnishing information to the United States is entitled to an award and the amount of such award, the Board shall take into consideration—

Awards Board.
Establishment.

69 Stat. 365.
69 Stat. 366.

(a) whether or not the information is of the type specified in section 2, and

(b) whether the person furnishing the information was an officer or employee of the United States and, if so, whether the furnishing of such information was in the line of duty of that person.

Any reward of \$50,000 or more shall be approved by the President.

SEC. 4. If the information leading to an award under section 3 is furnished by an alien, the Secretary of State, the Attorney General, and the Director of Central Intelligence, acting jointly, may determine that the entry of such alien into the United States is in the public interest and, in that event, such alien and the members of his immediate family may receive immigrant visas and may be admitted to the United States for permanent residence, notwithstanding the requirements of the Immigration and Nationality Act.

SEC. 5. The Board established under section 3 is authorized to hold such hearings and make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act.

SEC. 6. Any awards granted under section 3 of this Act shall be certified by the Awards Board and, together with the approval of the President in those cases where such approval is required, transmitted to the Director of Central Intelligence for payment out of funds appropriated or available for the administration of the National Security Act of 1947, as amended.

51 Stat. 495.
5 USC 171 note.

SEC. 7. As used in this Act—

(a) The term "atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

All 69 Stat. 366.

(b) The term "atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(c) The term "special nuclear material" means plutonium, or uranium enriched in the isotope 233 or in the isotope 235, or any other material which is found to be special nuclear material pursuant to the provisions of the Atomic Energy Act of 1954.

(d) The term "United States," when used in a geographical sense, includes Puerto Rico, all Territories and possessions of the United States and the Canal Zone; except that in section 4, the term "United States" when so used shall have the meaning given to it in the Immigration and Nationality Act.

Approved July 15, 1955.

Public Law 221 - 84th Congress
Chapter 543 - 1st Session
S. 2630

AN ACT

All 69 Stat. 471.

To facilitate the establishment of local self-government at the communities of Oak Ridge, Tennessee, and Richland, Washington, and to provide for the disposal of federally owned properties of such communities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Atomic Energy Community Act of 1955".

Atomic Energy
Community Act
of 1955.

Post, p. 472.

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CHAPTER 1. DECLARATION, FINDINGS, AND PURPOSE

SEC. 11. DECLARATION OF POLICY.—It is hereby declared to be the policy of the United States of America that Government ownership and management of the communities owned by the Atomic Energy Commission shall be terminated in an expeditious manner which is consistent with and will not impede the accomplishment of the purposes and programs established by the Atomic Energy Act of 1954. To that end, it is desired at each community to—

68 Stat. 919.
42 USC 2011
note.

- a. facilitate the establishment of local self-government;
- b. provide for the orderly transfer to local entities of municipal functions, municipal installations, and utilities; and
- c. provide for the orderly sale to private purchasers of property within those communities with a minimum of dislocation.

SEC. 12. FINDINGS.—The Congress of the United States hereby makes the following findings concerning the communities owned by the Atomic Energy Commission:

- a. The continued morale of project-connected persons is essential to the common defense and security of the United States.
- b. In issuing rules and regulations required or permitted under this Act for the disposal of the communities and in disposing of the communities in accordance with the provisions of this Act and in accordance with the rules and regulations required or permitted by this Act, the Commission is acting under authority delegated to it by the Congress.
- c. Funds of the United States may be provided for the disposal of the communities and for assistance in the operation of the communities thereafter under conditions which will provide for the common defense and promote the general welfare.

SEC. 13. PURPOSE.—It is the purpose of this Act to effectuate the policies set forth above by providing for—

- a. the maintenance of conditions which will not impede the recruitment and retention of personnel essential to the atomic energy program;
- b. the obligation of the United States to contribute to the support of municipal functions in a manner commensurate with—
 - (1) the fiscal problems peculiar to the communities by reason of their construction as national defense installations, and
 - (2) the municipal and other burdens imposed on the governmental or other entities at the communities by the United States in its operations at or near the communities;

- c. the opportunity for the residents of the communities to assume the obligations and privileges of local self-government; and
- d. the encouragement of the construction of new homes at the communities.

CHAPTER 2. DEFINITIONS

SEC. 21. DEFINITIONS.—The intent of Congress in the definitions as given in this section should be construed from the words or phrases used in the definitions. As used in this Act—

- a. The term "Commission" means the Atomic Energy Commission.
- b. The term "community" means that area at—
 - (1) Oak Ridge, Tennessee, designated on a map on file at the principal office of the Commission, entitled "Minimum Geographic Area, Oak Ridge, Tennessee", bearing the legend "Boundary Line, Minimum Geographic Area, Oak Ridge, Tennessee" and marked "Approved, 21 April 1955, K. D. Nichols, General Manager"; or
 - (2) Richland, Washington, designated on a map on file at the principal office of the Commission, entitled "Minimum Geographic Area, Richland, Washington", bearing the legend "Boundary Line, Minimum Geographic Area, Richland, Washington" and marked "Approved, 21 April 1955, K. D. Nichols, General Manager."
- c. The term "house" includes the lot on which the house stands.
- d. The term "member of a family" means any person who, on the first offering date, resides in the same dwelling unit with one or more of the following relatives (including those having the same relationship through marriage or legal adoption): spouse, father, mother, grandfather, grandmother, brother, sister, son, daughter, uncle, aunt, nephew, niece, or first cousin.
- e. The term "mortgage" shall include deeds of trust and such other classes of lien as are given to secure advances on, or the unpaid purchase price of real estate under the laws of the State in which the real estate is located.
- f. The term "municipal installation" includes, without limitation, schools, hospitals, police and fire protection systems, sewerage and refuse disposal plants, water supply and distribution installations, streets and roads, libraries, parks, playgrounds and recreational means, municipal government buildings, other properties suitable for municipal or comparable local public service purposes, and any fixtures, equipment, or other property appropriate to the operation, maintenance or repair of the foregoing.
- g. The term "occupant" means a person who, on the date on which the property in question is first offered for sale, is entitled to residential occupancy of the Government-owned house in question, or of a family dwelling unit in such house, in accordance with a lease or license agreement with the Commission or its property-management contractor.
- h. The term "offering date" means the date the property in question is offered for sale.
- i. The term "project area" means that area which on the effective date of this Act constitutes the Federal area at Oak Ridge, Tennessee, or Hanford, Washington.
- j. The term "project-connected person" means any person who, on the first offering date, is regularly employed at the project area in one of the following capacities:
 - (1) An officer or employee of the Commission or any of its contractors or subcontractors, or of the United States or any

All 69 Stat. 474.

agency thereof (including members of the Armed Forces), or of a State or political subdivision or agency thereof;

(2) An officer or employee employed at a school or hospital located in the project area;

(3) A person engaged in or employed in the project area by any professional, commercial, or industrial enterprise occupying premises located in the project area; or

(4) An officer or employee of any church or nonprofit organization occupying premises located in the project area.

k. The term "resident" means any person who, on the date on which the property in question is first offered for sale is either—

(1) an occupant in a residential unit designated for sale at the community, or

(2) a project-connected person who is entitled, in accordance with a lease or similar agreement, to residential occupancy of privately owned rental housing in the community.

l. The term "utility" means any electrical distribution system, any public transportation system, or any public communication system, and any fixtures, equipment, or other property appropriate to the operation, maintenance or repair of the foregoing.

CHAPTER 3. LOTS, APPRAISALS, AND PRICES

SEC. 31. LOTS.—The Commission is authorized to plat each community immediately upon passage of this Act, or immediately upon the inclusion of the community within the provisions of this Act. The Commission may establish lot boundaries, and realine, divide, or enlarge existing tracts as it deems appropriate.

SEC. 32. APPRAISALS.—The Commission shall proceed to secure appraisals of all property at the community which is to be sold pursuant to this Act. The appraisals shall be made by the Federal Housing Commissioner or his designee. The Commission shall reimburse the Federal Housing Commissioner for the cost of such appraisals. Appraisals made under this section shall be the appraisals on which the Federal Housing Commissioner may insure any mortgage or loan under the National Housing Act until such time as he finds that the appraisal values generally in the community no longer represent the fair market values of the properties.

SEC. 33. BASIS OF APPRAISAL.—Except for lots sold pursuant to the provisions of section 57a., the appraised value shall be the current fair market value of the Government's interest in the property.

SEC. 34. POSTING.—Lists showing the appraised value of each parcel of property to be offered for sale to priority purchasers shall, prior to the offering of such property for sale, be made available for public inspection, at reasonable times, at the offices of the Commission at the community.

SEC. 35. SALES PRICES.—

a. In the sale to priority purchasers of properties on which are located Government-owned single or duplex houses, the sales price shall be the appraised value less a deduction of 15 per centum of the appraised value and less the deductions provided by section 36.

b. In all other cases the sales price to priority purchasers shall be the appraised value less the deductions provided by section 36, except that sales made under sections 53 b. and c. shall be made at the prices set forth therein.

SEC. 36. IMPROVEMENTS.—

a. In addition to any other deduction which may be permitted from the sales price for residential property, there shall, upon

application by the prospective purchaser, be deducted the amount by which the current fair market value of the Government's interest in the premises is enhanced as a result of improvements to the premises made by, or at the expense of, the prospective purchaser.

b. A junior occupant of a duplex house, which was purchased by the senior occupant, shall, upon application therefor, be entitled to a credit, against the purchase price of any residential property purchased through the exercise of a priority right established under the provisions of section 42, for the amount by which the current fair market value of the Government's interest in the duplex house of which he was an occupant is enhanced as a result of improvements to the premises of such duplex house made by, or at the expense of, the junior occupant.

c. The value of the improvements as specified in subsections 36 a. and b. shall be determined in accordance with the provisions of section 32.

d. Persons purchasing property pursuant to the provisions of section 52, who do not desire to avail themselves of the indemnity provisions contained in sections 63 through 66, shall be entitled to an additional deduction of 10 per centum of the appraised value of the property in addition to any other deduction set forth in this section.

CHAPTER 4. CLASSIFICATION OF PROPERTY AND PRIORITIES

SEC. 41. CLASSIFICATION OF PROPERTY.—

a. Immediately upon passage of this Act, the Commission shall classify all real property (including such improvements and such fixtures, equipment and other personal property incident thereto as it may deem appropriate) within each community in accordance with such classifications as shall insure reasonably similar treatment for reasonably similar property. The Classification shall be made by such procedures, consistent with this chapter, as it shall determine.

b. The commission may, but shall not be required to, classify any other real property at or in the vicinity of the community, whether within or outside of that community.

SEC. 42. PRIORITIES.—The Commission shall establish, by rule or regulation, a detailed system of reasonable and fair priority rights applicable to the sale of Government-owned property to private purchasers at each community. The priorities shall—

a. be uniform in each class or subclass of property;

b. give such preference to occupants and project-connected persons and to incoming employees of the Commission, of a contractor, or of a licensee as the Commission finds necessary or desirable, giving due consideration to the following factors:

(1) The retention and recruitment of personnel essential to the atomic energy program;

(2) The minimization of dislocations within the community;

(3) The expeditious accomplishment of the disposal program; and

(4) The desirability of encouraging private firms to locate or remain in the community;

c. give the occupant of a Government-owned single family house, and the senior occupant of a duplex house, at least ninety days in which to exercise the first right of priority;

All 69 Stat., 476.

d. permit persons who have formerly been occupants, project-connected persons, or inhabitants of the community, upon application therefor, to have such priority as the Commission finds to be fair and equitable; and

e. not impair any rights, including purchase rights, conferred by existing leases and covenants;

SEC. 43. TRANSFERABILITY.—No priority shall be transferable, except—

a. a husband and wife may exercise a priority in their joint names;

b. a religious organization may exercise the priority which would otherwise belong to its priest, minister, or rabbi, regardless of whether that position happens to be filled at the time of the exercise of the priority;

c. two or more priority holders having a common interest in a building or location may assign their interests to a single assignee; and

d. the Commission may permit such other transfers as it finds to be fair and equitable.

CHAPTER 5. SALES OF PROPERTY FOR PRIVATE USE

SEC. 51. APPLICATION.—The provisions of this chapter shall be made applicable at each community as soon as the Commission makes a finding in writing that there is a reasonable possibility that the Government-owned real property at such community can be disposed of in accordance with the provisions of this chapter.

SEC. 52. DISPOSAL OF PROPERTY.—

a. The Commission shall offer for disposal all real property (including such improvements thereon and such fixtures, equipment, and other personal property incident thereto as it may deem appropriate) within the community which is presently under lease or license agreement with the Commission or its community management contractor for residential, commercial or industrial, agricultural, church or other nonprofit use, or which, in the opinion of the Commission, is appropriate for such use, other than—

(1) structures which in the opinion of the Commission should be removed from the community because of their unsatisfactory type of construction, condition, or location; or

(2) property which in the opinion of the Commission should be transferred pursuant to chapter 7 or chapter 8.

b. The Commission may, but shall not be required to, dispose of any other real property at the community, whether within or outside of that community.

c. Such property shall be disposed of on such terms and conditions, consistent with this chapter, as the Commission shall prescribe in the national interest, and without regard to any preferences or priorities whatever except those provided for pursuant to this Act. Transfers by the Commission of such property shall not impair rights under existing leases and covenants, including any purchase rights therein conferred.

SEC. 53. SALES.—

a. Where rights of priority have been granted pursuant to the provisions of this Act to Government-owned property, it shall be offered for sale to priority purchaser by giving notice to those eligible for such priority. Such notice shall (1) be in such manner as the Commission shall prescribe, (2) identify the property to be sold, and (3) state the terms and conditions of sale and the date of the offer which, in the case of occupants of single

family or duplex houses, shall expire not less than ninety days after the date of the offer.

b. Any property (other than church property) classified for sale under section 41 and offered for sale under section 52, as to which no priority right has been conferred, or as to which all priority rights have expired, shall be advertised for sale to the highest bidder, subject to the right of the Commission to reject any or all bids, and also subject to the right of an occupant of a Government-owned single family or duplex house to buy such house by paying an amount equal to the highest bid. No bid shall be accepted which is below the appraised value or, in the case of Government-owned single and duplex houses is below 85 per centum of the appraised value.

c. As to any property which has not been sold under subsection 53 b. within one year after the first advertisement for sale under subsection 53 b. the Commission may make such disposition, on such terms and conditions, as it may deem appropriate, but the Commission shall give an occupant of a Government-owned single family or duplex house such further opportunity to purchase such house as shall be fair and equitable.

d. Property for use of churches, in respect of which all priority rights have expired, may be disposed of by advertising and competitive bid, or by negotiated sale or other transfer at such prices, terms, and conditions as the Commission shall determine to be fair and equitable.

SEC. 54. CASH SALES.—All sales shall be for cash, and the buyer shall arrange for the necessary financing, except as provided in chapter 6 of this Act.

SEC. 55. FORM AND PROVISIONS OF INSTRUMENTS.—Deeds executed in connection with the disposal of property pursuant to the provisions of this Act—

a. shall be as simple as the Commission shall find to be appropriate, and may contain such warranties or covenants of title and other provisions (including any indemnity) as the Commission may deem appropriate;

b. with respect to any dormitories or apartment houses and any property used or to be used for construction of housing developments for rental purposes, may retain or acquire such rights to the Commission to designate the future occupants of part or all of such properties as it may deem appropriate to insure the availability of housing for employees of the Commission and its contractors;

c. may require that the transferee, his heirs, successors, and assigns shall compensate the Commission for any municipal services provided by the Commission at rates which will not be in excess of the average tax for such services in the immediate vicinity of the community; and any amounts due and unpaid for such compensation (together with interest and costs thereon) shall, as of the date on which such amounts become delinquent, be a lien in favor of the United States upon the premises sold by the Commission, though not valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice thereof has been filed in accordance with the laws of the State in which the property is situated or in the office of the clerk of the United States district court for the judicial district in which the property subject to the lien is situated, if such State has not by law provided for the filing of such notice;

d. in transferring any property pursuant to sections 31 and 52, may impose such restrictions and requirements relating to the

All 69 Stat. 478.

use of the premises and to public health and safety, as the Commission may deem appropriate, which restrictions and requirements shall not be valid beyond one year after the incorporation of the city at the community; and

e. may require that any payments in lieu of property taxes or assessments for local improvements made by the Commission with respect to the property shall be equitably prorated.

SEC. 56. OCCUPANCY BY EXISTING TENANTS.—Upon application by any occupant of a single or duplex house made within the period of the first priority when such house is first offered for sale under this Act, the Commission shall execute a lease to such occupant for a period not to exceed one year from the date on which such property is first offered for sale, or for such period as he remains a project-connected person, whichever is shorter. In selling any house with respect to which a lease executed under this section is in effect, the Commission may provide that the purchaser shall assume any or all obligations of the lessor, but the Commission shall guarantee the lessee's performance under the terms of the lease.

SEC. 57. LOTS.—

a. Notwithstanding any other provision of this Act, the Commission is authorized, immediately upon passage of this Act, or immediately upon the inclusion of the community within the provisions of this Act, to offer for sale to the lessees single residential lots, which were leased by competitive bid and which do not have a Government-owned building thereon, at a price equal to the initial valuation of the lot as stated in the lease.

b. The Commission is authorized to offer for sale, as soon as possible, other lots, to individual owners, upon which single family or duplex houses may be erected, taking into consideration the zoning restrictions the new city is likely to enact with respect to those lots.

CHAPTER 6. FINANCING

SEC. 61. CONTRACT PURCHASE.—The Commission may, in the sale of any single-family or duplex house to a priority purchaser, enter into a contract to purchase which provides that the purchaser shall conclude his purchase within not more than three years after the date the contract is entered into. Such contracts to purchase shall provide for such periodic payments, including payments on account of principal, interest, or tax equivalents, as the Commission shall prescribe.

SEC. 62. COMMISSION FINANCING.—

a. In the event that the Commission finds that financing on reasonable terms is not available from other sources, the Commission may, in order to facilitate the sale of residential property under chapter 5 of this Act, accept, in partial payment of the purchase price of any house, apartment building, or dormitory notes secured by first mortgages on such terms and conditions as the Commission shall deem appropriate. In the case of houses and apartment buildings, the maturity and percentage of appraised value in connection with such notes and mortgages shall not exceed those prescribed under section 223 (a) of the National Housing Act, as amended, and the interest rate shall equal the interest rate plus the premium being charged (and any periodic service charge being authorized by the Federal Housing Commissioner for properties of similar character) under section 223 (a) of the National Housing Act, as amended, at the effective date of such notes and mortgages.

68 Stat. 605.
12 USC 1715n.

b. The Commission may sell any such notes and mortgages on terms set by the Commission.

SEC. 63. COMMISSION INDEMNITY.—For a period of not more than fifteen years after the date of enactment of this Act, the Commission shall indemnify the purchaser (except a purchaser taking advantage of the provisions of subsection 36 (d)), and any successor in title, of any such single family or duplex house as set forth in this chapter. This indemnity shall be deemed to be incorporated in the deeds given on the sale of Government-owned houses. One person may not invoke the indemnity in respect of more than one house.

SEC. 64. COMMUNITY EMPLOYMENT AND POPULATION.—The indemnity obligation specified in section 63 shall arise only if, for the six months just preceding the date on which it is invoked—

(a) the total number of operating, maintenance, and administrative employees in the project area, as determined by the Commission, has been less than fourteen thousand three hundred and thirty-seven in the case of Oak Ridge or seven thousand six hundred and twenty-two in the case of Richland; and

(b) the population in the community has been less than twenty-nine thousand two hundred and fifty in the case of Oak Ridge or twenty-five thousand two hundred in the case of Richland.

For purposes of this section employment shall be determined on the basis of the pay period or periods ending nearest the 15th of each month.

SEC. 65. AMOUNT OF INDEMNITY.—The indemnity obligation of the Commission specified in section 63 shall be for such amount, less the sales price of the property, as would have remained unpaid under a loan entered into on the date of the execution of the original deed by the Commission—

(1) which was in the amount of the purchase price from the Commission and provided for equal monthly payments of principal and interest over a period of twenty years computed on the basis of the average interest and other charges recorded for property of the same class at the community; and

(2) on which all payments due to the date when notice was received by the Commission had been made.

SEC. 66. CONDITIONS OF INDEMNITY.—The Commission shall make the indemnity payment specified by section 65 only if the Commission receives a notice from the then owner of the property that he is about to sell the property for a sum less than the unpaid balance of the real or hypothetical loan calculated pursuant to section 65. Such payment shall be made only if—

a. notice is given to the Commission at a time when the conditions of section 64 are satisfied;

b. the sale is made within such time as the Commission may prescribe and in a manner which the Commission determined to afford adequate assurance of a fair price without excessive costs; and

c. the Commission is given such prior notice of the sale and such opportunity to become a purchaser as it shall prescribe.

In such circumstances the Commission is hereby authorized to purchase the property. Sales pursuant to this section and payment by the Commission of such amount, if any, as is owing pursuant to sections 63 through 66 shall end the obligation of the Commission under sections 63 through 66 with respect to that property.

CHAPTER 7. UTILITIES

SEC. 71. AUTHORIZATION TO TRANSFER UTILITIES.—The Commission is authorized to transfer to one or more of the entities specified in this chapter such utilities as in the judgment of the Commission will be appropriate to enable the transferee to meet the needs of the residents of the community for adequate utility services of the kind to be transferred.

SEC. 72. DATE OF TRANSFER.—Transfers of utilities shall be made as soon as possible, but in any event, not later than five years after the date of enactment of this Act.

SEC. 73. ENTITY RECEIVING TRANSFER.—

a. Transfer may be made to one or more of the following, if the transferee has the legal authority to receive and operate the utility.

- (1) the city at the community;
- (2) the State in which the community is located;
- (3) any political subdivision or agency of that State; or
- (4) any person, firm, corporation, or other legal entity.

b. In determining the transferee for any utility, the Commission may consider the following:

- (1) the pattern of ownership of the comparable utilities in the State in which the community is located;
- (2) the ability of the transferee to operate the utility;
- (3) the probable price of the sale of the utility, the ability of the transferee to pay that price, and any probable expense;
- (4) the desires of the eligible voters of the community as directly expressed in any vote in any officially recognized procedure or in any procedure established by the Commission; and
- (5) the benefit to the United States in reducing possible requirements for local assistance as authorized in chapters 8 and 9 of this Act.

SEC. 74. UTILITIES TRANSFERABLE.—All utilities are authorized to be transferred under this chapter, but shall not include property which the Commission determines to be needed for its own use.

SEC. 75. CHARGES FOR UTILITIES TRANSFERRED.—The Commission may give the utility to the city incorporated at the community; and must charge in selling the utility to any other transferee. The charges and terms for the transfer of any utility may be established by advertising and competitive bid, or by negotiated sale or other transfer at such prices, terms, and conditions as the Commission shall determine to be fair and equitable.

CHAPTER 8. MUNICIPALITIES

SEC. 81. ASSISTANCE IN ORGANIZATION.—The Commission is authorized, for a period not to extend beyond five years after the date of enactment of this Act to cooperate with and assist the residents of the community in preparation for and establishment of local self-government and in the transfer of municipal installations and responsibilities to local entities. Such assistance may include payment of any amounts reasonably necessary to meet expenses incident to the establishment and organization of a city government and other local entities at the community, until such time as the municipal installations are transferred in accordance with the provisions of this chapter.

SEC. 82. AUTHORIZATION TO TRANSFER MUNICIPAL INSTALLATIONS.—The Commission is authorized to transfer to one or more of the entities specified in this chapter such municipal installations as in the judg-

ment of the Commission, will be appropriate to enable the transferees to meet the needs of the residents of the community for adequate school, hospital, and other municipal services.

SEC. 83. DATE OF TRANSFER.—Transfers of municipal installations may be made at any time, not later than five years after the date of enactment of this Act.

SEC. 84. ENTITY RECEIVING TRANSFER.—

a. Transfers may be made to one or more of the following, if the entity has the legal authority to receive the installation: (1) the city at the community; (2) the State in which the community is located; (3) any political subdivision or agency of that State; or (4) a private nonprofit organization in the case of the hospital installation or cemetery at the community.

b. In determining the entity to which school, hospital, and other municipal installations, respectively, shall be transferred, the Commission shall be governed, in order, by

(1) the results of a vote in which the eligible voters in the community expressed themselves directly on the transfer in the vote on the incorporation of the city;

(2) the results of a vote in which the eligible voters have directly expressed themselves on the proposed transfer in a referendum or other officially recognized procedure;

(3) there being only one entity which is legally authorized to receive the municipal installation; or

(4) in the absence of the other alternatives, the Commission has conducted a vote of the eligible voters of the community on the proposed transfer under such procedures as it may establish.

SEC. 85. INSTALLATIONS TRANSFERABLE.—All municipal installations are authorized to be transferred under this chapter, but shall not include property which the Commission determines to be needed for its own use.

SEC. 86. CHARGES FOR MUNICIPAL INSTALLATIONS TRANSFERRED.—The transfer of any municipal installation authorized to be made under the provisions of this chapter may be made without charge to the entity receiving the installation.

CHAPTER 9. LOCAL ASSISTANCE

SEC. 91. BASIS OF ASSISTANCE TO CITIES AND OTHER STATE AND LOCAL ENTITIES.—

a. From the date of transfer of any municipal installations to a governmental or other entity at or for the community, the Commission shall, for a period of ten years, make annual assistance payments of just and reasonable sums to the State, county, or local entity having jurisdiction to collect property taxes or to the entity receiving the installation transferred hereunder. In determining the amount and recipient of such payments, the Commission shall consider—

(1) the approximate real property taxes and assessments for local improvements which would be paid to the governmental entity upon property within the community if such property were not exempt from taxation by reason of Federal ownership;

(2) the maintaining of municipal services at a level which will not impede the recruitment or retention of personnel essential to the atomic energy program;

(3) the fiscal problems peculiar to the governmental entity by reason of the construction at the community as a single purpose national defense installation under emergency conditions; and

(4) the municipal services and other burdens imposed on the governmental or other entities at the community by the United States in its operations in the project area.

b. Special interim payments may be made under the provisions of this section to any governmental entity which—

(1) has a special burden due to the requirements under law imposed upon it in assisting in effectuating the purposes of this Act for which it will not otherwise receive adequate compensation or revenues; or

(2) will suffer a tax loss or lapse in place of which it will not receive any other adequate revenues until the new governmental entities contemplated by this chapter are receiving their normal taxes and performing their normal functions,

c. Payments made under this section shall be payments made for special burdens imposed on the local governmental entities in accordance with the second sentence of section 168 of the Atomic Energy Act of 1954. Payments may be made under this section notwithstanding the provisions of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended.

d. With respect to any entity not less than six months prior to the expiration of the ten-year period referred to in subsection a, the Commission shall present to the Joint Committee on Atomic Energy its recommendation as to the need for any further contribution payments to such entity. If it recommends further contribution payments, it shall propose a definite schedule of such contribution payments which will provide for an orderly and reasonably prompt withdrawal of the Atomic Energy Commission from participation in and contribution toward local government.

SEC. 92. COMMISSION REDUCTIONS.—Any payment which becomes due under section 91 prior to the transfer of all municipal installations at the community may be reduced by such amount as the Commission determines to be equitable based on the municipal services then being performed by the Commission, and the municipal services then being performed by such governmental entity.

SEC. 93. AREA OF SERVICE.—The payments made pursuant to section 91 to transferees of municipal installations are in anticipation that the respective recipients of those payments furnish, or have furnished, for the community, the school, hospital, or other municipal services in respect of which the payments are made. Any such payment may be withheld, in whole or in part, if the Commission finds that the recipient is not furnishing such services for any part of the area so designated.

SEC. 94. COMMISSION CONTRACTS.—The Commission is authorized, without regard to section 3679 of the Revised Statutes, to enter into a contract with any governmental or other entity to which payments are required to be made pursuant to section 91, obligating the Commission to make to such entity the payments as directed to be made by section 91.

CHAPTER 10. TRANSFER OF FUNCTIONS, AND REVIEW

SEC. 101. TRANSFER OF FUNCTIONS.—The President is authorized to delegate the duties and responsibilities placed on the Commission by this Act to such other agencies of the United States Government as are reasonably qualified to perform those duties and responsibilities. The President may delegate any or all of the duties and responsibilities of

68 Stat. 952.
42 USC 2208.

64 Stat. 1100.
20 USC 236 et
seq.

64 Stat. 765.
31 USC 665.

the Commission in the operation of the communities to such other agencies of the United States Government that are reasonably qualified to perform those duties and responsibilities. The Commission shall retain no financing duties and responsibilities.

SEC. 102. REVIEW.—The Commission shall present to the Joint Committee on Atomic Energy of the Congress a full review of its activities under this Act every three years in addition to any other presentation which may be required or requested by the Joint Committee.

SEC. 103. JOINT COMMITTEE ON ATOMIC ENERGY.—The provisions of chapter 17 of the Atomic Energy Act of 1954 shall be applicable to all matters under this Act.

CHAPTER 11. GENERAL PROVISIONS

SEC. 111. POWERS OF THE COMMISSION.—The Commission shall have all powers conferred by the Atomic Energy Act of 1954, including the power to make, promulgate, issue, rescind, and amend such rules, regulations, and delegations as may be appropriate to carry out the provisions of this Act and shall be subject to the limitations contained in chapter 14 of that Act. Nothing contained in this Act shall impair the powers vested in the Commission by the Atomic Energy Act of 1954, as amended, or any other law.

68 Stat. 919.
42 USC 2011
note.

68 Stat. 948.
42 USC 2201-
2209.

SEC. 112. QUALIFICATION TO PURCHASE.—No officer or employee of the Commission or of any other Federal agency (including officers and members of the Armed Forces) shall be disqualified from purchasing any property or exercising any right or privilege under this Act, but no such officer or employee shall make any determination as to his own eligibility or priority, or as to valuation, price, or terms of sale and financing of property sold to him.

SEC. 113. CONTRACT FORMS.—Contracts entered into pursuant to this Act and other instruments executed pursuant to this Act shall be in such form and contain such provisions, consistent with this Act, as the Commission shall prescribe; and shall be as simple and concise as possible. Any mortgage shall contain terms which will place the United States in the same position, with respect to any mortgages it may hold under the provisions of chapter 6, as that occupied by a private lender under the applicable State laws for the relief of mortgagors with respect to deficiency judgments.

SEC. 114. EVIDENCE.—A deed, lease, contract, or other instrument executed by or on behalf of the Commission purporting to transfer title or any other interest in property disposed of pursuant to this Act shall be conclusive evidence of compliance with the provisions of this Act and rules and regulations promulgated thereunder, insofar as concerns title or other interest of any bona fide grantee or transferee for value without notice of lack of such compliance, and his successors in title.

SEC. 115. ADMINISTRATIVE REVIEW.—Determinations authorized by this Act to be made by the Commission as to classification, priorities, prices, and terms and conditions of sale of property disposed under this Act shall be subject to review only in accordance with such provisions for administrative review or reconsideration as the Commission may prescribe.

SEC. 116. REPOSSESSION.—The Commission is authorized to repossess any property sold by it in accordance with the terms of any contract to purchase, mortgage or other instrument, and to sell or make any other disposition of any property so repossessed and any property purchased by it pursuant to section 66.

SEC. 117. NET PROCEEDS.—The net proceeds derived by the Commission from the disposal of property pursuant to this Act, after defray-

ing expenses incident to appraisal, sale or other transfer and any financing under section 62, shall be covered into the Treasury. Annually, upon advice of the Commission, there shall be transferred to miscellaneous receipts of the Treasury such portion of such net proceeds as may no longer be needed to meet the contingent obligations provided for in subsection 118 c.

SEC. 118. APPROPRIATIONS.—

a. There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act.

b. There are authorized to be appropriated the sum of \$518,000 at Oak Ridge and the sum of \$2,165,000 at Richland for construction, modification, or expansion of municipal installations authorized to be transferred pursuant to chapter 8 of this Act.

c. As much as may be necessary of net proceeds from section 117 are hereby appropriated and made available for use by the Commission (without fiscal year limitations) to pay any costs, losses, expenses, or obligations incurred by the Commission in connection with obligations entered into pursuant to section 37 or section 63, with repossession or repurchase, rehabilitation, and further disposition pursuant to sections 63 through 66 and section 116, and with the defense and payment of any claims for breaches of warranties and covenants of title of any property disposed of pursuant to this Act.

SEC. 119. SEPARABILITY OF PROVISIONS.—If any provisions of this Act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

AMENDMENT TO NATIONAL HOUSING ACT

68 Stat. 605.
12 USC 1715n.

SEC. 201. Section 223 (a) of the National Housing Act, as amended, is further amended as follows:

(a) After paragraph (3) thereof there is added the following new paragraph:

“(4) executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1955, as amended: *Provided*, That such insurance shall be issued without regard to any preferences or priorities except those prescribed by the Atomic Energy Community Act of 1955, as amended; or”.

(b) The paragraph numbered (4) is renumbered (5).

(c) The paragraph numbered (5) is renumbered (6) and is revised to read as follows:

“(6) executed in connection with the first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property of the character described in paragraphs (1), (2), (3), and (4) above; or”.

(d) The paragraph numbered (6) is renumbered (7) and the last proviso therein is amended by striking “(4) or (5)” and inserting “(4), (5), or (6)” and by striking “(3), or (5)” and inserting “(3), (4), or (6)”.

AMENDMENT TO PUBLIC LAW NUMBERED 874, EIGHTY-FIRST CONGRESS

SEC. 202. Section 8 (d) of the Act of September 30, 1950 (Public Law Numbered 874, Eighty-first Congress), as amended, is further 67 Stat. 536, amended by adding, after the words "Indian Affairs", the following: 20 USC 243 (d).
 "or the availability of appropriations for the making of payments directed to be made by section 01 of the Atomic Energy Community Act of 1955, as amended."

Approved August 4, 1955.

Public Law 337 - 84th Congress
 Chapter 697 - 1st Session
 H. R. 7684

AN ACT

All 69 Stat. 630.

To authorize the Atomic Energy Commission to pay the salary of a Commissioner during the recess of the Senate, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Atomic Energy
 Commissioner.
 Salary during
 Senate recess.

AUTHORIZATION

SECTION 1. Notwithstanding the provisions of the Act of June 7, 1924 (43 Stat. 669; 5 U. S. C. 56), the United States Atomic Energy Commission is authorized to pay the salary of any person appointed by the President during the recess of the Senate to fill the presently existing vacancy on the Atomic Energy Commission: *Provided*, That a nomination to fill such vacancy shall be submitted to the Senate not later than forty days after the commencement of the next succeeding session of the Senate.

LIMITATION

SEC. 2. The authority granted in section 1 hereof shall not extend beyond the recess of the Senate next following the session of Congress during which this Act is enacted.

SEC. 3. The fifth sentence of section 21 of the Atomic Energy Act of 1954 is amended to read as follows: "Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission, shall have full access to all information relating to the performance of his duties or responsibilities, and shall have one vote."

Approved August 9, 1955.

Public Law 506 - 84th Congress
Chapter 233 - 2d Session
H. R. 10387

AN ACT

To authorize appropriations for the Atomic Energy Commission for acquisition or condemnation of real property or any facilities, or for plant or facility acquisition, construction, or expansion, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission the sum of \$295,495,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows: AEC appropriations.

(a) SPECIAL NUCLEAR MATERIALS.—

1. Project 57-a-1, additional feed-materials plant, \$22,200,000.
2. Project 57-a-2, improvements to reactor instrumentation, Hanford, Washington, \$8,000,000.
3. Project 57-a-3, improved high level waste handling system, Savannah River, \$5,000,000.
4. Project 57-a-4, reactor facility safety improvements, Hanford, Washington, \$5,000,000.
5. Project 57-a-5, additional waste disposal system, Hanford, Washington, \$5,000,000.
6. Project 57-a-6, charging and discharging system, Hanford, Washington, \$3,450,000.
7. Project 57-a-7, modifications to existing production facilities for increased efficiency and safety, Hanford, Washington, \$3,000,000.
8. Project 57-a-8, chemical processing facility, St. Louis, Missouri, \$1,600,000.
9. Project 57-a-9, barrier plant automation, Oak Ridge, Tennessee, \$1,400,000.
10. Project 57-a-10, reactor temperature test installation, Hanford, Washington, \$900,000.
11. Project 57-a-11, improvements to reactor cooling water effluent system, Hanford, Washington, \$550,000.
12. Project 57-a-12, fuel element heat-treating plant, Fernald, Ohio, \$500,000.
13. Project 57-a-13, renovation of service plant, Oak Ridge, Tennessee, \$450,000.

(b) ATOMIC WEAPONS.—

1. Project 57-b-1, area 5 expansion, \$20,000,000.
2. Project 57-b-2, weapons assembly plants, \$15,000,000.
3. Project 57-b-3, weapons production and development plant, \$15,000,000.
4. Project 57-b-4, weapons development and engineering facilities, Livermore, California, \$10,000,000.
5. Project 57-b-5, storage site modifications, \$2,000,000.

(c) REACTOR DEVELOPMENT.—

1. Project 57-c-1, aircraft nuclear propulsion ground test plant, area numbered 2, Idaho, \$55,000,000. 70 Stat. 127.
2. Project 57-c-2, research and developmental test plant, 70 Stat. 128.
\$15,000,000.
3. Project 57-c-3, modifications and expansion of aircraft nuclear propulsion ground test facilities, area numbered 1, Idaho, \$15,000,000.
4. Project 57-c-4, small submarine reactor test facility, \$10,000,000.
5. Project 57-c-5, expended core handling and service plant, National Reactor Testing Station, \$4,750,000.
6. Project 57-c-6, food irradiation facility, \$3,000,000.
7. Project 57-c-7, project Sherwood plant, \$2,000,000.
8. Project 57-c-8, Argonne low power reactor facility, \$1,225,000.

9. Project 57-c-9, materials testing reactor hot cell extension, National Reactor Testing Station, \$310,000.

(d) PHYSICAL RESEARCH.—

1. Project 57-d-1, high energy accelerator, \$15,000,000.

2. Project 57-d-2, bevatron research plant, University of California Radiation Laboratory, \$1,084,000.

3. Project 57-d-3, forty-eight-inch heavy particle cyclotron, Oak Ridge National Laboratory, \$459,000.

4. Project 57-d-4, conversion of accelerator design building, University of California Radiation Laboratory, \$300,000.

(e) RAW MATERIALS.—

1. Project 57-e-1, analytical laboratory addition, Grand Junction, Colorado, \$362,000.

(f) ATOMIC WEAPONS.—

1. Project 57-f-1, metallurgy laboratory, Livermore, California, \$2,270,000.

2. Project 57-f-2, base construction, Pacific proving ground, \$1,569,000.

3. Project 57-f-3, high explosive and weaponizing plant, Livermore, California, \$1,100,000.

4. Project 57-f-4, installation of one hundred and fifteen kilovolt tie line, Los Alamos, New Mexico, \$1,000,000.

5. Project 57-f-5, base construction, Nevada test site, \$543,000.

6. Project 57-f-6, manufacturing support plant, Kansas City, Missouri, \$444,000.

7. Project 57-f-7, warehouse, Sandia, \$308,000.

8. Project 57-f-8, mechanical shop additions, Livermore, California, \$300,000.

9. Project 57-f-9, programming building, Livermore, California, \$180,000.

(g) REACTOR DEVELOPMENT.—

1. Project 57-g-1, addition to electrical power system, National Reactor Testing Station, \$3,800,000.

2. Project 57-g-2, chemistry cave for radioactive materials, Argonne National Laboratory, \$800,000.

3. Project 57-g-3, transient housing, Argonne National Laboratory, \$533,000.

4. Project 57-g-4, materials testing reactor maintenance shop, National Reactor Testing Station, \$235,000.

(h) PHYSICAL RESEARCH.—

1. Project 57-h-1, permanent research buildings, Oak Ridge National Laboratory, \$5,780,000.

2. Project 57-h-2, physics building, Brookhaven National Laboratory, \$2,140,000.

3. Project 57-h-3, engineering building, Brookhaven National Laboratory, \$1,879,000.

4. Project 57-h-4, engineering service building, University of California Radiation Laboratory, \$1,080,000.

5. Project 57-h-5, cosmotron target area, Brookhaven National Laboratory, \$350,000.

6. Project 57-h-6, eighteen-inch cyclotron building, Brookhaven National Laboratory, \$300,000.

7. Project 57-h-7, addition to heavy ion accelerator building, University of California Radiation Laboratory, \$200,000.

(i) BIOLOGY AND MEDICINE.—

1. Project 57-i-1, reclamation plant and hot laundry, Brookhaven National Laboratory, \$400,000.

(j) COMMUNITY.—

1. Project 57-j-1, real estate development program, Los Alamos, New Mexico, \$350,000.
2. Project 57-j-2, elementary school classrooms, Los Alamos, New Mexico, \$195,000.

(k) ADMINISTRATIVE.—

1. Project 57-k-1, conversion of barracks for Albuquerque Operations Office headquarters, Sandia Base, Albuquerque, New Mexico, \$600,000.
2. Project 57-k-2, renovation of building for technical information services, Oak Ridge, Tennessee, \$517,000.

(l) RAW MATERIALS.—

1. Project 57-l-1, off-site access roads, \$2,873,000.

(m) REACTOR DEVELOPMENT.—

1. Project 57-m-1, purchase of Bettis Field property, \$400,000.

(n) GENERAL PLANT PROJECTS.—\$21,000,000.

LIMITATIONS

SEC. 102. (a) The Commission is authorized to start any project set forth in subsections 101 (a) through 101 (d) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101 (e) through 101 (k) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start the project set forth in subsection 101 (l) and (m) only if the currently estimated cost of the project does not exceed the estimated cost set forth for that project.

(d) The Commission is authorized to start a project under subsection 101 (n) only if it is in accordance with the following:

1. For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000.

2. For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such a project shall be \$100,000.

3. The total cost of all projects undertaken under subsection 101 (n) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. There are hereby authorized to be appropriated funds for advance planning, etc. advance planning, construction design, and architectural services, in connection with projects which are not otherwise authorized by law, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 104. There are hereby authorized to be appropriated funds necessary to restore or to replace plants or facilities destroyed or otherwise seriously damaged, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes. Replacement of plants, etc. 70 Stat. 129. 70 Stat. 130.

SEC. 105. In addition to the sums authorized to be appropriated to the Atomic Energy Commission by section 101 of this Act, there are hereby authorized to be appropriated to the Atomic Energy Commission to accomplish the purposes of this Act such sums of money as may be currently available to the Atomic Energy Commission. Additional sums.

SEC. 106. Funds authorized to be appropriated or otherwise made available by this Act may be used to start any other new project for Substitute projects.

which an estimate was not included in this Act if it be a substitute for a project authorized in subsections 101 (a), 101 (b), or 101 (f), and the estimated cost thereof is within the limit of cost of the project for which substitution is to be made, and the Commission certifies that—

(a) the project is essential to the common defense and security; and

(b) the new project is required by changes in weapon characteristics or weapon logistic operations;

(c) it is unable to enter into a contract with any person, including a licensee, on terms satisfactory to the Commission to furnish from a privately owned plant or facility the product or services to be provided in the new project.

Approved May 3, 1956.

Public Law 802 - 84th Congress
Chapter 731 - 2d Session
H. R. 11077

AN ACT

411 70 Stat. 653.

To amend the Atomic Energy Community Act of 1955, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Community Act of 1955 is amended in the following respects:

SECTION 1. Amend section 36 a. by striking therefrom the word "residential" in the middle thereof. Also strike therefrom the word "purchaser" at the end thereof and substitute in place thereof the following: "purchaser: *Provided*, That, with reference to commercial property, the improvement credit allowed shall be the value of the enhancement of the Government's interest in the property, as determined by the Commission on the basis of the appraisal provided for under section 32: *Provided further*, That such credit shall be reduced to the extent that lessee has been previously compensated therefor, as determined by the Commission, under the terms of the lease or otherwise."

Atomic Energy
Community Act
of 1955, amend-
ment.
69 Stat. 474.
42 USC 2326.
Improvements.

42 USC 2322.

42 USC 2362.

SEC. 2. Amend section 62 to read as follows:

"SEC. 62. COMMISSION FINANCING.—

"a. In the event that the Commission finds that financing on reasonable terms is not available from other sources, the Commission may, in order to facilitate the sale of residential property under chapter 5 of this Act, accept, in partial payment of the purchase price of any house, apartment building, or dormitory notes secured by first mortgages on such terms and conditions as the Commission shall deem appropriate. In the case of houses and apartment buildings, the maturity and percentage of appraised value in connection with such notes and mortgages shall not exceed those prescribed under section 223 (a) of the National Housing Act, as amended, and the interest rate shall equal the interest rate plus the premium being charged (and any periodic service charge being authorized by the Federal Housing Commissioner for properties of similar character) under section 223 (a) of the National Housing Act, as amended, at the effective date of such notes and mortgages.

68 Stat. 605.
12 USC 1715n.

"b. In connection with the sale of residential property financed under section 62 a. of this Act, the Commission is authorized to make advances for necessary repairs, or for the rehabilitation, modernization, rebuilding or enlargement of single and duplex residential properties to priority purchasers, and to include such advances in the amount of the note secured by the mortgage on such property.

"c. In the event that the Commission finds that financing on reasonable terms is not available from other sources, the Commission may, in order to facilitate the sale of commercial property under chapter 5 of this Act, accept, in partial payment of the purchase price of any commercial property notes secured by first mortgages on such terms and conditions as the Commission shall deem appropriate.

42 USC 2341-
2347.

"d. The Commission may sell any notes and mortgages acquired under subsections a. and c. hereof on terms set by the Commission."

SEC. 3. Section 116 of the Atomic Energy Community Act of 1955 is hereby amended by adding the following thereto: "Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, the Commission shall have power to deal with, complete, operate, rent, renovate, modernize, insure, or sell for cash or credit, in its discretion, any properties acquired pursuant to this Act, and to pursue to final collection, by way

Repossession.
42 USC 2310.

of compromise or otherwise, all claims arising pursuant to this section: *Provided*, That expenses authorized by this section shall be considered nonadministrative expenses: *Provided further*, That section 3703 of the Revised Statutes shall not apply to any contract entered into pursuant to this section if the amount thereof does not exceed \$1,000."

41 USC 5.

Net Proceeds.

42 USC 2311.

Community Disposal Operations Fund.

42 USC 2313.

SEC. 4. Section 117 of the Atomic Energy Community Act of 1955 is hereby amended to read as follows:

"SEC. 117 a.—There is hereby established as of June 30, 1956, a Community Disposal Operations Fund, and the Commission (or the head of such agency as may be carrying out the sales and financing functions of the Commission pursuant to a delegation by the President under section 101 of this Act) is authorized to credit said fund with all moneys hereafter obtained or now held by it and to account under said fund for all assets and liabilities held or acquired by it in connection with its sales and financing functions under this Act, and to make temporary advances to such fund, from any other funds available for expenses of operations of such Commission or agency, as may be required to carry out such functions pending the realization of sufficient proceeds under the provisions of this Act: *Provided*, That any such advances shall be repaid to the source appropriation or fund, to the extent of any unobligated balances available in the Community Disposal Operations Fund, prior to the close of the fiscal year during which such advances are made.

"b. The Community Disposal Operations Fund shall be available to pay for all necessary costs, expenses (including administrative expenses), losses or obligations incurred in connection with the aforesaid functions, including expenses incident to sale, or other transfer and any financing under section 62, indemnities under sections 63 through 66, and expenses authorized by section 116 of this Act, and expenses in connection with the defense and payment of any claims for breaches of warranties and covenants of title of any property disposed of pursuant to this Act.

"c. Any amount in said fund which is determined to be in excess of requirements for the purposes thereof shall be declared and paid as liquidating dividends to the Treasury, not less often than annually."

SEC. 5. Section 118 c. of the Atomic Energy Community Act of 1955 is repealed.

SEC. 6. Section 118 b. of the Atomic Energy Community Act of 1955 is amended by striking therefrom the figure "\$2,165,000" and inserting in lieu thereof, the figure "\$2,215,000."

Approved July 25, 1956.

42 USC 2363-2366.

42 USC 2312.

42 USC 2312. Richland.

Public Law 722 - 84th Congress
Chapter 608 - 2d Session
H. R. 11926

AN ACT

All 70 Stat. 553.

To amend the Atomic Energy Act of 1954, to permit the negotiation of commercial leases at atomic energy communities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 161 e. of the Atomic Energy Act of 1954, as amended, is amended by striking therefrom the words "section 174;" and substituting in lieu thereof the words: "section 174: *Provided, however,* That in the communities owned by the Commission, the Commission is authorized to grant privileges, leases and permits upon adjusted terms which are fair and reasonable to responsible persons to operate commercial businesses without advertising and without advertising and without securing competitive bids, but taking into consideration, in addition to the price, and among other things (1) the quality and type of services required by the residents of the community, (2) the experience of each concession applicant in the community and its surrounding area, (3) the ability of the concession applicant to meet the needs of the community, and (4) the contribution the concession applicant has made or will make to the other activities and general welfare of the community;"

Atomic Energy
Commission.
Commercial
leases.
68 Stat. 949.
42 USC 2201.

Approved July 14, 1956.

Public Law 981 - 84th Congress
Chapter 969 - 2d Session
H. R. 11709

AN ACT

All 70 Stat. 1035.

To amend Public Law 506, Eighty-fourth Congress, second session, to increase the authorization for appropriations to the Atomic Energy Commission for acquisition or condemnation of real property or any facilities, or for plant or facility acquisition, construction, or expansion, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of Public Law 506, Eighty-fourth Congress, second session, is hereby amended by striking the figure "\$295,495,000" and inserting in lieu thereof the figure "\$319,595,000". AEC appropriations. Ante, p. 127.

SEC. 2. Section 101 (c) 2 of Public Law 506, Eighty-fourth Congress, second session, is amended by striking the figure "\$15,000,000" and inserting in lieu thereof the figure "\$25,000,000".

SEC. 3. Section 101 (c) of Public Law 506, Eighty-fourth Congress, second session, is amended by adding at the end thereof a new subsection, reading:

"10. Project 57-c-10, amended reactor development project, \$15,000,000."

Approved August 6, 1956.

Public Law 1006 - 84th Congress
Chapter 1015 - 2d Session
S. 4203

AN ACT

All 70 Stat. 1069.

To amend the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 u. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: Atomic Energy Act of 1954, amendments. 68 Stat. 924. 42 USC 2014.

"u. The term 'United States' when used in a geographical sense includes all Territories and possessions of the United States, the Canal Zone and Puerto Rico."

SEC. 2. Section 31 a. of the Atomic Energy Act of 1954, as amended, is amended by inserting after the word "development" in the first sentence thereof the words "and training". 42 USC 2051.

SEC. 3. Section 31 b. and section 31 c. of the Atomic Energy Act of 1954, as amended, are amended by redesignating the sections as sections 31 c. and 31 d. respectively and by adding a new section 31 b. reading as follows:

"b. The Commission is further authorized to make grants and contributions to the cost of construction and operation of reactors and other facilities and other equipment to colleges, universities, hospitals, and eleemosynary or charitable institutions for the conduct of educational and training activities relating to the fields in subsection a." Grants for construction of reactors, etc.

SEC. 4. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection: 42 USC 2201

"r. The Commission is authorized and empowered, under such terms and conditions as are deemed advisable by it, to grant easements for rights-of-way over, across, in, and upon acquired lands under its jurisdiction and control, and public lands permanently withdrawn or reserved for the use of the Commission, to any State, political subdivision thereof, or municipality, or to any individual, partnership, or corporation of any State, Territory, or possession of the United States, for (a) railroad tracks; (b) oil pipe lines; (c) substations for electric power transmission lines, telephone lines, and telegraph lines, and pumping stations for gas, water, sewer, and oil pipe lines; (d) canals; (e) ditches; (f) flumes; (g) tunnels; (h) dams and reservoirs in connection with fish and wildlife programs, fish hatcheries, and other fish-cultural improvements; (i) roads and streets; and (j) for any other purpose or purposes deemed advisable by the Commission: *Provided*, That such rights-of-way shall be granted only upon a finding by the Commission that the same will not be incompatible with the public interest: *Provided further*, That such rights-of-way shall not include any more land than is reasonably necessary for the purpose for which granted: *And provided further*, That all or any part of such rights-of-way may be annulled and forfeited by the Commission for failure to comply with the terms and conditions of any grant hereunder or for nonuse for a period of two consecutive years or abandonment of rights granted under authority hereof. Copies of all instruments granting easements over public lands pursuant to this section shall be furnished to the Secretary of the Interior." Easements for rights-of-way.

SEC. 5. Section 182 a. of the Atomic Energy Act of 1954, as amended, is amended by striking the last sentence thereof and substituting in place thereof the following: 42 USC 2232.

"All applications and statements shall be signed by the applicant or licensee. Applications for, and statements made in connection with, licenses under sections 103 and 104 shall be made License applications. 42 USC 2133, 2134.

under oath or affirmation. The Commission may require any other applications or statements to be made under oath or affirmation."

42 USC 2271-
2281.

SEC. 6. Chapter 18 of the Atomic Energy Act of 1954, as amended, is amended by redesignating sections 229, 230, 231 as sections 231, 282, 283 respectively, making appropriate amendment to the Table of Contents and adding two new sections, 229 and 230, reading as follows:

"SEC. 229. TRESPASS UPON COMMISSION INSTALLATIONS.—

"a. The Commission is authorized to issue regulations relating to the entry upon or carrying, transporting, or otherwise introducing or causing to be introduced any dangerous weapon, explosive, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property, into or upon any facility, installation, or real property subject to the jurisdiction, administration, or in the custody of the Commission. Every such regulation of the Commission shall be posted conspicuously at the location involved.

"b. Whoever shall willfully violate any regulation of the Commission issued pursuant to subsection a. shall, upon conviction thereof, be punishable by a fine of not more than \$1,000.

"c. Whoever shall willfully violate any regulation of the Commission issued pursuant to subsection a. with respect to any installation or other property which is enclosed by a fence, wall, floor, roof, or other structural barrier shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$5,000 or to imprisonment for not more than one year, or both.

"SEC. 230. PHOTOGRAPHING, ETC., OF COMMISSION INSTALLATIONS.—It shall be an offense, punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, or both—

"(1) to make any photograph, sketch, picture, drawing, map or graphical representation, while present on property subject to the jurisdiction, administration or in the custody of the Commission, of any installations or equipment designated by the President as requiring protection against the general dissemination of information relative thereto, in the interest of the common defense and security, without first obtaining the permission of the Commission, and promptly submitting the product obtained to the Commission for inspection or such other action as may be deemed necessary; or

"(2) to use or permit the use of an aircraft or any contrivance used, or designed for navigation or flight in air, for the purpose of making a photograph, sketch, picture, drawing, map or graphical representation of any installation or equipment designated by the President as provided in the preceding paragraph, unless authorized by the Commission."

SEC. 7. Section 229 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 231. OTHER LAWS.—Sections 224 to 230 shall not exclude the applicable provisions of any other laws."

Transfer of
lands.

SEC. 8. All land and interests in land, owned by the United States within the boundaries of the County of Los Alamos, State of New Mexico, containing approximately seventy thousand eight hundred acres, are hereby transferred, without reimbursement or transfer of funds, to the Atomic Energy Commission. The Atomic Energy Commission shall exercise administrative control over all land and interests in land transferred to the Atomic Energy Commission by this Act, notwithstanding the manner of their acquisition by the United States nor their status at any time prior to the effective date of this Act.

SEC. 9. The Secretary of the Army is authorized to transfer to the Atomic Energy Commission, without compensation therefor, for use in connection with the Atomic Energy program, all that real property and interests therein, comprising approximately two hundred acres, of the Weldon Spring Ordnance Works, Weldon Spring, Missouri, as delineated on map designated exhibit A attached to "Department of the Army Permit to Use Weldon Spring Ordnance Works Military Reservation, Missouri," dated January 25, 1955, on file in the Atomic Energy Commission, and all or any part of the personal property therein at the time of approval of this Act: *Provided*, That when the Atomic Energy Commission, or its successor in functions, determines that the real property herein authorized for transfer is no longer required for the purposes stated, the real property, together with buildings and permanent improvements thereon at the date of such determination, shall, at the option of the Secretary of the Army, be returned to the Department of the Army without compensation therefor.

SEC. 10. There is hereby retroceded to the State of Kentucky the exclusive jurisdiction heretofore acquired from the State of Kentucky by the United States of America, over lands in McCracken County, Kentucky, within the present boundaries of the Paducah Project of the Atomic Energy Commission. This retrocession of jurisdiction shall take effect in accordance with the law of the State of Kentucky. Retrocession of
lands to Ken-
tucky.

SEC. 11. Section 101 of the Atomic Energy Act of 1954, as amended, is amended by inserting the word "use," between the words "possess," and "import," 42 USC 2131.

SEC. 12. Section 103 a. of the Atomic Energy Act of 1954, as amended, is amended by inserting the word "use," between the words "possess," and "import," 42 USC 2133.

SEC. 13. Section 103 d. of the Atomic Energy Act of 1954, as amended, is amended by inserting the words "an alien or any" between the words "issued to" and the words "any corporation".

SEC. 14. Section 143 of the Atomic Energy Act of 1954, as amended, is amended by inserting between the words "licensee of the Commission" and the words "to permit any employee" the words "or any other person authorized access to Restricted Data by the Commission under subsection 145 b." 42 USC 2163.

Approved August 6, 1956.

Public Law 85-14
85th Congress, H. R. 5866
April 12, 1957

AN ACT

71 Stat. 11.

To amend the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Act of 1954, as amended, is amended by adding a new section 125 to read as follows:

Atomic Energy.
68 Stat. 919.
42 USC 1801
note.

"SEC. 125. COOPERATION WITH BERLIN.—The President may authorize the Commission to enter into agreements for cooperation with the Federal Republic of Germany in accordance with section 123, on behalf of Berlin, which for the purposes of this Act comprises those areas over which the Berlin Senate exercises jurisdiction (the United States, British, and French sectors) and the Commission may thereafter cooperate with Berlin pursuant to sections 54, 57, 64, 82, 103, or 104: *Provided*, That the guaranties required by section 123 shall be made by Berlin with the approval of the allied commandants."

Approved April 12, 1957.

Public Law 85-79
85th Congress, S. 2243
July 3, 1957

AN ACT

To amend the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 261 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: Atomic Energy Act of 1954, amendments.
68 Stat. 960.
42 USC 2017.

"SEC. 261. APPROPRIATIONS.—

"a. There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act, except—

"(1) Such as may be necessary for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion: *Provided*, That for the purposes of this subsection a., any nonmilitary experimental reactor which is designed to produce more than 10,000 thermal kilowatts of heat (except for intermittent excursions) or which is designed to be used in the production of electric power shall be deemed to be a facility. Facility.

"(2) Such as may be necessary to carry out cooperative programs with persons for the development and construction of reactors for the demonstration of their use, in whole or in part, in the production of electric power or process heat, or for propulsion, or solely or principally for the commercial provision of byproduct material, irradiation, or other special services, for civilian use, by arrangements (including contracts, agreements, and loans) or amendments thereto, providing for the payment of funds, the rendering of services, and the undertaking of research and development without full reimbursement, the waiver of charges accompanying such arrangement, or the provision by the Commission of any other financial assistance pursuant to such arrangement, or which involves the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion undertaken by the Commission as a part of such arrangements. 71 Stat. 274.
71 Stat. 275.

"b. The acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only."

SEC. 2. The Atomic Energy Act of 1954, as amended, is amended by adding a new section 58 with appropriate amendment to the table of contents, as follows:

"SEC. 58. REVIEW.—Before the Commission establishes any fair price or guaranteed fair price period in accordance with the provisions of section 56, or establishes any criteria for the waiver of any charge for the use of special nuclear material licensed or distributed under section 53 the proposed fair price, guaranteed fair price period, or criteria for the waiver of such charge shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days there shall be Congressional review.
42 USC 2076.
42 USC 2073.

71 Stat. 275.

excluded the days in which either House is not in session because of adjournment for more than three days) : *Provided, however,* That the Joint Committee, after having received the proposed fair price, guaranteed fair price period, or criteria for the waiver of such charge, may by resolution waive the conditions of or all or any portion of such forty-five day period."

Approved July 3, 1957.

o

Public Law 85-107
85th Congress, S. 1918
July 17, 1957

AN ACT

71 Stat. 307.

To amend Public Law 81, Eighty-fourth Congress, first session, to increase the authorization for appropriation to the Atomic Energy Commission for the construction of a modern office building in or near the District of Columbia to serve as its principal office.

69 Stat. 47.

42 USC 2201 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 81, Eighty-fourth Congress, first session, is hereby amended, by striking the figure "\$10,000,000" and inserting in lieu thereof the figure "\$13,300,000".

Approved July 17, 1957.

Public Law 85-162
85th Congress, H. R. 8996
August 21, 1957

AN ACT

To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. AUTHORIZATION.—There is hereby authorized to be appropriated to the Atomic Energy Commission, in accordance with the provisions of section 261 a. (1) of the Atomic Energy Act of 1954, as amended, the sum of \$222,230,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows:

AEC appropriation.
Acquisition, etc.,
of property.
Ante, P. 274.

(a) RAW MATERIALS.—

1. Project 58-a-1, offsite access roads.

(b) SPECIAL NUCLEAR MATERIALS.—

1. Project 58-b-1, fabrication plant, \$5,000,000.
2. Project 58-b-2, mechanical production line, Hanford, Washington, \$1,500,000.
3. Project 58-b-3, metal treatment plant, Fernald, Ohio, \$850,000.
4. Project 58-b-4, improvements to production and supporting installations, Hanford, Washington, and Savannah River, South Carolina, \$10,000,000.
5. Project 58-b-5, additions to scrap plants, various sites, \$1,500,000.
6. Project 58-b-6, additions to gaseous diffusion plants, \$6,600,000.
7. Project 58-b-7, reduction in fire hazards—gaseous diffusion plants, Oak Ridge, Paducah, and Portsmouth, \$12,000,000.
8. Project 58-b-8, production reactor for special nuclear materials; development, design, and engineering only, \$3,000,000. The Commission shall proceed with sufficient design work, together with appropriate engineering and development work, necessary for the Commission to begin construction as soon as practicable after authorization by the Congress, of a large scale single or dual purpose reactor for the production of special nuclear materials. The Commission shall submit to the Joint Committee on Atomic Energy a report on its design for this project, including cost estimates and schedule of construction, not later than April 1, 1958.

71 Stat. 403.

71 Stat. 404.

Report to
Congress.

(c) ATOMIC WEAPONS.—

1. Project 58-c-1, weapons production and development plant, \$10,000,000.
2. Project 58-c-2, weapons special component plant, \$6,000,000.

(d) ATOMIC WEAPONS.—

1. Project 58-d-1, manufacturing plant expansion, Albuquerque, New Mexico, \$3,325,000.
2. Project 58-d-2, storage site modifications, \$2,000,000.
3. Project 58-d-3, high explosive development plant, Livermore, California, \$2,100,000.
4. Project 58-d-4, engineering and laboratory building, Los Alamos, New Mexico, \$1,013,000.
5. Project 58-d-5, ventilation system replacements, Los Alamos, New Mexico, \$618,000.

6. Project 58-d-6, reclamation foundry, shop, and warehouse, Sandia Base, New Mexico, \$308,000.

7. Project 58-d-7, reactor, area III, Sandia Base, New Mexico, \$2,900,000.

8. Project 58-d-8, base construction, Nevada test site, \$350,000.

9. Project 58-d-9, base construction, Eniwetok Proving Ground, \$7,917,000.

(e) REACTOR DEVELOPMENT.—

1. Project 58-e-1, power reactor development acceleration project, \$11,500,000.

2. Project 58-e-2, Puerto Rico power reactor.

3. Project 58-e-3, fuels technology center, Argonne National Laboratory, Illinois, \$10,000,000.

4. Project 58-e-4, modifications and additions, aircraft nuclear propulsion ground test plant, area numbered 1, National Reactor Testing Station, Idaho, \$8,000,000.

5. Project 58-e-5, test installations for classified project, \$9,000,000.

6. Project 58-e-6, project Sherwood plant, \$7,750,000.

7. Project 58-e-7, waste calcination system, National Reactor Testing Station, Idaho, \$4,000,000.

8. Project 58-e-8, hot cells, \$3,500,000.

9. Project 58-e-9, high temperature test installation, Bettis plant, Pennsylvania, \$3,000,000.

10. Project 58-e-10, destroyer reactor development plant, \$750,000.

11. Project 58-e-11, sodium reactor experiment (SRE) modification, Santa Susana, California, \$4,700,000.

12. Project 58-e-12, liquid metal fuel reactor experiment (LMFRE), \$17,500,000.

13. Project 58-e-13, Argonne boiling reactor (ARBOR), National Reactor Testing Station, Idaho, \$8,500,000.

14. Project 58-e-14, natural uranium, graphite moderated, gas cooled, power reactor prototype; development, design, and engineering only, \$3,000,000. The Commission shall proceed with sufficient design work, together with appropriate engineering and development work, necessary for the Commission to begin construction as soon as practicable after authorization by the Congress, of a large scale natural uranium power reactor prototype. The Commission shall submit to the Joint Committee on Atomic Energy a report on its design for this project, including cost estimates and schedule of construction, not later than April 1, 1958.

15. Project 58-e-15, plutonium recycle experimental reactor designed for the production of 15,000 electrical kilowatt equivalent, \$15,000,000.

(f) REACTOR DEVELOPMENT.—

1. Project 58-f-1, waste storage tanks, National Reactor Testing Station, Idaho, \$3,700,000.

2. Project 58-f-2, hot pilot plant, \$2,000,000.

3. Project 58-f-3, land acquisition, National Reactor Testing Station, Idaho, \$1,000,000.

(g) PHYSICAL RESEARCH.—

1. Project 58-g-1, accelerator improvements, University of California Radiation Laboratory, California, \$875,000.

71 Stat. 404.

71 Stat. 405.

Report to
Congress.

(h) PHYSICAL RESEARCH.—

1. Project 58-h-1, reactor improvements, Argonne National Laboratory, Illinois, \$380,000.

(i) BIOLOGY AND MEDICINE.—

1. Project 58-i-1, mammalian radiation injury and recovery area, Oak Ridge National Laboratory, Tennessee, \$475,000.

(j) TRAINING, EDUCATION, AND INFORMATION.—

1. Project 58-j-1, nuclear training project, Regional Nuclear Training Center, Puerto Rico, \$2,500,000.

(k) COMMUNITY.—

1. Project 58-k-1, schools, Los Alamos, New Mexico, \$965,000.

2. Project 58-k-2, housing modifications, Los Alamos, New Mexico, \$1,000,000.

3. Project 58-k-3, additional water well, Los Alamos, New Mexico, \$138,000.

(l) GENERAL PLANT PROJECTS.—\$26,016,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101 (b), 101 (c), 101 (e), 101 (g), and 101 (j) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101 (d), 101 (f), 101 (h), 101 (i), and 101 (k) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101 (l) only if it is in accordance with the following:

1. For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000.

2. For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such a project shall be \$100,000.

3. The total cost of all projects undertaken under subsection 101 (l) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. ADVANCE PLANNING AND DESIGN.—There are hereby authorized to be appropriated funds for advance planning, construction design, and architectural services, in connection with projects which are not otherwise authorized by law, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 104. RESTORATION OR REPLACEMENT.—There are hereby authorized to be appropriated funds necessary to restore or to replace plants or facilities destroyed or otherwise seriously damaged, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 105. CURRENTLY AVAILABLE FUNDS.—In addition to the sums authorized to be appropriated to the Atomic Energy Commission by this Act, there are hereby authorized to be appropriated to the Atomic Energy Commission to accomplish the purposes of this Act such sums of money as may be currently available to the Atomic Energy Commission.

71 Stat. 405.

71 Stat. 406.

SEC. 106. SUBSTITUTIONS.—Funds authorized to be appropriated or otherwise made available by this Act may be used to start any other new project for which an estimate was not included in this Act if it be a substitute for a project authorized in subsections 101 (b), 101 (c), or 101 (d) and the estimated cost thereof is within the limit of cost of the project for which substitution is to be made, and the Commission certifies that—

(a) the project is essential to the common defense and security; and

(b) the new project is required by changes in weapon characteristics or weapon logistic operations; and

(c) it is unable to enter into a contract with any person, including a licensee, on terms satisfactory to the Commission to furnish from a privately owned plant or facility the product or services to be provided in the new project.

SEC. 107. INCREASES IN PRIOR PROJECT AUTHORIZATIONS.—(a) Public Law 141, Eighty-fourth Congress, first session, is amended as follows:

(1) By striking therefrom the figure "\$14,850,000" for project 56-b-2, fast power breeder pilot facility (EBR-II), and substituting therefor the figure "\$29,100,000"; and

(2) By striking therefrom the figure "\$4,015,000" for project 56-f-3, new Sigma Laboratory, Los Alamos, New Mexico, and substituting therefor the figure "\$5,100,000".

(b) Public Law 506, Eighty-fourth Congress, second session, is amended as follows:

(1) By striking therefrom the figure "\$15,000,000" for project 57-d-1, high energy accelerator, and substituting therefor the figure "\$27,000,000"; and

(2) By striking therefrom the figure "\$350,000" for project 57-h-5, cosmotron target area, Brookhaven National Laboratory, and substituting therefor the figure "\$3,550,000".

SEC. 108. PROJECT RESCISSIONS.—(a) Public Law 141, Eighty-fourth Congress, first session, is amended by rescinding therefrom authorization for certain projects, except for funds heretofore obligated, as follows:

Project 56-b-1, power reactor development acceleration project, \$25,000,000;

Project 56-d-1, metallex pilot facility, Oak Ridge National Laboratory, \$1,000,000;

Project 56-d-3, special reactor facilities equipment, Hanford, Washington, \$5,600,000;

Project 56-d-5, conversion of pilot plant and facility to production plant and facility, Fernald, Ohio, \$600,000;

Project 56-d-8, expansion of metal recovery facility, Oak Ridge National Laboratory, \$370,000;

Project 56-f-1, art construction project, fiscal year 1956 increment, \$17,873,000;

Project 56-f-2, expansion of weapons material fabrication plant and facility, \$15,000,000;

Project 56-g-2, reactor training school, Argonne National Laboratory, \$712,000;

Project 56-g-3, chemistry cave for radioactive materials, Argonne National Laboratory, \$448,000; and

Project 56-g-7, research reactors for the development of peacetime uses of atomic energy under Agreements for Cooperation, \$5,000,000.

69 Stat. 291.

70 Stat. 127.

71 Stat. 406.

71 Stat. 407.

69 Stat. 291.

(b) Public Law 506, Eighty-fourth Congress, second session, is amended by rescinding therefrom authorization for certain projects, except for funds heretofore obligated, as follows: 70 Stat. 127.

Project 57-a-1, additional feed materials, plant, \$22,200,000;
Project 57-a-8, chemical processing facility, St. Louis, Missouri, \$1,600,000;

Project 57-a-9, barrier plant automation, Oak Ridge, Tennessee, \$1,400,000;

Project 57-a-10, reactor temperature test installation, Hanford, Washington, \$900,000;

Project 57-a-11, improvements to reactor cooling water effluent system, Hanford, Washington, \$550,000;

Project 57-a-12, fuel element heat-treating plant, Fernald, Ohio, \$500,000;

Project 57-c-10, amended reactor development project, \$15,000,000;

Project 57-f-6, manufacturing support plant, Kansas City, Missouri, \$444,000; and

Project 57-f-8, mechanical shop additions, Livermore, California, \$300,000.

SEC. 109. EXPENSES FOR MOVE TO NEW PRINCIPAL OFFICE.—(a) The Commission is authorized to use its funds for the following purposes in order to facilitate retention and relocation of Commission headquarters employees in the course of and following establishment of a new principal office outside the District of Columbia, and without limitation on the Commission's authority under existing law, as follows:

71 Stat. 407.
71 Stat. 408.

(1) Allowance and payment for travel and transportation authorized by section 1 of the Administrative Expenses Act of 1946, as amended, in connection with the relocation of residence occurring after July 29, 1955, prior to the effective date of the employee's change of official station: *Provided, however,* That each employee who received payments under the Administrative Expenses Act of 1946, as amended, prior to his change of official station shall be obligated to reimburse the amount thereof to the Government as a debt due the United States if he separates from Commission employ, other than for reasons beyond his control or otherwise acceptable to the Commission, prior to the effective date of the employee's change of official station.

60 Stat. 806.
5 USC 73b-1.

(2) Until the move to the new principal office is effected, providing or arranging for commuting transportation to present Commission offices in Washington, District of Columbia, for employees, including those of other agencies who are assigned to full time duty at Commission headquarters, recruited from, or who have relocated their residences in, the area of the new headquarters, to the extent necessary and at such charge as to assure an adequate work force for the new principal office where this purpose cannot be achieved by ordinary transportation.

(3) Following the move to the new principal office, providing or arranging for commuting transportation for Commission employees and employees of other agencies who are assigned to full time duty at Commission headquarters to and from the new headquarters site to the extent necessary and at such charge as to assure an adequate work force where this purpose cannot be achieved by ordinary transportation.

(4) Funds in an amount not to exceed \$75,000 are authorized for purposes of subsections (2) and (3).

(b) Other departments and agencies of Government are authorized, without limitation upon their authority under existing law, to use

funds available to them to make allowances and payments to their civilian officers and employees who are assigned to full time duty at Commission headquarters prior to the time of the move to the new principal office, such allowances and payments to be in accordance with the provisions of subsection a. (1) of this section.

SEC. 110. PROTOTYPE POWER REACTOR FACILITIES.—(a) The Commission shall proceed with the design engineering, and construction under contract, as soon as practicable, of the prototype power reactor facility authorized by section 101 for project 58-e-15 at an installation operated by or on behalf of the Commission and the electric energy generated shall be used by the Commission in connection with the operation of such installation.

(b) In the conduct of the work under this section the Commission is authorized to obtain the participation of private, cooperative, or public power organizations to the fullest extent consistent with Commission direction of the project, ownership of the reactor, and utilization of the electric energy generated.

(c) The prototype power reactor facility constructed under this section shall be operated by, or under contract with, the Commission for such period of time as the Commission determines to be advisable for research and development purposes and for such additional periods as the Commission may determine to be necessary for national defense purposes and for the purposes of subsection (a) of this section. Upon the expiration of the prototype reactor operation as determined by the Commission in accordance with this subsection, the Commission shall dismantle the reactor and its appurtenances.

SEC. 111. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—

(a) There is hereby authorized to be appropriated to the Atomic Energy Commission, in accordance with the provisions of section 261 a. (2) of the Atomic Energy Act of 1954, as amended, the sum of \$129,915,000 for use in a program not to exceed \$149,915,000, subject to the following conditions:

(1) Arrangements for projects sponsored under the Second Round of the Commission's power reactor demonstration programs by cooperatives and publicly owned agencies under which the reactor is financed in major part by the Commission and is to be owned by the Federal Government shall be carried on by direct contract between the Commission and the equipment manufacturer or engineering organization with respect to the development, design, and construction of the reactor and related facilities, and by direct contract between the Commission and the cooperative or publicly owned organization with respect to the provision of a site and conventional turbogenerating facilities, the operation of the entire plant including training of personnel, the sale by the Commission of steam from the reactor complex to the cooperative or publicly owned organization, and other relevant matters. Sale of steam by the Commission under contract with the cooperative or publicly owned organization shall be at rates based upon the present cost of, or the projected cost of, comparable steam from a plant using conventional fuels at such locations. Projects covered under this subsection shall be operated under contract with the Commission for such period of time as the Commission determines to be advisable for research and development purposes but in no event to exceed ten years. Upon the expiration of such period the Commission shall offer the reactor and its appurtenances for sale to the cooperative or publicly owned agency at a price to reflect appropriate depreciation but not to include construction costs assignable to research and development. In the event the cooperative or publicly owned agency elects not to pur-

71 Stat. 408.

71 Stat. 409.

Ante, p. 274.

Conditions.

chase the reactor and its appurtenances, the Commission shall dismantle them.

(2) Funds in the amount of \$1,500,000 may be expended for research and development in Commission laboratories to advance the technology of the fast breeder reactor concept.

(3) The date for approving proposals under the third round of the power demonstration reactor program shall be no later than December 31, 1958, and no funds authorized for the third round shall be expended on projects approved under the first or second rounds of such program or on other nuclear power projects already under construction.

(b) Before the Commission enters into any arrangement (including contract, agreement, and loan) or amendment thereto, the basis of which has not been included in the program justification data previously submitted to the Joint Committee on Atomic Energy in support of authorization legislation approved in accordance with the provisions of section 261 a. (2) of the Atomic Energy Act of 1954, *Ante*, p. 274. as amended, and which involves appropriations authorized by subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed contractor or party with whom the arrangement is to be made, a general description of the proposed reactor, the estimated amount of the assistance to be provided under section 261 a. (2), the estimated cost to be incurred by the contractor or other party, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session (in computing such *Report to Congress. 71 Stat. 409.* *71 Stat. 410.* forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee after having received the basis for a proposed arrangement, or amendment thereto, may by resolution in writing waive the conditions of or all or any portion of such forty-five-day period: *Provided further*, That such arrangement or amendment shall be entered into in accordance with the program justification data described above and the basis for the arrangement or amendment submitted as provided herein: *And provided further*, That no basis for a particular arrangement or amendment thereto need be resubmitted to the Joint Committee for the sole reason that the estimated amount of assistance previously provided for therein exceeds the estimated amount of assistance previously submitted to the Joint Committee by not more than 15 per centum.

SEC. 201. Section 161 e. of the Atomic Energy Act of 1954, as amended, is amended by adding after the words "adjusted terms which" in the proviso thereof, the following: "(at the time of the initial grant of any privilege grant, lease, or permit, or renewal thereof, or in order to avoid inequities or undue hardship prior to the sale by the United States of property affected by such grant)". *70 Stat. 553. 42 USC 2201.*

SEC. 202. Section 35 of the Atomic Energy Community Act of 1955, as amended, is amended by adding thereto: *69 Stat. 474.*

"c. The appraised value of the Government's interest in commercial property shall, in the cases where renegotiation of the lease is requested by the lessee under the provisions of section 161 e. of the Atomic Energy Act of 1954, as amended, be based upon the renegotiated lease if any is agreed on. Where such renegotiations are requested, the sales proceedings shall not be initiated until the completion of the renegotiation." *70 Stat. 553. 42 USC 2201.*

SEC. 203. The Atomic Energy Commission, the Federal Housing Administration, and the Housing and Home Finance Agency shall *Reports to Congress.*

71 Stat. 410.

report to the Joint Committee by January 31, 1958, with respect to the renegotiations, reappraisals, and sales proceedings authorized under sections 201 and 202 of this Act.

70 Stat. 1069.
42 USC 2201.

Sec. 204. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding the following new subsection:

"s. Under such regulations and for such periods and at such prices the Commission may prescribe, the Commission may sell or contract to sell to purchasers within Commission-owned communities or in the immediate vicinity of the Commission community, as the case may be, any of the following utilities and related services, if it is determined that they are not available from another local source and that the sale is in the interest of the national defense or in the public interest:

- "(1) Electric power.
- "(2) Steam.
- "(3) Compressed air.
- "(4) Water.
- "(5) Sewage and garbage disposal.
- "(6) Natural, manufactured, or mixed gas.
- "(7) Ice.
- "(8) Mechanical refrigeration.
- "(9) Telephone service.

"Proceeds of sales under this subsection shall be credited to the appropriation currently available for the supply of that utility or service. To meet local needs the Commission may make minor expansions and extensions of any distributing system or facility within or in the immediate vicinity of a Commission-owned community through which a utility or service is furnished under this subsection."

Approved August 21, 1957.

Public Law 85-177
85th Congress, H. R. 8992
August 28, 1957

AN ACT

71 Stat. 453.

To provide for the appointment of representatives of the United States in the organs of the International Atomic Energy Agency, and to make other provisions with respect to the participation of the United States in that Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Atomic Energy Agency Participation Act of 1957".

International Atomic Energy Participation Act of 1957. Appointments.

SEC. 2. (a) The President, by and with the advice and consent of the Senate, shall appoint a representative and a deputy representative of the United States to the International Atomic Energy Agency (hereinafter referred to as the "Agency"), who shall hold office at the pleasure of the President. Such representative and deputy representative shall represent the United States on the Board of Governors of the Agency, may represent the United States at the General Conference, and may serve ex officio as United States representative on any organ of that Agency, and shall perform such other functions in connection with the participation of the United States in the Agency as the President may from time to time direct.

(b) The President, by and with the advice and consent of the Senate, may appoint or designate from time to time to attend a specified session or specified sessions of the General Conference of the Agency a representative of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Conference.

(c) The President may also appoint or designate from time to time such other persons as he may deem necessary to represent the United States in the organs of the Agency. The President may designate any officer of the United States Government, whose appointment is subject to confirmation by the Senate, to act, without additional compensation, for temporary periods as the representative of the United States on the Board of Governors or to the General Conference of the Agency in the absence or disability of the representative and deputy representative appointed under section 2 (a) or in lieu of such representatives in connection with a specified subject matter.

(d) All persons appointed or designated in pursuance of authority contained in this section shall receive compensation at rates determined by the President upon the basis of duties to be performed but not in excess of rates authorized by sections 411 and 412 of the Foreign Service Act of 1946, as amended (22 U. S. C. 866, 867), for Chiefs of Mission and Foreign Service officers occupying positions of equivalent importance, except that no Member of the Senate or House of Representatives or officer of the United States who is designated under subsection (b) or subsection (c) of this section as a delegate or representative of the United States or as an alternate to attend any specified session or specified sessions of the General Conference shall be entitled to receive such compensation. Any person who receives compensation pursuant to the provisions of this subsection may be granted allowances and benefits not to exceed those received by Chiefs of Mission and Foreign Service officers occupying positions of equivalent importance.

70 Stat. 704.

SEC. 3. The participation of the United States in the International Atomic Energy Agency shall be consistent with and in furtherance of the purposes of the Agency set forth in its Statute and the policy concerning the development, use, and control of atomic energy set forth in the Atomic Energy Act of 1954, as amended. The President

Purpose and authority.

68 Stat. 919.
42 USC 2011 not

71 Stat. 454.

Reports to
Congress.

shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress on the activities of the International Atomic Energy Agency and on the participation of the United States therein. In addition to any other requirements of law, the Department of State and the Atomic Energy Commission shall keep the Joint Committee on Atomic Energy, the House Committee on Foreign Affairs, and the Senate Committee on Foreign Relations, as appropriate, currently informed with respect to the activities of the Agency and the participation of the United States therein.

Votes, etc.

SEC. 4. The representatives provided for in section 2 hereof, when representing the United States in the organs of the Agency, shall, at all times, act in accordance with the instructions of the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Statute of the International Atomic Energy Agency.

TIAS 3873.
Appropriation.

SEC. 5. There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the International Atomic Energy Agency as apportioned by the Agency in accordance with paragraph (D) of article XIV of the Statute of the Agency, and for all necessary salaries and expenses of the representatives provided for in section 2 hereof and of their appropriate staffs, including personal services without regard to the civil service laws and the Classification Act of 1949, as amended; travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Travel Expense Act of 1949, as amended, and section 10 of the Act of March 3, 1933, as amended; salaries as authorized by the Foreign Service Act of 1946, as amended, or as authorized by the Atomic Energy Act of 1954, as amended, and expenses and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); translating and other services, by contract; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section II of the Act of March 1, 1919 (44 U. S. C. 111); official functions and courtesies; such sums as may be necessary to defray the expenses of United States participation in the Preparatory Commission for the Agency, established pursuant to annex I of the Statute of the Agency; and such other expenses as may be authorized by the Secretary of State.

TIAS 3873.

63 Stat. 954.
5 USC 1071
note.

63 Stat. 166.
5 USC 835 note.

60 Stat. 808.
5 USC 73b.

60 Stat. 999.
22 USC 801
note.

68 Stat. 919.
42 USC 2011
note.

60 Stat. 810.
63 Stat. 405.

Civil Service
rights and
benefits.

70 Stat. 743.
5 USC 2251
et seq.

68 Stat. 736.
5 USC 2091
note.

SEC. 6. (a) Notwithstanding any other provision of law, Executive order or regulation, a Federal employee who, with the approval of the Federal agency or the head of the department by which he is employed, leaves his position to enter the employ of the Agency shall not be considered for the purposes of the Civil Service Retirement Act, as amended, and the Federal Employees' Group Life Insurance Act of 1954, as amended, as separated from his Federal position during such employment with the Agency but not to extend beyond the first three consecutive years of his entering the employ of the Agency; *Provided*, (1) That he shall pay to the Civil Service Commission within ninety days from the date he is separated without prejudice from the Agency all necessary deductions and agency contributions for coverage under the Civil Service Retirement Act for the period of his employment by the Agency, and (2) That all deductions and agency contributions necessary for continued coverage under the Federal Employees' Group Life Insurance Act of 1954, as amended, shall be made during the term of his employment with the International Atomic Energy Agency. If such employee, within three

years from the date of his employment with the Agency, and within ninety days from the date he is separated without prejudice from the Agency, applies to be restored to his Federal position, he shall within thirty days of such application be restored to such position or to a position of like seniority, status and pay.

(b) Notwithstanding any other provision of law, Executive order or regulation, any Presidential appointee or elected officer who leaves his position to enter, or who within ninety days after the termination of his position enters, the employ of the Agency, shall be entitled to the coverage and benefits of the Civil Service Retirement Act, as amended, and the Federal Employees' Group Life Insurance Act of 1954, as amended, but not beyond the earlier of either the termination of his employment with the Agency or the expiration of three years from the date he entered employment with the Agency: *Provided*, (1) That he shall pay to the Civil Service Commission within ninety days from the date he is separated without prejudice from the Agency all necessary deductions and agency contributions for coverage under the Civil Service Retirement Act for the period of his employment by the Agency, and (2) That all deductions and agency contributions necessary for continued coverage under the Federal Employees' Group Life Insurance Act of 1954, as amended, shall be made during the term of his employment with the Agency.

70 Stat. 743.
5 USC 2251
et seq.
68 Stat. 736.
5 USC 2091 note.

(c) The President is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section and to protect the retirement, insurance and such other civil service rights and privileges as the President may find appropriate.

Regulations.

SEC. 7. Section 54 of the Atomic Energy Act of 1954, as amended, is amended by adding the following new sentences: "Unless hereafter otherwise authorized by law the Commission shall be compensated for special nuclear material so distributed at not less than the Commission's published charges applicable to the domestic distribution of such material, except that the Commission to assist and encourage research on peaceful uses or for medical therapy may so distribute without charge during any calendar year only a quantity of such material which at the time of transfer does not exceed in value \$10,000 in the case of one nation or \$50,000 in the case of any group of nations. The Commission may distribute to the International Atomic Energy Agency, or to any group of nations, only such amounts of special nuclear materials and for such periods of time as are authorized by Congress: *Provided, however*, That, notwithstanding this provision, the Commission is hereby authorized subject to the provisions of section 123, to distribute to the Agency five thousand kilograms of contained uranium-235, together with the amounts of special nuclear material which will match in amount the sum of all quantities of special nuclear materials made available by all other members of the Agency to July 1, 1960."

Distribution
of materials;
compensation.
68 Stat. 931.
42 USC 2074.

42 USC 2152.

SEC. 8. In the event of an amendment to the Statute of the Agency being adopted in accordance with article XVIII-C of the Statute to which the Senate by formal vote shall refuse its advice and consent, upon notification by the Senate to the President of such refusal to advise and consent, all further authority under section 2, 3, 4 and 5 of this Act, as amended, shall terminate: *Provided, however*, That the Secretary of State, under such regulations as the President shall promulgate, shall have the necessary authority to complete the prompt and orderly settlement of obligations and commitments to the Agency already incurred and pay salaries, allowances, travel expenses, and other expenses required for a prompt and orderly termination of United States participation in the Agency: *And provided further*, That the representative and the deputy representative of the United

Termination.
TIAS 3873.

Settlement.

71 Stat. 456.

States to the Agency, and such other officers or employees representing the United States in the Agency, under such regulations as the President shall promulgate, shall retain their authority under this Act for such time as may be necessary to complete the settlement of matters arising out of the United States participation in the Agency.

Approved August 28, 1957.

Public Law 85-256
85th Congress, H. R. 7383
September 2, 1957

AN ACT

71 Stat. 576.

To amend the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Atomic Energy Act of 1954, as amended, is amended by adding a new subsection to read as follows:

Nuclear damages.
Availability of funds.
68 Stat. 921.
42 USC 2012.

"i. In order to protect the public and to encourage the development of the atomic energy industry, in the interest of the general welfare and of the common defense and security, the United States may make funds available for a portion of the damages suffered by the public from nuclear incidents, and may limit the liability of those persons liable for such losses."

SEC. 2. Subsection 53 e. (8) of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

License conditions.
22 USC 2073.

"(8) except to the extent that the indemnification and limitation of liability provisions of section 170 apply, the licensee will hold the United States and the Commission harmless from any damages resulting from the use or possession of special nuclear material by the licensee."

SEC. 3. Section 11 of the Atomic Energy Act of 1954, as amended, is amended by adding thereto the following new subsections, and redesignating the other subsections accordingly:

Definitions.
68 Stat. 922;
70 Stat. 1069.
42 USC 2014.

"j. The term 'financial protection' means the ability to respond in damages for public liability and to meet the costs of investigating and defending claims and settling suits for such damages."

"n. The term 'licensed activity' means an activity licensed pursuant to this Act and covered by the provisions of section 170 a."

"o. The term 'nuclear incident' means any occurrence within the United States causing bodily injury, sickness, disease, or death, or loss of or damage to property, or for loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material."

"r. The term 'person indemnified' means the person with whom an indemnity agreement is executed and any other person who may be liable for public liability."

"u. The term 'public liability' means any legal liability arising out of or resulting from a nuclear incident, except claims under State or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs, and except for claims arising out of an act of war. 'Public liability' also includes damage to property of persons indemnified: *Provided*, That such property is covered under the terms of the financial protection required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs."

SEC. 4. The Atomic Energy Act of 1954, as amended, is amended by adding thereto a new section, with the appropriate amendment to the table of contents:

69 Stat. 919.
42 USC 2011 note

"SEC. 170. INDEMNIFICATION AND LIMITATION OF LIABILITY.—

"a. Each license issued under section 103 or 104 and each construction permit issued under section 185 shall, and each license issued under section 53, 63, or 81 may, have as a condition of the license a requirement that the licensee have and maintain financial protection of such type and in such amounts as the Commission

42 USC 2133, 2134,
2235, 2073, 2093,
2111.

Indemnification agreement. shall require in accordance with subsection 170 b. to cover public liability claims. Whenever such financial protection is required, it shall be a further condition of the license that the licensee execute and maintain an indemnification agreement in accordance with subsection 170 c. The Commission may require, as a further condition of issuing a license, that an applicant waive any immunity from public liability conferred by Federal or State law.

Waiver.

Liability insurance.

"b. The amount of financial protection required shall be the amount of liability insurance available from private sources, except that the Commission may establish a lesser amount on the basis of criteria set forth in writing, which it may revise from time to time, taking into consideration such factors as the following: (1) the cost and terms of private insurance, (2) the type, size, and location of the licensed activity and other factors pertaining to the hazard, and (3) the nature and purpose of the licensed activity: *Provided*, That for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more, the amount of financial protection required shall be the maximum amount available from private sources. Such financial protection may include private insurance, private contractual indemnities, self insurance, other proof of financial responsibility, or a combination of such measures.

Aggregate indemnity.

"c. The Commission shall, with respect to licenses issued between August 30, 1954, and August 1, 1967, for which it requires financial protection, agree to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability arising from nuclear incidents which is in excess of the level of financial protection required of the licensee. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed \$500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage. Such a contract of indemnification shall cover public liability arising out of or in connection with the licensed activity.

"d. In addition to any other authority the Commission may have, the Commission is authorized until August 1, 1967, to enter into agreements of indemnification with its contractors for the construction or operation of production or utilization facilities or other activities under contracts for the benefit of the United States involving activities under the risk of public liability for a substantial nuclear incident. In such agreements of indemnification the Commission may require its contractor to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of \$500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indemnified in connection with such contract and for each nuclear incident. The provisions of this subsection may be applicable to lump sum as well as cost type contracts and to contracts and projects financed in whole or in part by the Commission.

Contracts.

Aggregate liability.

"e. The aggregate liability for a single nuclear incident of persons indemnified, including the reasonable costs of investigating and settling claims and defending suits for damage, shall not exceed the sum of \$500,000,000 together with the amount of

financial protection required of the licensee or contractor. The Commission or any person indemnified may apply to the appropriate district court of the United States having venue in bankruptcy matters over the location of the nuclear incident, and upon a showing that the public liability from a single nuclear incident will probably exceed the limit of liability imposed by this section, shall be entitled to such orders as may be appropriate for enforcement of the provisions of this section, including an order limiting the liability of the persons indemnified, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, orders permitting partial payments to be made before final determination of the total claims, and an order setting aside a part of the funds available for possible latent injuries not discovered until a later time.

"f. The Commission is authorized to collect a fee from all persons with whom an indemnification agreement is executed under this section. This fee shall be \$30 per year per thousand kilowatts of thermal energy capacity for facilities licensed under section 103. For facilities licensed under section 104, and for construction permits under section 185, the Commission is authorized to reduce the fee set forth above. The Commission shall establish criteria in writing for determination of the fee for facilities licensed under section 104, taking into consideration such factors as (1) the type, size, and location of facility involved, and other factors pertaining to the hazard, and (2) the nature and purpose of the facility. For other licenses, the Commission shall collect such nominal fees as it deems appropriate. No fee under this subsection shall be less than \$100 per year.

Collection of fee.

42 USC 2133, 2134, 2235.

"g. In administering the provisions of this section, the Commission shall use, to the maximum extent practicable, the facilities and services of private insurance organizations, and the Commission may contract to pay a reasonable compensation for such services. Any contract made under the provisions of this subsection may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon a showing by the Commission that advertising is not reasonably practicable and advance payments may be made.

Private insurance organizations. Use of services.

41 USC 5.

"h. The agreement of indemnification may contain such terms as the Commission deems appropriate to carry out the purposes of this section. Such agreement shall provide that, when the Commission makes a determination that the United States will probably be required to make indemnity payments under this section, the Commission shall collaborate with any person indemnified and may approve the payment of any claim under the agreement of indemnification, appear through the Attorney General on behalf of the person indemnified, take charge of such action, and settle or defend any such action. The Commission shall have final authority on behalf of the United States to settle or approve the settlement of any such claim on a fair and reasonable basis with due regard for the purposes of this Act. Such settlement may include reasonable expenses in connection with the claim incurred by the person indemnified.

Terms of settlement.

"i. After any nuclear incident which will probably require payments by the United States under this section, the Commission shall make a survey of the causes and extent of damage which shall forthwith be reported to the Joint Committee, and, except as forbidden by the provisions of chapter 12 of this Act or any other law or Executive order, all final findings shall be

Survey of causes.

68 Stat. 940. 42 USC 2161.

Report to Congress. made available to the public, to the parties involved and to the courts. The Commission shall report to the Joint Committee by April 1, 1958, and every year thereafter on the operations under this section.

Contracts in advance of appropriations.
31 USC 665.

"j. In administering the provisions of this section, the Commission may make contracts in advance of appropriations and incur obligations without regard to section 3679 of the Revised Statutes, as amended.

SEC. 5. The Atomic Energy Act of 1954, as amended, is amended by adding thereto a new section, making the appropriate amendment to the table of contents, as follows:

"SEC. 29. ADVISORY COMMITTEE ON REACTOR SAFEGUARDS.—There is hereby established an Advisory Committee on Reactor Safeguards consisting of a maximum of fifteen members appointed by the Commission for terms of four years each. The Committee shall review safety studies and facility license applications referred to it and shall make reports thereon, shall advise the Commission with regard to the hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards, and shall perform such other duties as the Commission may request. One member shall be designated by the Committee as its Chairman. The members of the Committee shall receive a per diem compensation for each day spent in meetings or conferences, or other work of the Committee, and all members shall receive their necessary traveling or other expenses while engaged in the work of the Committee. The provisions of section 163 shall be applicable to the Committee."

42 USC 2203.
License applications.
68 Stat. 953;
70 Stat. 1069.
42 USC 2232.

SEC. 6. Section 182 of the Atomic Energy Act of 1954, as amended, is amended by redesignating subsection b. as subsection c. and subsection c. as subsection d., and by inserting the following subsection as a new subsection b. immediately after subsection a.:

Report.
42 USC 2133,
2134.

"b. The Advisory Committee on Reactor Safeguards shall review each application under section 103 or 104 b. for a license for a facility, any application under section 104 c. for a testing facility, and any application under section 104 a. or c. specifically referred to it by the Commission, and shall submit a report thereon, which shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure."

42 USC 2239.

Hearing.
Publication in F.R.
42 USC 2133,
2134.

SEC. 7. Section 189 a. of the Atomic Energy Act of 1954, as amended, is amended by adding the following sentence at the end thereof: "The Commission shall hold a hearing after thirty days notice and publication once in the Federal Register on each application under section 103 or 104 b. for a license for a facility, and on any application under section 104 c. for a license for a testing facility."

Approved September 2, 1957.

Public Law 85-287
85th Congress, H. R. 8994
September 4, 1957

AN ACT

71 Stat. 612.

To amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 a. of the Atomic Energy Act of 1954, as amended, is amended by striking out the figure "\$18,000" and inserting in lieu thereof the figure "\$22,000"; and by striking out the figure "\$20,000" and inserting in lieu thereof the figure "\$22,500".

Atomic Energy Act of 1954, amendments. Salaries of Commission members. 68 Stat. 924. 42 USC 2032. 42 USC 2034.

SEC. 2. Section 24 of the Atomic Energy Act of 1954, as amended, is amended, including appropriate amendment to the table of contents, by striking out the entire section and by substituting the following:

"SEC. 24. GENERAL MANAGER, DEPUTY AND ASSISTANT GENERAL MANAGERS.—There is hereby established within the Commission—

"a. a General Manager, who shall be the chief executive officer of the Commission, and who shall discharge such of the administrative and executive functions of the Commission as the Commission may direct. The General Manager shall be appointed by the Commission, shall serve at the pleasure of the Commission, shall be removable by the Commission, and shall receive compensation at a rate determined by the Commission, but not in excess of \$22,000 per annum.

"b. a Deputy General Manager, who shall act in the stead of the General Manager during his absence when so directed by the General Manager, and who shall perform such other administrative and executive functions as the General Manager shall direct. The Deputy General Manager shall be appointed by the General Manager with the approval of the Commission, shall serve at the pleasure of the General Manager, shall be removable by the General Manager, and shall receive compensation at a rate determined by the General Manager, but not in excess of \$20,500 per annum.

"c. Assistant General Managers, or their equivalents (not to exceed a total of three positions), who shall perform such administrative and executive functions as the General Manager shall direct. They shall be appointed by the General Manager with the approval of the Commission, shall serve at the pleasure of the General Manager, shall be removable by the General Manager, and shall receive compensation at a rate determined by the General Manager, but not in excess of \$20,000 per annum."

SEC. 3. Section 25 of the Atomic Energy Act of 1954 as amended, is amended, including the appropriate amendment to the Table of Contents, by changing the title from "DIVISIONS AND OFFICES" to "DIVISIONS, OFFICES, AND POSITIONS".

Subsection 25 a. thereof is amended by striking therefrom the figure "\$16,000" and inserting in lieu thereof the figure "\$19,000."

Subsection 25 b. thereof is amended by striking therefrom the figure "\$16,000" and inserting in lieu thereof the figure "\$19,500."

Subsection 25 c. thereof is amended by striking therefrom the figure "\$16,000" and inserting in lieu thereof the figure "\$19,000."

Following subsection 25 c. thereof, there is hereby inserted the following new subsection 25 d.:

"d. such other executive management positions (not to exceed six in number) as the Commission may determine to be necessary to the discharge of its responsibilities. Such positions shall be established by the General Manager with the approval of the

71 Stat. 613.

Commission. They shall be appointed by the General Manager with the approval of the Commission, shall serve at the pleasure of the General Manager, shall be removable by the General Manager, and shall receive compensation at a rate determined by the General Manager, but not in excess of \$19,000 per annum."

42 USC 2201.

SEC. 4. Section 161 d. of the Atomic Energy Act of 1954, as amended, is amended by inserting after the words "scientific and technical personnel" the words: "up to a limit of \$19,000)".

Approved September 4, 1957.

Public Law 85-412
85th Congress, H. R. 12009
May 16, 1958

AN ACT

To amend Public Law 85-162 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of Public Law 85-162 is hereby amended by striking the figure "\$222,230,000" and inserting in lieu thereof the figure "\$257,230,000".

71 Stat. 403.

72 Stat. 117.

72 Stat. 118.

SEC. 2. Section 101 (e) of Public Law 85-162 is amended by adding at the end thereof a new subsection, reading:

"16. Project 58-e-16, destroyer reactor plant, West Milton, New York, \$35,000,000."

Approved May 16, 1958.

Public Law 85-479
85th Congress, H. R. 12716
July 2, 1958

AN ACT

To amend the Atomic Energy Act of 1954, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 91 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"c. The President may authorize the Commission or the Department of Defense, with the assistance of the other, to cooperate with another nation and, notwithstanding the provisions of section 57, 62, or 81, to transfer by sale, lease, or loan to that nation, in accordance with terms and conditions of a program approved by the President—

"(1) nonnuclear parts of atomic weapons provided that such nation has made substantial progress in the development of atomic weapons, and other nonnuclear parts of atomic weapons systems involving Restricted Data provided that such transfer will not contribute significantly to that nation's atomic weapon design, development, or fabrication capability; for the purpose of improving that nation's state of training and operational readiness;

"(2) utilization facilities for military applications; and

"(3) source, byproduct, or special nuclear material for research on, development of, production of, or use in utilization facilities for military applications; and

"(4) source, byproduct, or special nuclear material for research on, development of, or use in atomic weapons: *Provided, however,* That the transfer of such material to that nation is necessary to improve its atomic weapon design, development, or fabrication capability: *And provided further,* That such nation has made substantial progress in the development of atomic weapons, whenever the President determines that the proposed cooperation and each proposed transfer arrangement for the nonnuclear parts of atomic weapons and atomic weapons systems, utilization facilities or source, byproduct, or special nuclear material will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123: *And provided further,* That if an agreement for cooperation arranged pursuant to this subsection provides for transfer of utilization facilities for military applications the Commission, or the Department of Defense with respect to cooperation it has been authorized to undertake, may authorize any person to transfer such utilization facilities for military applications in accordance with the terms and conditions of this subsection and of the agreement for cooperation."

Atomic Energy Act of 1954, amendments. 68 Stat. 936. 42 USC 2121. Military application.

72 Stat. 276.
72 Stat. 277.

Agreement for cooperation.

42 USC 2122. SEC. 2. Section 92 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 92. PROHIBITION.—It shall be unlawful, except as provided in section 91, for any person to transfer or receive in interstate or foreign commerce, manufacture, produce, transfer, acquire, possess, import, or export any atomic weapon. Nothing in this section shall be deemed to modify the provisions of subsection 31 a. or section 101."

42 USC 2153. SEC. 3. Subsection 123 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 123. COOPERATION WITH OTHER NATIONS.—No cooperation with any nation or regional defense organization pursuant to section 54, 57, 64, 82, 91, 103, 104, or 144 shall be undertaken until—

Restricted data.

"a. the Commission or, in the case of those agreements for cooperation arranged pursuant to subsection 91 c. or 144 b. which are to be implemented by the Department of Defense, the Department of Defense has submitted to the President the proposed agreement for cooperation, together with its recommendations thereon, which proposed agreement shall include (1) the terms, conditions, duration, nature, and scope of the cooperation; (2) a guaranty by the cooperating party that security safeguards and standards as set forth in the agreement for cooperation will be maintained; (3) except in the case of those agreements for cooperation arranged pursuant to subsection 91 c. a guaranty by the cooperating party that any material to be transferred pursuant to such agreement will not be used for atomic weapons, or for research on or development of atomic weapons or for any other military purpose; and (4) a guaranty by the cooperating party that any material or any Restricted Data to be transferred pursuant to the agreement for cooperation will not be transferred to unauthorized persons or beyond the jurisdiction of the cooperating party, except as specified in the agreement for cooperation:"

42 USC 2153. SEC. 4. Section 123 of the Atomic Energy Act of 1954, as amended, is amended in subsection b. by deleting the word "and" at the end thereof; in subsection c. by changing the period at the end thereof to a semicolon and inserting thereafter "and,"; and by adding the following new subsection:

Approval of Congress.

"d. the proposed agreement for cooperation, together with the approval and determination of the President, if arranged pursuant to subsection 91 c., 144 b., or 144 c., has been submitted to the Congress and referred to the Joint Committee and a period of sixty days has elapsed while Congress is in session, but any such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation: *Provided, however,* That during the Eighty-fifth Congress such period shall be thirty days (in computing such sixty days, or thirty days, as the case may be, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days)."

42 USC 2164.
72 Stat. 277.
72 Stat. 278.

Civilian reactor development.

SEC. 5. Section 144a of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"a. The President may authorize the Commission to cooperate with another nation and to communicate to that nation Restricted Data on—

"(1) refining, purification, and subsequent treatment of source material;

"(2) civilian reactor development;

"(3) production of special nuclear material;

"(4) health and safety;

"(5) industrial and other applications of atomic energy for peaceful purposes; and

"(6) research and development relating to the foregoing:

Provided, however, That no such cooperation shall involve the communication of Restricted Data relating to the design or fabrication of atomic weapons: *And provided further,* That the cooperation is undertaken pursuant to an agreement for cooperation entered into in accordance with section 123, or is undertaken pursuant to an agreement existing on the effective date of this Act." Restriction.

SEC. 6. Section 144 b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: 42 USC 2164.

"b. The President may authorize the Department of Defense, with the assistance of the Commission, to cooperate with another nation or with a regional defense organization to which the United States is a party, and to communicate to that nation or organization such Restricted Data (including design information) as is necessary to— Cooperation by Defense Department.

- "(1) the development of defense plans;
- "(2) the training of personnel in the employment of and defense against atomic weapons and other military applications of atomic energy;
- "(3) the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- "(4) the development of compatible delivery systems for atomic weapons;

whenever the President determines that the proposed cooperation and the proposed communication of the Restricted Data will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation or organization is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123."

SEC. 7. Section 144 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsections: 42 USC 2164.

"c. In addition to the cooperation authorized in subsections 144 a. and 144 b., the President may authorize the Commission, with the assistance of the Department of Defense, to cooperate with another nation and— Exchange of information.

"(1) to exchange with that nation Restricted Data concerning atomic weapons: *Provided,* That communication of such Restricted Data to that nation is necessary to improve its atomic weapon design, development, or fabrication capability and provided that nation has made substantial progress in the development of atomic weapons; and

"(2) to communicate or exchange with that nation Restricted Data concerning research, development, or design, of military reactors,

whenever the President determines that the proposed cooperation and the communication of the proposed Restricted Data will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123. 72 Stat. 278.
72 Stat. 279.

72 Stat. 279.

"d. The President may authorize any agency of the United States to communicate in accordance with the terms and conditions of an agreement for cooperation arranged pursuant to subsection 144 a., b., or c., such Restricted Data as is determined to be transmissible under the agreement for cooperation involved."

Approved July 2, 1958.

Public Law 85-519
85th Congress, H. R. 12457
July 15, 1958

AN ACT

72 Stat. 358.

To further amend Public Law 85-162 and Public Law 84-141, to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of Public Law 85-162, as amended, is further amended by striking therefrom the figure "\$257,230,000" and inserting in lieu thereof the figure "\$259,480,000".

Atomic Energy
Commission.
Appropriations.
Ante, p. 117.
71 Stat. 404.

SEC. 2. Section 101 (e) of Public Law 85-162 is amended by striking therefrom the figure "\$7,750,000" for project 58-e-6, project Sherwood plant, and substituting therefor the figure "\$10,000,000".

69 Stat. 291.

SEC. 3. Section 101 (c) of Public Law 84-141, as amended, is further amended by striking therefrom the figure "\$10,000,000" for project 56-c-1, particle accelerator program, and substituting therefor the figure "\$19,406,000".

Approved July 15, 1958.

Public Law 85-590
85th Congress, H. R. 13121
August 4, 1958

AN ACT

To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. PLANT OR FACILITY ACQUISITION OR CONSTRUCTION.—There is hereby authorized to be appropriated to the Atomic Energy Commission, in accordance with the provisions of section 261 a. (1) of the Atomic Energy Act of 1954, as amended, the sum of \$386,679,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows:

AEC appropriation.
Acquisition, etc.,
of property.
71 Stat. 274.
42 USC 2017.

(a) SPECIAL NUCLEAR MATERIALS.—

1. Project 59-a-1, plant modifications for processing of nonproduction spent fuels, undetermined sites, \$15,000,000.
2. Project 59-a-2, pilot plant for fabrication of new fuel elements, Fernald, Ohio, \$335,000.
3. Project 59-a-3, reduction of fire hazards—phase II gaseous diffusion plants, Oak Ridge, Paducah, and Portsmouth, \$11,900,000.
4. Project 59-a-4, a new waste storage installation, Arco, Idaho, \$3,200,000.
5. Project 59-a-5, production reactor facility for special nuclear materials, convertible type, Hanford, Washington, \$145,000,000.

(b) ATOMIC WEAPONS.—

1. Project 59-b-1, weapons production and development plants, locations undetermined, \$10,000,000.
2. Project 59-b-2, component fabrication plant, Hanford, Washington, \$3,500,000.
3. Project 59-b-3, fabrication plant, Oak Ridge, Tennessee, \$12,500,000.
4. Project 59-b-4, special processing plant, Mound Laboratory, Ohio, \$2,000,000.

(c) ATOMIC WEAPONS.—

1. Project 59-c-1, storage site modifications, various locations, \$1,500,000.
2. Project 59-c-2, base construction, Eniwetok Proving Ground, \$2,342,000.
3. Project 59-c-3, base construction, Nevada Test Site, \$1,780,000.
4. Project 59-c-4, test area development, Nevada Test Site, \$600,000.
5. Project 59-c-5, phermex installation, Los Alamos, New Mexico, \$2,250,000.
6. Project 59-c-6, laboratory building, TA-33, Los Alamos, New Mexico, \$590,000.
7. Project 59-c-7, test and environmental installations, Sandia Base, New Mexico, \$1,488,000.
8. Project 59-c-8, lineal acceleration tester, Livermore, California, \$390,000.
9. Project 59-c-9, test assembly building, \$510,000.
10. Project 59-c-10, high explosive development plant, Livermore, California, \$2,000,000.
11. Project 59-c-11, storage and handling building, Livermore, California, \$250,000.

72 Stat. 490.

72 Stat. 491.

(d) REACTOR DEVELOPMENT.—

1. Project 59-d-1, reprocessing pilot plant, Oak Ridge National Laboratory, Tennessee, \$3,500,000.

2. Project 59-d-2, special purpose test installation, \$2,300,000.

3. Project 59-d-3, fast reactor safety testing station Nevada test site, \$1,367,000.

4. Project 59-d-4, Army reactor experimental area (AREA), Arco, Idaho, \$1,000,000.

5. Project 59-d-5, hot cells, \$5,000,000.

6. Project 59-d-6, Army package power reactor No. 2, \$3,000,000.

7. Project 59-d-7, modifications to organic moderated reactor experiment (OMRE), experimental boiling water reactor (EBWR), and boiling reactor experiment (BORAX), \$6,300,000.

8. Project 59-d-8, heavy water component test reactor, \$8,000,000.

9. Project 59-d-9, fuels technology centers addition, Argonne National Laboratory, Illinois, \$5,000,000.

10. Project 59-d-10, gas-cooled power reactor, \$51,000,000.

11. Project 59-d-11, Project Sherwood plant, \$2,000,000.

12. Project 59-d-12, design and engineering study of heavy water moderated power reactor, \$2,500,000.

13. Project 59-d-13, design and engineering studies of two large-scale power reactors and one intermediate size prototype power reactor, \$6,000,000.

14. Project 59-d-14, design and engineering study of a power reactor of advanced design capable of utilizing nuclear superheat, such study to be undertaken either as a cooperative project or conducted solely by the Atomic Energy Commission, \$750,000.

15. Project 59-d-15, metals and ceramics research building, Oak Ridge National Laboratory, Tennessee, \$6,500,000.

16. Project 59-d-16, metals process development plant, Ames, Iowa, \$1,900,000.

(e) PHYSICAL RESEARCH.—

1. Project 59-e-1, accelerator improvements, University of California, Radiation Laboratory, California, \$1,300,000.

2. Project 59-e-2, CP-5 reactor improvements, Argonne National Laboratory, Illinois, \$500,000.

3. Project 59-e-3, two accelerators, beam analyzing system and magnet, Pennsylvania State University, Pennsylvania, \$950,000.

4. Project 59-e-4, cyclotron, University of California Radiation Laboratory, \$5,000,000.

72 Stat. 491. 5. Project 59-e-5, central research laboratory addition, Oak Ridge National Laboratory, \$3,500,000.

72 Stat. 492. 6. Project 59-e-6, chemistry building addition, University of California Radiation Laboratory, \$2,000,000.

7. Project 59-e-7, chemistry hot laboratory, Argonne National Laboratory, \$4,400,000.

8. Project 59-e-8, expansion of stable isotopes production capacity, Oak Ridge National Laboratory, \$900,000.

9. Project 59-e-9, high energy physics building, Columbia University, \$500,000.

10. Project 59-e-10, particle accelerator program addition, Harvard-MIT accelerator, \$1,300,000.

11. Project 59-e-11, high flux research reactor, Brookhaven National Laboratory, design, engineering and advance procurement, \$1,000,000.

12. Project 59-e-12, research and engineering reactor, Argonne National Laboratory, design and engineering, \$1,000,000.

13. Project 59-e-13, Van de Graaff accelerator, Argonne National Laboratory, \$2,500,000.

14. Project 59-e-14, cyclotron, Oak Ridge National Laboratory, \$3,000,000.

15. Project 59-e-15, research reactor, Ames Laboratory, \$3,800,000.

(f) BIOLOGY AND MEDICINE.—

1. Project 59-f-1, installations for support of research dealing with radioactive fallout and related radiation hazards, \$2,000,000.

(g) TRAINING, EDUCATION, AND INFORMATION.—

1. Project 59-g-1, additional plant for the Regional Nuclear Training Center, Puerto Rico, \$500,000.

2. Project 59-g-2, International Atomic Energy Agency research reactors and laboratory equipment grant, \$2,000,000.

3. Project 59-g-3, gamma process development irradiator, \$1,600,000.

(h) COMMUNITY.—

1. Project 59-h-1, school storage buildings, Hanford, Washington, \$75,000.

(i) GENERAL PLANT PROJECTS.—\$25,602,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101 (a), (b), (d), (e), (f), and (g) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101 (c) and (h) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101 (i) only if it is in accordance with the following:

1. For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000.

2. For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such a project shall be \$100,000.

3. The total cost of all projects undertaken under subsection 101 (i) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. ADVANCE PLANNING AND DESIGN.—There are hereby authorized to be appropriated funds for advance planning, construction design, and architectural services, in connection with projects which are not otherwise authorized by law, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 104. RESTORATION OR REPLACEMENT.—There are hereby authorized to be appropriated funds necessary to restore or to replace plants or facilities destroyed or otherwise seriously damaged, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 105. CURRENTLY AVAILABLE FUNDS.—In addition to the sums authorized to be appropriated to the Atomic Energy Commission by section 101 of this Act, there are hereby authorized to be appropriated to the Atomic Energy Commission to accomplish the purposes of this Act such sums of money as may be currently available to the Atomic Energy Commission.

72 Stat. 492.

72 Stat. 493.

SEC. 106. SUBSTITUTIONS.—Funds authorized to be appropriated or otherwise made available by this Act may be used to start any other new project for which an estimate was not included in this Act if it be a substitute for a project authorized in subsection 101 (a), 101 (b), or 101 (c), and the estimated cost thereof is within the limit of cost of the project for which substitution is to be made, and the Commission certifies that—

(a) the project is essential to the common defense and security; and

(b) the new project is required by changes in weapon characteristics or weapon logistic operations; and

(c) it is unable to enter into a contract with any person, including a licensee, on terms satisfactory to the Commission to furnish from a privately owned plant or facility the product or services to be provided in the new project.

71 Stat. 403.

SEC. 107. PROJECT RESCISSIONS.—(a) Public Law 85-162 is amended by rescinding therefrom authorization for certain projects, except for funds heretofore obligated, as follows:

Project 58-b-1, fabrication plant, \$5,000,000;

Project 58-b-3, metal treatment plant, Fernald, Ohio, \$850,000; and

Project 58-e-13, Argonne boiling reactor (ARBOR), National Reactor Testing Station, Idaho, \$8,500,000.

70 Stat. 127.

(b) Public Law 506, Eighty-fourth Congress, second session, is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 57-c-6, food irradiation facility, \$3,000,000.

SEC. 108. EXPENSES FOR MOVE TO NEW PRINCIPAL OFFICE.—Public Law 85-162 is amended by striking therefrom the figure "\$75,000" in section 109 a. (4) and substituting therefor the figure "\$210,000".

71 Stat. 407.

42 USC 2033 note.

71 Stat. 409.

SEC. 109. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—Section 111 of Public Law 85-162 is hereby amended by striking out the figures "\$129,915,000" and "\$149,915,000" in subsection (a) thereof, and inserting in lieu thereof the figures "\$155,113,000" and "\$175,113,000"; by striking out the figure "\$1,500,000" in clause (2) of subsection 111 a. and inserting in lieu thereof the figure "\$2,750,000"; by striking out the date "December 31, 1958" in clause (3) of subsection 111 a. and inserting in lieu thereof the date "June 30, 1959"; and by adding at the end thereof the following new subparagraphs (c), (d), (e), and (f):

72 Stat. 493.

72 Stat. 494.

"(c) Funds appropriated to the Commission, pursuant to the authorization contained in subsection (a) of this section, shall be available to the Commission for cooperative arrangements which may provide for the waiver by the Commission of its charges for the use of heavy water for a period not to exceed five years in any proposed reactor otherwise eligible for assistance under the Commission's power reactor demonstration program.

"(d) Funds appropriated to the Commission, pursuant to the authorization contained in subsection (a) of this section and authorized for the Third Round of the Commission's power reactor demonstration program, shall be available to the Commission for a cooperative arrangement in accordance with the basis for an arrangement described in the Program Justification Data for Arrangement Numbered 58-111-5.

"(e) Funds appropriated to the Commission pursuant to the authorization contained in subsection (a) of this section, for the Commission's power reactor demonstration program shall be available to the Commission for a cooperative arrangement in accordance with the

basis for an arrangement described in the Program Justification Data for Arrangement Numbered 58-111-6 (PHASE I).

“(f) Before the Commission hereafter enters into any arrangement the basis of which has not been previously submitted to the Joint Committee on Atomic Energy which involves appropriations authorized by subsection (a) of this section, it shall make public announcement of each particular reactor project it considers technically desirable for construction, and shall set reasonable dates for submission, approval of the proposal and negotiation of the basis of the arrangement, and commencement of construction.”

SEC. 110. GAS-COOLED POWER REACTOR.—(a) The appropriation authorized in section 101 of this Act for project 59-d-10, gas-cooled power reactor, shall also be alternatively available for a cooperative program under which the Commission may enter into a cooperative arrangement with public, private, or cooperative power groups, equipment manufacturers or others under which the organization will design, construct, and operate the reactor at its own expense and the Commission will contribute to the cost of research and development programs and other assistance in accordance with the terms and conditions of the Commission's power reactor demonstration program, including review by the Joint Committee of the basis of the proposed arrangement in accordance with subsection 111 (b) of Public Law 85-162. Within thirty days after the President signs the Act making available to the Commission appropriations for this project, the Commission shall make a public announcement requesting proposals for such a cooperative program. In the event the Commission does not receive a proposal within sixty days after such announcement, or if the Commission receives proposals within such sixty-day period but is unable to negotiate a satisfactory basis of the arrangement for submission to the Joint Committee within ninety days thereafter, the Commission shall proceed with project 59-d-10 in accordance with subsections (b), (c), and (d) of this section.

71 Stat. 409.

(b) In the event the Commission does not receive a satisfactory proposal under subsection (a) of this section, the Commission shall proceed with the design, engineering and construction under contract, as soon as practicable, of the prototype power reactor facility authorized by Section 101 for project 59-d-10 at an installation operated by or on behalf of the Commission, and the electric energy generated shall be used by the Commission in connection with the operation of such installation.

72 Stat. 494.

(c) In the conduct of the work under this section, the Commission is authorized to obtain the participation of private, cooperative, or public power organizations to the fullest extent consistent with the Commission direction of the project, ownership of the reactor, and utilization of the electric energy generated.

72 Stat. 495.

(d) The power reactor facility constructed shall be operated by, or under contract with, the Commission, for such period of time as the Commission determines to be advisable for research and development purposes and for such additional period as the Commission may determine to be necessary for national defense purposes. Upon the expiration of such period the Commission may offer the reactor and its appurtenances for sale to any public, private, or cooperative power group at a price to reflect appropriate depreciation but not to include construction costs assignable to research and development, or the Commission may dismantle the reactor and its appurtenances.

(e) Notwithstanding the provisions of subsection (a), if the Commission determines, at any time within sixty days after the announcement provided for in subsection (a) that (i) any public, private, or cooperative power group, equipment manufacturer, or other persons or

72 Stat. 495.

organization has designed and is ready to construct and operate such a reactor at its own expense and not in conjunction with any cooperative arrangement with the Commission and (ii) the purposes of the gas-cooled reactor project 59-d-10 as a part of the Commission's reactor-development program would be substantially fulfilled by the construction and operation of the reactor by such group, equipment manufacturer, or other person or organization, then the Commission shall not be obligated to proceed with such project under this section.

SEC. 111. DESIGN AND FEASIBILITY STUDIES.—The Commission shall proceed with sufficient design work, together with appropriate engineering and development work, necessary for the Commission to begin construction as soon as practicable after authorization by the Congress of the type of reactor authorized by project 59-d-12. The Commission shall submit to the Joint Committee on Atomic Energy reports on the studies for projects 59-d-12 and 59-d-14 by April 1, 1959, and for project 59-d-13 by May 1, 1959.

Report to
Congress.

70 Stat. 127.

SEC. 112. INCREASE IN PRIOR PROJECT AUTHORIZATIONS.—(a) Public Law 84-506 is amended by striking out the figure "\$2,140,000" for project 57-h-2, physics building, Brookhaven National Laboratory, and substituting therefor the figure "\$3,040,000."

71 Stat. 403.

(b) Public Law 85-162 is amended by striking out the figure "\$4,000,000" for project 58-e-7, waste calcination system, National Reactor Testing Station, Idaho, and substituting therefor the figure "\$6,000,000".

Approved August 4, 1958.

Public Law 85-681
85th Congress, H. R. 13482
August 19, 1958

AN ACT

To amend the Atomic Energy Act of 1954, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection a. of section 53 of the Atomic Energy Act of 1954, as amended, is amended by deleting "or" at the end of paragraph "(2)"; by changing the period at the end of paragraph "(3)" to a semicolon; and by adding the following at the end of the subsection:

"(4) for such other uses as the Commission determines to be appropriate to carry out the purposes of this Act."

SEC. 2. That subsection c. of section 53 of the Atomic Energy Act of 1954, as amended, is amended by deleting in both the first and second sentences the words "subsection 53a (1) or subsection 53a (2)" and inserting in lieu thereof in both sentences "subsection 53a (1), (2) or (4)".

SEC. 3. That section 68 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 68. PUBLIC AND ACQUIRED LANDS.—

"b. Any reservation of radioactive mineral substances, fissionable materials, or source material, together with the right to enter upon the land and prospect for, mine, and remove the same, inserted pursuant to Executive Order 9613 of September 13, 1945, Executive Order 9701 of March 4, 1946, the Atomic Energy Act of 1946, or Executive Order 9908 of December 5, 1947, in any patent, conveyance, lease, permit, or other authorization or instrument disposing of any interest in public or acquired lands of the United States, is hereby released, remised, and quitclaimed to the person or persons entitled upon the date of this Act under the grant from the United States or successive grants to the ownership, occupancy, or use of the land under applicable Federal or State laws: *Provided, however,* That in cases where any such reservation on acquired lands of the United States has been heretofore released, remised, or quitclaimed subsequent to August 12, 1954, in reliance upon authority deemed to have been contained in the Atomic Energy Act of 1946, as amended, or the Atomic Energy Act of 1954, as heretofore amended, the same shall be valid and effective in all respects to the same extent as if public lands and not acquired lands had been involved. The foregoing release shall be subject to any rights which may have been granted by the United States pursuant to any such reservation, but the releasees shall be subrogated to the rights of the United States."

SEC. 4. Section 123 c. of the Atomic Energy Act of 1954, as amended, is amended by substituting a colon for the period at the end thereof and adding the following: "*Provided, however,* That the Joint Committee, after having received such agreement for cooperation, may by resolution in writing waive the conditions of all or any portion of such thirty-day period."

SEC. 5. Section 145 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"g. Whenever the Congress declares that a state of war exists, or in the event of a national disaster due to enemy attack, the Commission is authorized during the state of war or period of national disaster due to enemy attack to employ individuals and to permit individuals access to Restricted Data pending the investigation report, and determination required by section 145 b., to the extent that and so long as the Commission finds that such action is required to prevent impairment of its activities in furtherance of the common defense and security."

Atomic Energy Act of 1954, amendment. 68 Stat. 930. 42 USC 2073. Licenses.

42 USC 2098.

Release of reservation.

3 CFR Cum. Supp., p.425. 60 Stat. 755. 42 USC 1801 note. 3 CFR Cum. Supp., p.510, 674.

International agreements for cooperation. 42 USC 2153. 72 Stat. 632.

72 Stat. 633. 42 USC 2165. Security clearance in time of war.

Compensation
rates.
42 USC 2201.

63 Stat. 954.
5 USC 1071
note.
42 USC 2201.

Succession
of authority.

SEC. 6. Section 161 d. of the Atomic Energy Act of 1954, as amended, is amended by adding after the word "responsibility" the following sentence: "Such rates of compensation may be adopted by the Commission as may be authorized by the Classification Act of 1949, as amended, as of the same date such rates are authorized for positions subject to such Act."

SEC. 7. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding the following new subsections:

"t. establish a plan for a succession of authority which will assure the continuity of direction of the Commission's operations in the event of a national disaster due to enemy activity. Notwithstanding any other provision of this Act, the person or persons succeeding to command in the event of disaster in accordance with the plan established pursuant to this subsection shall be vested with all of the authority of the Commission: *Provided*, That any such succession to authority, and vesting of authority shall be effective only in the event and as long as a quorum of three or more members of the Commission is unable to convene and exercise direction during the disaster period: *Provided further*, That the disaster period includes the period when attack on the United States is imminent and the post-attack period necessary to reestablish normal lines of command;

"u. enter into contracts for the processing, fabricating, separating, or refining in facilities owned by the Commission of source, byproduct or other material, or special nuclear material, in accordance with and within the period of an agreement for cooperation while comparable services are available to persons licensed under section 103 or 104: *Provided*, That the prices for services under such contracts shall be no less than the prices currently charged by the Commission pursuant to section 161 m.;

"v. (1) enter into contracts for such periods of time as the Commission may deem necessary or desirable, but not to exceed five years from the date of execution of the contract, for the purchase or acquisition of reactor services or services related to or required by the operation of reactors;

"(2) (A) enter into contracts for such periods of time as the Commission may deem necessary or desirable for the purchase or acquisition of any supplies, equipment, materials, or services required by the Commission whenever the Commission determines that: (i) it is advantageous to the Government to make such purchase or acquisition from commercial sources; (ii) the furnishing of such supplies, equipment, materials, or services will require the construction or acquisition of special facilities by the vendors or suppliers thereof; (iii) the amortization chargeable to the Commission constitutes an appreciable portion of the cost of contract performance, excluding cost of materials; and (iv) the contract for such period is more advantageous to the Government than a similar contract not executed under the authority of this subsection. Such contracts shall be entered into for periods not to exceed five years each from the date of initial delivery of such supplies, equipment, materials, or services or ten years from the date of execution of the contracts excluding periods of renewal under option.

"(B) In entering into such contracts the Commission shall be guided by the following principles: (i) the percentage of the total cost of special facilities devoted to contract performance and chargeable to the Commission should not exceed the ratio between the period of contract deliveries and the anticipated useful life of such special facilities; (ii) the desirability of ob-

Contracts.

42 USC 103, 104.

72 Stat. 633.
72 Stat. 634.

taining options to renew the contract for reasonable periods at prices not to include charges for special facilities already amortized; and (iii) the desirability of reserving in the Commission the right to take title to the special facilities under appropriate circumstances; and

"(3) include in contracts made under this subsection provisions which limit the obligation of funds to estimated annual deliveries and services and the unamortized balance of such amounts due for special facilities as the parties shall agree is chargeable to the performance of the contract. Any appropriation available at the time of termination or thereafter made available to the Commission for operating expenses shall be available for payment of such costs which may arise from termination as the contract may provide. The term 'special facilities' as used in this subsection means any land and any depreciable buildings, structures, utilities, machinery, equipment, and fixtures necessary for the production or furnishing of such supplies, equipment, materials, or services and not available to the vendors or suppliers for the performance of the contract."

SEC. 8. Section 166 of the Atomic Energy Act of 1954, as amended, is amended by adding the following proviso at the end thereof: "And ^{Disposal} *provided further*, That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Commission and the General Accounting Office." ^{of records.} 42 USC 2206.

Approved August 19, 1958.

Public Law 85-744
85th Congress, H. R. 13455
August 23, 1958

AN ACT

To amend the Atomic Energy Act of 1954, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"k. With respect to any license issued pursuant to section 53, 63, 81, 104 a., or 104 c. for the conduct of educational activities to a person found by the Commission to be a nonprofit educational institution, the Commission shall exempt such licensee from the financial protection requirement of subsection 170 a. With respect to licenses issued between August 30, 1954, and August 1, 1967, for which the Commission grants such exemption:

Atomic Energy
Act of 1954,
amendment.
71 Stat. 576.
42 USC 2210.
Licenses for
educational
activities.

"(1) the Commission shall agree to indemnify and hold harmless the licensee and other persons indemnified, as their interests may appear, from public liability in excess of \$250,000 arising from nuclear incidents. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed \$500,000,000, including the reasonable cost of investigating and settling claims and defending suits for damage;

72 Stat. 837.
72 Stat. 838.

"(2) such contracts of indemnification shall cover public liability arising out of or in connection with the licensed activity; and shall include damage to property of persons indemnified, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs; and

"(3) such contracts of indemnification, when entered into with a licensee having immunity from public liability because it is a State agency, shall provide also that the Commission shall make payments under the contract on account of activities of the licensee in the same manner and to the same extent as the Commission would be required to do if the licensee were not such a State agency.

Any licensee may waive an exemption to which it is entitled under this subsection."

Approved August 23, 1958.

Public Law 85-846
85th Congress, S. 4273
August 28, 1958

AN ACT

72 Stat. 1084.

To provide for cooperation with the European Atomic Energy Community.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "EURATOM Cooperation Act of 1958".

EURATOM
Cooperation
Act of 1958.

SEC. 2. As used in this Act—

Definitions.

(a) "The Community" means the European Atomic Energy Community (EURATOM).

(b) The "Commission" means the Atomic Energy Commission, as established by the Atomic Energy Act of 1954, as amended.

68 Stat. 921.
42 USC 2011
note.

(c) "Joint program" means the cooperative program established by the Community and the United States and carried out in accordance with the provisions of an agreement for cooperation entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, to bring into operation in the territory of the members of the Community powerplants using nuclear reactors of types selected by the Commission and the Community, having as a goal a total installed capacity of approximately one million kilowatts of electricity by December 31, 1963, except that two reactors may be selected to be in operation by December 31, 1965.

42 USC 2153.

(d) All other terms used in this Act shall have the same meaning as terms described in section 11 of the Atomic Energy Act of 1954, as amended.

42 USC 2014.

SEC. 3. There is hereby authorized to be appropriated to the Commission, in accordance with the provisions of section 261 (a) (2) of the Atomic Energy Act of 1954, as amended, the sum of \$3,000,000 as an initial authorization for fiscal year 1959 for use in a cooperative program of research and development in connection with the types of reactors selected by the Commission and the Community under the joint program. The Commission may enter into contracts for such periods as it deems necessary, but in no event to exceed five years, for the purpose of conducting the research and development program authorized by this section: *Provided*, That the Community authorizes an equivalent amount for use in the cooperative program of research and development.

Research and
development
program.
Appropriation.
42 USC 2017.

SEC. 4. The Commission is authorized, within limits of amounts which may hereafter be authorized to be appropriated in accordance with the provisions of section 261 (a) (2) of the Atomic Energy Act of 1954, as amended, to make guarantee contracts which shall in the aggregate not exceed a total contingent liability of \$90,000,000 designed to assure that the charges to an operator of a reactor constructed under the joint program for fabricating, processing, and transporting fuel will be no greater than would result under the fuel fabricating and fuel life guarantees which the Commission shall establish for such reactor. Within the limits of such amounts, the Commission is authorized to make contracts under this section, without regard to the provisions of sections 3679 and 3709 of the Revised Statutes, as amended, for such periods of time as it determines to be necessary: *Provided, however*, That no such contracts may extend for a period longer than that necessary to cover fuel loaded into a reactor constructed under the joint program during the first ten years of the reactor operation or prior to December 31, 1973 (or December 31, 1975, for not more than two reactors selected under section 2 (c)), whichever is earlier. In establishing criteria for the selection of

Guarantee
contracts.
42 USC 2017.

31 USC 665.
41 USC 5.

projects and in entering into such guarantee contracts, the Commission shall be guided by, but not limited to, the following principles:

(a) The Commission shall encourage a strong and competitive atomic equipment manufacturing industry in the United States designed to provide diversified sources of supply for reactor parts and reactor fuel elements under the joint program;

(b) The guarantee shall be consistent with the provisions of this Act and of Attachment A to the Memorandum of Understanding between the Government of the United States and the Community, signed in Brussels on May 29, 1958, and in Washington, District of Columbia, on June 12, 1958, and transmitted to Congress on June 23, 1958;

(c) The Commission shall establish and publish minimum levels of fuel element cost and life to be guaranteed by the manufacturer as a basis for inviting and evaluating proposals.

(d) The guarantee by the manufacturer shall be as favorable as any other guarantee offered by the manufacturer for any comparable fuel element within a reasonable time period; and

(e) The Commission shall obtain a royalty-free, non-exclusive, irrevocable license for governmental purposes to any patents on inventions or discoveries made or conceived by the manufacturer in the course of development or fabrication of fuel elements during the period covered by the Commission's guarantee.

Nuclear material.
Sale or lease.
42 USC 2074.

Sec. 5. Pursuant to the provisions of section 54 of the Atomic Energy Act of 1954, as amended, there is hereby authorized for sale or lease to the Community:

Thirty thousand kilograms of contained uranium 235

One kilogram of plutonium

42 USC 2153.

in accordance with the provisions of an agreement for cooperation between the Government of the United States and the Community entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended: *Provided*, That the Government of the United States obtains the equivalent of a first lien on any such material sold to the Community for which payment is not made in full at the time of transfer.

Acquisition of nuclear materials.

42 USC 2153.

Sec. 6. (a) The Atomic Energy Commission is authorized to purchase or otherwise acquire from the Community special nuclear material or any interest therein from reactors constructed under the joint program in accordance with the terms of an agreement for cooperation entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended: *Provided*, That neither plutonium nor uranium 233 nor any interest therein shall be acquired under this section in excess of the total quantities authorized by law. The Commission is hereby authorized to acquire from the Community pursuant to this section up to four thousand one hundred kilograms of plutonium for use only for peaceful purposes.

(b) Any contract made under the provisions of this section to acquire plutonium or any interest therein may be at such prices and for such period of time as the Commission may deem necessary: *Provided*, That with respect to plutonium produced in any reactor constructed under the joint program, no such contract shall be for a period greater than ten years of operation of such reactors or December 31, 1973 (or December 31, 1975, for not more than two reactors selected under section 2 (c)), whichever is earlier. *And provided further*, That no such contract shall provide for compensation or the payment of a purchase price in excess of the Commission's established price in effect at the time of delivery to the Commission for such material as fuel in a nuclear reactor.

(c) Any contract made under the provisions of this section to acquire uranium enriched in the isotope uranium 235 may be at such price and for such period of time as the Commission may deem necessary: *Provided*, That no such contract shall be for a period of time extending beyond the terminal date of the agreement for cooperation with the Community or provide for the acquisition of uranium enriched in the isotope U-235 in excess of the quantities of such material that have been distributed to the Community by the Commission less the quantity consumed in the nuclear reactors involved in the joint program: *And provided further*, That no such contract shall provide for compensation or the payment of a purchase price in excess of the Atomic Energy Commission's established charges for such material in effect at the time delivery is made to the Commission.

(d) Any contract made under this section for the purchase of special nuclear material or any interest therein may be made without regard to the provisions of section 3679 of the Revised Statutes, as amended. 31 USC 665.

(e) Any contract made under this section may be made without regard to section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. 41 USC 5.

Sec. 7. The Government of the United States of America shall not be liable for any damages or third party liability arising out of or resulting from the joint program: *Provided, however*, That nothing in this section shall deprive any person of any rights under section 170 of the Atomic Energy Act of 1954, as amended. The Government of the United States shall take such steps as may be necessary, including appropriate disclaimer or indemnity arrangements, in order to carry out the provisions of this section. Nonliability of U. S. 42 USC 2210.

Approved August 28, 1958.

Public Law 86-43
86th Congress, S. 1197
June 11, 1959

AN ACT

73 Stat. 73.

To amend the Atomic Energy Act of 1954, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 251 of the Atomic Energy Act of 1954, as amended, is amended by deleting the words "and July" in the first sentence thereof.

68 Stat. 960.
42 USC 2016.

Approved June 11, 1959.

Public Law 86-44
86th Congress, S. 1228
June 11, 1959

AN ACT

73 Stat. 73.

To amend Public Law 85-590 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(c) of Public Law 85-590 is amended by striking therefrom the figure "\$2,250,000" for project 59-c-5, phermex installation, Los Alamos, New Mexico, and by inserting in lieu thereof the figure "\$3,550,000".

72 Stat. 490.

Approved June 11, 1959.

Public Law 86-50
86th Congress, S. 2094
June 23, 1959

AN ACT

73 Stat. 81.

To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. PLANT OR FACILITY ACQUISITION OR CONSTRUCTION.— There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261a.(1) of the Atomic Energy Act of 1954, as amended, the sum of \$165,400,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows:

AEC Appropriation.
Acquisition, etc., of property.
71 Stat. 274.
42 USC 2017.

(a) SPECIAL NUCLEAR MATERIALS.—

Project 60-a-1, modifications to production and supporting installations, \$10,000,000.

Project 60-a-2, prototype installations, gaseous diffusion plants, \$1,000,000.

Project 60-a-3, central computing building, Oak Ridge, Tennessee, \$1,650,000.

Project 60-a-4, reactor air filters, Savaunah River, South Carolina, \$5,000,000.

Project 60-a-5, additional raw water line, Paducah, Kentucky, \$810,000.

Project 60-a-6, water plant expansion, 100 K area, Hanford, Washington, \$5,000,000.

Project 60-a-7, modifications to reactor disassembly basins, Savannah River, South Carolina, \$1,600,000.

(b) SPECIAL NUCLEAR MATERIALS.—

Project 60-b-1, cylinder storage area, Paducah, Kentucky, \$500,000.

Project 60-b-2, increased cooling water capacity, Savannah River, South Carolina, \$5,000,000.

(c) ATOMIC WEAPONS.—

Project 60-c-1, weapons production, development and test installations, \$10,000,000.

Project 60-c-2, special processing plant, phase II, Mound Laboratory, Ohio, \$3,800,000.

Project 60-c-3, test and environmental installations, Sandia Base, New Mexico, \$1,000,000.

(d) ATOMIC WEAPONS.—

Project 60-d-1, storage site modifications, \$1,500,000.

Project 60-d-2, materials storage vault, Los Alamos, New Mexico, \$133,000.

(e) REACTOR DEVELOPMENT.—

Project 60-e-1, modifications to experimental breeder reactor Numbered 1 (EBR-1), National Reactor Testing Station, Idaho, \$1,000,000.

Project 60-e-2, portable gas-cooled reactor prototype, National Reactor Testing Station, Idaho, \$2,500,000.

Project 60-e-3, alterations, modifications and additions to MTR-ETR utility, technical and support installations, National Reactor Testing Station, Idaho, \$2,000,000.

Project 60-e-4, hot cells, \$2,500,000.

Project 60-e-5, chemical processing plant area utility modifications and improvements, National Reactor Testing Station, Idaho, \$750,000.

Project 60-e-6, reactor support installations, Nevada Test Site, \$500,000.

Project 60-e-7, nuclear test plant, Army Reactor Experimental Area (AREA), National Reactor Testing Station, Idaho, \$5,000,000.

Project 60-e-8, modifications and additions for test installation for project Pluto, \$2,000,000.

Project 60-e-9, research and development test plant additions and modifications for project Rover, \$4,800,000.

Project 60-e-10, general support installations and utilities expansion, Argonne National Laboratory, Lemont, Illinois, \$4,300,000.

Project 60-e-11, natural circulation test plant, National Reactor Testing Station, Idaho, \$18,500,000.

Project 60-e-12, alterations to Shippingport reactor facilities, \$5,000,000.

Project 60-e-13, experimental organic cooled reactor, \$6,000,000.

Project 60-e-14, experimental low-temperature process heat reactor, \$4,000,000.

Project 60-e-15, power reactor of advanced design capable of utilizing nuclear superheat, to be undertaken either as a cooperative project or conducted solely by the Atomic Energy Commission, \$11,000,000.

(f) REACTOR DEVELOPMENT.—

Project 60-f-1, miscellaneous modifications and additions, Argonne National Laboratory, Illinois, \$1,000,000.

(g) PHYSICAL RESEARCH.—

Project 60-g-1, project Sherwood Plant, \$1,000,000.

Project 60-g-2, accelerator and reactor modifications, Brookhaven National Laboratory, New York, \$1,950,000.

Project 60-g-3, transuranium laboratory, Oak Ridge National Laboratory, Tennessee, \$1,200,000.

Project 60-g-4, physics building, Lawrence Radiation Laboratory, California, \$2,000,000.

Project 60-g-5, 10 Mev tandem Van de Graaff accelerator, Oak Ridge, Tennessee, \$2,400,000.

(h) BIOLOGY AND MEDICINE.—

Project 60-h-1, installations for support of biomedical research projects in atomic energy, \$3,000,000.

(i) ISOTOPES DEVELOPMENT.—

Project 60-i-1, high-level radiation development laboratory, \$1,600,000.

Project 60-i-2, radioisotope process development laboratory, \$1,500,000.

(j) ISOTOPES DEVELOPMENT.—

Project 60-j-1, radioisotope production area expansion and modifications, Oak Ridge National Laboratory, Tennessee, \$300,000.

(k) COMMUNITY.—

Project 60-k-1, high school additions, Los Alamos, New Mexico, \$485,000.

Project 60-k-2, real estate development, Los Alamos, New Mexico, \$240,000.

Project 60-k-3, housing alterations, Los Alamos, New Mexico, \$1,000,000.

(l) GENERAL PLANT PROJECTS.—\$30,882,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101 (a), (c), (e), (g), (h), and (i) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101 (b), (d), (f), (j), and (k) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(1) only if it is in accordance with the following:

1. For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000.

2. For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such a project shall be \$100,000.

3. The total cost of all projects undertaken under subsection 101(1) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. ADVANCE PLANNING AND DESIGN.—There are hereby authorized to be appropriated funds for advance planning, construction design, and architectural services, in connection with projects which are not otherwise authorized by law, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 104. RESTORATION OR REPLACEMENT.—There are hereby authorized to be appropriated funds necessary to restore or to replace plants or facilities destroyed or otherwise seriously damaged, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 105. CURRENTLY AVAILABLE FUNDS.—In addition to the sums authorized to be appropriated to the Atomic Energy Commission by section 101 of this Act, there are hereby authorized to be appropriated to the Atomic Energy Commission to accomplish the purposes of this Act such sums of money as may be currently available to the Atomic Energy Commission.

SEC. 106. SUBSTITUTIONS.—Funds authorized to be appropriated or otherwise made available by this Act may be used to start any other new project for which an estimate was not included in this Act if it be a substitute for a project or portion of a project authorized in subsections 101(a), 101(b), 101(c), and 101(d) and the estimated cost thereof is within the limit of cost of the project for which substitution is to be made, and the Commission certifies that—

(a) the project is essential to the common defense and security;

and

(b) the new project is required by changes in weapon characteristics or weapon logistic operations; and

(c) it is unable to enter into a contract with any person, including a licensee, on terms satisfactory to the Commission to furnish from a privately owned plant or facility the product or services to be provided in the new project.

SEC. 107. AMENDMENT OF PRIOR-YEAR PROJECTS.—Section 101 of Public Law 85-590 is amended as follows:

72 Stat. 491.

(a) By striking therefrom "Project 59-d-10, gas-cooled power reactor, \$51,000,000" and substituting therefor "Project 59-d-10, flexible experimental prototype gas-cooled reactor, \$30,000,000".

72 Stat. 492.

(b) By striking therefrom "Project 59-e-11, high flux research reactor, Brookhaven National Laboratory, design, engineering and advance procurement, \$1,000,000" and substituting therefor "Project 59-e-11, high flux research reactor, Brookhaven National Laboratory, \$10,000,000".

72 Stat. 491.

(c) By striking therefrom "Project 59-d-12, design and engineering study of heavy water moderated power reactor, \$2,500,000" and substituting therefor "Project 59-d-12, design and development, heavy water moderated power reactor, \$4,500,000".

SEC. 108. PROJECT RESCISSIONS.—(a) Public Law 85-162 is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

71 Stat. 405.

Project 58-e-12, liquid metal fuel reactor experiment (LMFRE), \$17,500,000.

(b) Public Law 506, Eighty-fourth Congress, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

70 Stat. 128.

Project 57-d-3, forty-eight-inch heavy particle cyclotron, Oak Ridge National Laboratory, \$459,000.

SEC. 109. COOPERATION WITH EUROPEAN ATOMIC ENERGY COMMUNITY.—

42 USC 2017.

There is hereby authorized to be appropriated to the Atomic Energy Commission, in accordance with the provisions of section 261 a. (2) of the Atomic Energy Act of 1954, as amended, the sum of \$7,000,000, in addition to the sum of \$3,000,000 previously authorized under section 3 of Public Law 85-846, which shall be available for carrying out the purposes of section 3 of Public Law 85-846, providing for cooperation with the European Atomic Energy Community.

72 Stat. 1084.

SEC. 110. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—

72 Stat. 493.

(a) Section 111 of Public Law 85-162, as amended, is further amended by striking out the figures "\$155,113,000" and "\$175,113,000" in subsection (a), and inserting in lieu thereof the figures "\$135,113,000" and "\$155,113,000", and by striking out the figure "\$2,750,000" in clause (2) of subsection (a) and inserting in lieu thereof the figure "\$3,600,000"; by striking out the date "June 30, 1959" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1960".

71 Stat. 409.

(b) There is hereby authorized to be appropriated to the Atomic Energy Commission, under the terms and conditions of section 111 of Public Law 85-162, as amended, the sum of \$55,500,000 for use in a program not to exceed \$65,500,000, to be available for the Commission's cooperative power reactor demonstration program. Without regard to the provisions of clause (3) of subsection (a) of section 111 of Public Law 85-162, no funds or waiver of use charges authorized by this subsection shall be available on projects already approved under the power demonstration reactor program or on other nuclear power projects already under construction. In connection with such program, the Commission is authorized to waive its charges for the use of special nuclear materials and heavy water for research and development and for a period of not more than five years after initial criticality of the reactor.

(c) Funds appropriated to the Commission pursuant to the authorization contained in subsection (b) of this section shall be available to the Commission for the purpose of supplementing its Third Round power reactor demonstration program to include financial assistance to public and private organizations for research and development in connection with the design, construction, and operation of power reactor prototypes based on established reactor technology. The Commission shall consider, but not be limited to, the following types:

(1) One such plant may be a boiling water prototype reactor in the size range from 50,000 KWE to 100,000 KWE, and

(2) One such plant may be a prototype reactor in the intermediate size range.

72 Stat. 493.

Under this subsection, and without regard to subsection (f) of section 111 of Public Law 85-162, the Commission is authorized to use

funds, not to exceed \$5,000,000 in the aggregate, to provide research and development assistance in support of unsolicited proposals from the utility industry to construct nuclear power plants.

(d) Funds appropriated to the Commission pursuant to the authorization contained in subsection (b) of this section shall be available to the Commission for the purpose of reinstating and supplementing the Second Round of its power reactor demonstration program to provide for the development, design, construction and operation of two reactor prototypes in accordance with subsection 111(a)(1) of Public Law 85-162 and which shall be based on established reactor technology. There are also authorized to be appropriated such additional funds as may be necessary for the operation of such reactor prototypes, as provided in subsection 111(a)(1) of Public Law 85-162. The Commission shall consider, but not be limited to, the following types: 71 Stat. 409.

(1) One such reactor prototype may be a small power reactor which will be designed to make a significant contribution to the achievement of economical power in a small size nuclear powerplant; and

(2) One such reactor prototype may be in the intermediate size range.

(e) In the event the Commission solicits proposals for any prototype under subsection (c) or (d) of this section, but no satisfactory proposal is received, the Commission may, if the project is still deemed desirable, proceed with design, construction, and operation of such prototype at a Commission installation and funds authorized by subsection (b) shall be available for the purposes of this subsection (e).

(f) Funds appropriated to the Commission, pursuant to the authorization contained in subsection (b) of this section, and authorized for the Third Round of the Commission's power reactor demonstration program shall be available to the Commission for use in a cooperative arrangement to provide financial assistance for research and development in connection with the design, construction, and operation of an advanced, high temperature gas-cooled experimental power reactor in accordance with the basis for an arrangement described in the program justification data submitted by the Commission in support of its authorization proposal for fiscal year 1960: *Provided*, That, in the event the parties enter into such a cooperative arrangement and proceed with research and development and there is a unilateral abandonment of the research and development or of the construction of the plant for reasons other than (a) a contract amendment under which the Atomic Energy Commission approves such abandonment, or (b) causes beyond the control of the contracting parties and without their fault or negligence (including inability to obtain necessary licenses or regulatory approvals or adequate liability insurance coverage), the Commission shall be reimbursed by the party abandoning the project for its expenditures for research and development under the arrangement except to the extent that the Commission determines that any such expenditures have resulted in the acquisition by the Government of property, patents, or other value.

Sec. 111. The Commission is authorized to enter into cooperative arrangements with any person or persons for participation in the development, construction and operation of the experimental low-temperature process heat reactor authorized under project 60-e-14 of section 101(e) of this Act, and the utilization of the steam generated by the reactor plant. Under such arrangements—

(1) the Commission is authorized to obtain the participation of such person or persons to the fullest extent consistent with the Commission's direction of the project and ownership of the reactor;

(2) the reactor plant may be constructed upon a site provided by a participating party with or without compensation;

(3) the reactor plant shall be operated by, or under contract with, the Commission, for such period of time as the Commission determines to be advisable for research and development purposes and for such additional period as the Commission may determine to be necessary in the best interest of the Government. Upon the expiration of such period, the Commission may offer the reactor plant and its appurtenances for sale to a participating party or parties at a price to reflect appropriate depreciation, but not to include construction costs assignable to research and development, or the Commission may dismantle the reactor plant and its appurtenances;

(4) the Commission may sell steam to a participating party at rates based upon the present cost of, or the projected cost of, comparable steam from a plant using conventional fuels at the reactor location; and

(5) any steam sold shall be used for industrial, manufacturing or other commercial purposes, or for research and development related thereto, but shall not be used for the generation of electric power for sale. The participating party or parties shall provide facilities required for such utilization of the steam generated by the nuclear plant.

Sec. 112. In the event the Commission constructs a power reactor under the authorization of project 60-e-15 of section 101 or subsection 110(e) of this Act at an installation operated by or on behalf of the Commission—

(a) the electric energy generated may be used by the Commission in connection with the operation of such installation and the Commission is authorized to make necessary adjustments in its contract with the power supplier at such installation to provide for the interchange of reactor generated power into the transmission system of the supplier;

(b) the Commission is authorized to obtain the participation of private, cooperative, or public organizations to the fullest extent consistent with the Commission direction of the project, ownership of the reactor, and utilization of the electric energy generated; and

(c) the power reactor constructed shall be operated by, or under contract with, the Commission, for such period of time as the Commission determines to be advisable for research and development purposes and for such additional period as the Commission may determine to be necessary in the best interest of the Government. Upon the expiration of such period the Commission may offer the reactor and its appurtenances for sale to any public, private or cooperative power organization at a price to reflect appropriate depreciation but not to include construction costs assignable to research and development, or the Commission may dismantle the reactor and its appurtenances.

Sec. 118. DESIGN AND ENGINEERING STUDIES.—The Commission shall proceed with design and engineering studies to include, but not be limited to, the following:

- (a) prototype reactor for nuclear tankers;
- (b) reactor for remote military installations; and
- (c) other reactor types.

The Commission shall submit reports on the studies under (a) and (b) of this section to the Joint Committee on Atomic Energy by April 1, 1960. Report to Congress.

SEC. 114. Subsection 153(h) of the Atomic Energy Act of 1954, as amended, is amended by striking out the date "September 1, 1959" and inserting in lieu thereof the date "September 1, 1964". 68 Stat. 946.
42 USC 2183.

Approved June 23, 1959.

Public Law 86-300
86th Congress, S. 2569
September 21, 1959

AN ACT

73 STAT. 574.

To amend the Atomic Energy Act of 1954, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 161 m. of the Atomic Energy Act of 1954, as amended, is amended by striking out "Section 103 or 104" and inserting in lieu thereof "Section 103, 104, 53 a. (4), or 63 a. (4)".

Atomic Energy
Act of 1954,
amendments,
68 Stat. 950.
42 USC 2201.
68 Stat. 951.
42 USC 2203.

Sec. 2. Section 163 of the Atomic Energy Act of 1954, as amended, is amended by inserting after the words "from receiving compensation" the following words "from a source other than a nonprofit educational institution".

Approved September 21, 1959.

Public Law 86-373
86th Congress, S. 2568
September 23, 1959

AN ACT

To amend the Atomic Energy Act of 1954, as amended, with respect to cooperation with States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following section be added to the Atomic Energy Act of 1954, as amended:

Atomic Energy Act of 1954, amendments. 68 Stat. 919. 42 USC 2011 note.

"SEC. 274. COOPERATION WITH STATES.—

"a. It is the purpose of this section—

"(1) to recognize the interests of the States in the peaceful uses of atomic energy, and to clarify the respective responsibilities under this Act of the States and the Commission with respect to the regulation of byproduct, source, and special nuclear materials;

"(2) to recognize the need, and establish programs for, cooperation between the States and the Commission with respect to control of radiation hazards associated with use of such materials;

"(3) to promote an orderly regulatory pattern between the Commission and State governments with respect to nuclear development and use and regulation of byproduct, source, and special nuclear materials;

"(4) to establish procedures and criteria for discontinuance of certain of the Commission's regulatory responsibilities with respect to byproduct, source, and special nuclear materials, and the assumption thereof by the States;

73 STAT. 688.

73 STAT. 689.

"(5) to provide for coordination of the development of radiation standards for the guidance of Federal agencies and cooperation with the States; and

"(6) to recognize that, as the States improve their capabilities to regulate effectively such materials, additional legislation may be desirable.

"b. Except as provided in subsection c., the Commission is authorized to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission under chapters 6, 7, and 8, and section 161 of this Act, with respect to any one or more of the following materials within the State—

Agreements with States.

42 USC 2071-2112, 2201.

"(1) byproduct materials;

"(2) source materials;

"(3) special nuclear materials in quantities not sufficient to form a critical mass.

During the duration of such an agreement it is recognized that the State shall have authority to regulate the materials covered by the agreement for the protection of the public health and safety from radiation hazards.

"c. No agreement entered into pursuant to subsection b. shall provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of—

"(1) the construction and operation of any production or utilization facility;

"(2) the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

"(3) the disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

"(4) the disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or

order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission. Notwithstanding any agreement between the Commission and any State pursuant to subsection b., the Commission is authorized by rule, regulation, or order to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

Conditions.

"d. The Commission shall enter into an agreement under subsection b. of this section with any State if—

"(1) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and

"(2) the Commission finds that the State program is compatible with the Commission's program for the regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed agreement.

**Publication in
F. R.**

73 STAT. 689,
73 STAT. 690.

"e. (1) Before any agreement under subsection b. is signed by the Commission, the terms of the proposed agreement and of proposed exemptions pursuant to subsection f. shall be published once each week for four consecutive weeks in the Federal Register; and such opportunity for comment by interested persons on the proposed agreement and exemptions shall be allowed as the Commission determines by regulation or order to be appropriate.

"(2) Each proposed agreement shall include the proposed effective date of such proposed agreement or exemptions. The agreement and exemptions shall be published in the Federal Register within thirty days after signature by the Commission and the Governor.

**Licensing re-
quirements.
Exemptions.**

"f. The Commission is authorized and directed, by regulation or order, to grant such exemptions from the licensing requirements contained in chapters 6, 7, and 8, and from its regulations applicable to licensees as the Commission finds necessary or appropriate to carry out any agreement entered into pursuant to subsection b. of this section.

"g. The Commission is authorized and directed to cooperate with the States in the formulation of standards for protection against hazards of radiation to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible.

**Federal Radi-
ation Council.**

"h. There is hereby established a Federal Radiation Council, consisting of the Secretary of Health, Education, and Welfare, the Chairman of the Atomic Energy Commission, the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, or their designees, and such other members as shall be appointed by the President. The Council shall consult qualified scientists and experts in radiation matters, including the President of the National Academy of Sciences, the Chairman of the National Committee on Radiation Protection and Measurement, and qualified experts in the field

of biology and medicine and in the field of health physics. The Special Assistant to the President for Science and Technology, or his designee, is authorized to attend meetings, participate in the deliberations of, and to advise the Council. The Chairman of the Council shall be designated by the President, from time to time, from among the members of the Council. The Council shall advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States. The Council shall also perform such other functions as the President may assign to it by Executive order.

"i. The Commission in carrying out its licensing and regulatory responsibilities under this Act is authorized to enter into agreements with any State, or group of States, to perform inspections or other functions on a cooperative basis as the Commission deems appropriate. The Commission is also authorized to provide training, with or without charge, to employees of, and such other assistance to, any State or political subdivision thereof or group of States as the Commission deems appropriate. Any such provision or assistance by the Commission shall take into account the additional expenses that may be incurred by a State as a consequence of the State's entering into an agreement with the Commission pursuant to subsection b. Inspections.

"j. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State with which an agreement under subsection b. has become effective, or upon request of the Governor of such State, may terminate or suspend its agreement with the State and reassert the licensing and regulatory authority vested in it under this Act, if the Commission finds that such termination or suspension is required to protect the public health and safety. Termination of agreement.

"k. Nothing in this section shall be construed to affect the authority of any State or local agency to regulate activities for purposes other than protection against radiation hazards. 73 STAT. 690.
73 STAT. 691.

"l. With respect to each application for Commission license authorizing an activity as to which the Commission's authority is continued pursuant to subsection c., the Commission shall give prompt notice to the State or States in which the activity will be conducted of the filing of the license application; and shall afford reasonable opportunity for State representatives to offer evidence, interrogate witnesses, and advise the Commission as to the application without requiring such representatives to take a position for or against the granting of the application. Notice of filing.

"m. No agreement entered into under subsection b., and no exemption granted pursuant to subsection f., shall affect the authority of the Commission under subsection 161 b. or i. to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material. For purposes of subsection 161i., activities covered by exemptions granted pursuant to subsection f. shall be deemed to constitute activities authorized pursuant to this Act; and special nuclear material acquired by any person pursuant to such an exemption shall be deemed to have been acquired pursuant to section 53. 42 USC 2201.
42 USC 2073.

73 STAT., 691.

Definition.

"n. As used in this section, the term 'State' means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia."

42 USC 2138.

SEC. 2. Section 108 of the Atomic Energy Act of 1954 is amended by deleting the phrase "distributed under the provisions of subsection 53a," from the second sentence.

Approved September 23, 1959.

Public Law 86-457
86th Congress, H. R. 11713
May 13, 1960

AN ACT

74 STAT. 120.

To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. PLANT OR FACILITY ACQUISITION OR CONSTRUCTION.—
There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261a. (1) of the Atomic Energy Act of 1954, as amended, the sum of \$211,476,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion as follows: Atomic Energy Commission. Appropriations 71 Stat. 274. 42 USC 2017.

(a) SPECIAL NUCLEAR MATERIALS.—

Project 61-a-1, modifications to production and supporting installations, \$10,000,000.

Project 61-a-2, billet production plant, \$1,800,000.

Project 61-a-3, heat treatment and inspection modifications, Fernald, Ohio, \$2,500,000.

Project 61-a-4, development laboratory building, Oak Ridge, Tennessee, \$766,000.

Project 61-a-5, plutonium reclamation plant, Hanford, Washington, \$2,900,000.

Project 61-a-6, moderator purification improvements, Savannah River, South Carolina, \$2,500,000.

(b) ATOMIC WEAPONS.—

Project 61-b-1, weapons production, development, and test installations, \$10,000,000.

Project 61-b-2, high-velocity test track, Sandia Base, New Mexico, \$2,100,000.

Project 61-b-3, special metals fabrication plant, \$3,000,000.

(c) ATOMIC WEAPONS.—

Project 61-c-1, contaminated waste plant, Los Alamos, New Mexico, \$2,000,000.

(d) REACTOR DEVELOPMENT.—

Project 61-d-1, additions and modifications to Chemical Engineering Building, Argonne National Laboratory, Illinois, \$2,000,000.

Project 61-d-2, special purpose test installation addition, Santa Susana, California, \$1,200,000.

Project 61-d-3, technical space for SPERT, National Reactor Testing Station, Idaho, \$500,000.

Project 61-d-4, critical building, Brookhaven National Laboratory, New York, \$600,000.

Project 61-d-5, fast reactor core test installation, Los Alamos Scientific Laboratory, New Mexico, \$6,900,000.

Project 61-d-6, plutonium fuel service and development building, Los Alamos Scientific Laboratory, New Mexico, \$600,000.

Project 61-d-7, test installation for Project Rover, \$20,000,000.

Project 61-d-8, test installation for Project Pluto, \$15,000,000.

Project 61-d-9, advanced test reactor, \$24,000,000.

Project 61-d-10, power reactor plants for the Antarctic, \$13,000,000.

(e) REACTOR DEVELOPMENT.—

Project 61-e-1, additions and modifications, MTR-ETR area, National Reactor Testing Station, Idaho, \$800,000.

Project 61-e-2, site utilities, Brookhaven National Laboratory, New York, \$1,250,000.

Project 61-e-3, quarters for visiting scientists, Brookhaven National Laboratory, New York, \$550,000.

(f) PHYSICAL RESEARCH.—

Project 61-f-1, bubble chamber house, Brookhaven National Laboratory, New York, \$1,660,000.

Project 61-f-2, Princeton-Pennsylvania accelerator addition, Princeton, New Jersey, \$10,820,000.

Project 61-f-3, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$1,085,000.

Project 61-f-4, high flux isotope reactor, Oak Ridge National Laboratory, Tennessee, \$12,000,000.

Project 61-f-5, accelerator improvements, Lawrence Radiation Laboratory, California, \$500,000.

Project 61-f-6, major bevatron improvements, Lawrence Radiation Laboratory, California, \$9,600,000.

Project 61-f-7, design and engineering, linear electron accelerator, \$3,000,000.

Project 61-f-8, materials research laboratory, University of Illinois, \$5,600,000.

Project 61-f-9, radiation laboratory, University of Notre Dame, \$2,200,000.

(g) PHYSICAL RESEARCH.—

Project 61-g-1, metallurgy building extension, Brookhaven National Laboratory, New York, \$655,000.

Project 61-g-2, addition to cyclotron building, Lawrence Radiation Laboratory, California, \$500,000.

(h) BIOLOGY AND MEDICINE.—

Project 61-h-1, installations for support of biomedical research in atomic energy, \$5,000,000.

(i) COMMUNITY.—

Project 61-i-1, real estate development, Los Alamos, New Mexico, \$135,000.

Project 61-i-2, elementary school addition, Los Alamos, New Mexico, \$145,000.

Project 61-i-3, steam transmission line, Los Alamos, New Mexico, \$135,000.

(j) GENERAL PLANT PROJECTS.—\$34,175,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101 (a), (b), (d), (f), and (h), only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101 (c), (e), (g), and (i), only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101 (j) only if it is in accordance with the following:

1. For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000.

2. For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such a project shall be \$100,000.

3. The total cost of all projects undertaken under subsection 101 (j) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. ADVANCE PLANNING AND DESIGN.—There are hereby authorized to be appropriated funds for advance planning, construction design, and architectural services, in connection with projects which are not otherwise authorized by law, and the Atomic Energy

Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 104. RESTORATION OR REPLACEMENT.—There are hereby authorized to be appropriated funds necessary to restore or to replace plants or facilities destroyed or otherwise seriously damaged, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 105. CURRENTLY AVAILABLE FUNDS.—In addition to the sums authorized to be appropriated to the Atomic Energy Commission by section 101 of this Act, there are hereby authorized to be appropriated to the Atomic Energy Commission to accomplish the purposes of this Act such sums of money as may be currently available to the Atomic Energy Commission.

SEC. 106. SUBSTITUTIONS.—Funds authorized to be appropriated or otherwise made available by this Act may be used to start any other new project for which an estimate was not included in this Act if it be a substitute for a project or portion of a project authorized in subsections 101 (a), (b), and (c) and the estimated cost thereof is within the limit of cost of the project for which substitution is to be made, and the Commission certifies that—

- (a) the project is essential to the common defense and security;
- (b) the new project is required by changes in weapon characteristics or weapon logistic operations; and
- (c) it is unable to enter into a contract with any person, including a licensee, on terms satisfactory to the Commission to furnish from a privately owned plant or facility the product or services to be provided in the new project.

SEC. 107. AMENDMENT OF PRIOR YEAR PROJECTS.—(a) Section 101 (d) of Public Law 84-506, as amended, is further amended by striking therefrom "Project 57-d-1, high energy accelerator, \$27,000,000" and substituting therefor "Project 57-d-1, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$42,000,000." 70 Stat. 128.

(b) Public Law 86-50 is amended by striking out the figure "\$5,000,000" for project 60-e-12, alterations to Shippingport reactor facilities, and substituting therefor the figure "\$9,000,000". 73 Stat. 82.

SEC. 108. PROJECT RESCISSIONS.—(a) Public Law 86-50 is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows: 73 Stat. 81.

Project 60-c-2, special processing plant, phase II, Mound Laboratory, Ohio, \$3,800,000.

(b) Public Law 85-500, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows: 72 Stat. 490.

Project 50-b-4, special processing plant, Mound Laboratory, Ohio, \$2,000,000.

Project 50-c-8, lineal acceleration tester, Livermore, California, \$300,000.

Project 50-g-3, gamma process development irradiator, \$1,600,000.

(c) Public Law 85-162, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows: 71 Stat. 403.

Project 58-b-5, additions to scrap plants, various sites, \$1,500,000.

Project 58-c-2, weapons special component plant, \$6,000,000.

(d) Public Law 84-506, as amended, is further amended by rescinding therefrom authorization for a project except for funds heretofore obligated, as follows: 70 Stat. 127.

Project 57-a-7, modifications to existing production facilities for increased efficiency and safety, Hanford, Washington, \$3,000,000.

SEC. 109. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—

73 Stat. 85.

(a) Section 111 of Public Law 86-182, as amended, is further amended by striking out the date "June 30, 1960," in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1961."

73 Stat. 84, 86.

(b) There is hereby authorized to be appropriated to the Atomic Energy Commission the sum of \$40,000,000 to be available, in addition to the funds heretofore authorized, for carrying out the Commission's power reactor demonstration program in accordance with the terms and conditions provided in Sections 110 and 112 of Public Law 86-50. The maximum amount of the program authorization, specified in subsection 110(b) of Public Law 86-50, is increased by \$45,000,000. In addition to the amount authorized under subsection 110(c) of Public Law 86-50, the Commission is authorized to use funds not to exceed \$15,000,000 in the aggregate, to provide research and development assistance in support of unsolicited proposals from the utility industry to construct nuclear powerplants.

73 Stat. 85.

(c) Section 110 of Public Law 86-50 is amended by deleting the word "two" in the first sentence of subsection (d).

SEC. 110. COOPERATIVE RESEARCH AND DEVELOPMENT PROGRAM WITH CANADA.—There is hereby authorized to be appropriated to the Commission, in accordance with the provisions of section 261(a)(2) of the Atomic Energy Act of 1954, as amended, the sum of \$5,000,000 for use in a cooperative program of research and development in connection with heavy water moderated nuclear powerplants to be conducted under the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Government of the United States of America and the Government of Canada, signed on the 15th day of June 1955, as now or hereafter modified.

71 Stat. 274.

42 USC 2017.

6 UST 2595.

SEC. 111. DESIGN AND ENGINEERING STUDIES.—The Commission is authorized within its discretion to proceed with design and engineering studies to include, but not be limited to, the following:

(a) Facilities for food irradiation;

(b) Power reactor of steam-cooled type.

Reports.

The Commission may submit reports on studies under this section to the Joint Committee on Atomic Energy by April 1, 1961.

Approved May 13, 1960.

Public Law 87-52
87th Congress, S. 1941
June 16, 1961

An Act

75 STAT. 94.

To authorize construction of community support facilities at Los Alamos County,
New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Commission is authorized with funds presently available or otherwise made available to it to construct (under the applicable provisions of chapter 14 of the Atomic Energy Act of 1954, as amended) community support facilities at White Rock, Los Alamos County, New Mexico, at a total cost not to exceed \$300,000, and for that purpose there is authorized to be appropriated such sums as may be necessary.

Los Alamos
County, N. Mex.
Support facilities.

68 Stat. 948.
42 USC 2201-
2210.

Approved June 16, 1961.

Public Law 87-174
87th Congress, S. 1622
August 30, 1961

An Act

75 STAT. 409.

To amend the Atomic Energy Community Act of 1955.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Community Act of 1955 is amended in the following respect: Amend section 53c. by striking therefrom the words "one year" and substituting in place thereof the words "ninety days".

Atomic Energy.
Disposal of
property.
69 Stat. 476.
42 USC 2343.

Approved August 30, 1961.

Public Law 87-206
87th Congress, H. R. 8599
September 6, 1961

An Act

75 STAT. 475.

To amend various sections of the Atomic Energy Act of 1954, as amended, and the EURATOM Cooperation Act of 1958, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby retroceded to the State of California the exclusive jurisdiction heretofore acquired from the State of California by the United States of America over the following land of the United States Atomic Energy Commission located in Alameda County, State of California, and within the boundaries of the Commission's Livermore site:

Atomic Energy.
California.
Jurisdiction
over certain
lands.

Beginning at a post marked L.P. XII, in the exterior boundary line of the Rancho Las Positas, set at the southeast corner of subdivision numbered 6 of plot J, of said rancho, as said plot is described in the decree of partition of said rancho rendered June 18, 1873, in case 2708, Aurrecochea against Mahoney, certified copy of which decree was recorded December 13, 1873, in book 95 of deeds at page 206, Alameda County Records, and as said subdivision is shown on the map hereinafter referred to; and running thence west along the southern boundary line of said plot J 79.28 chains to a post marked L.P. XI, set at the southwest corner of subdivision numbered 5 of said plot J, as said subdivision numbered 5 is shown on said map; and thence north along the western boundary line of said subdivision numbered 5 and along the western boundary line of subdivision numbered 8, as said subdivision numbered 8 is shown on said map, 79.46 chains to a post set at the northwest corner of said subdivision numbered 8; thence east along the northern boundary line of said subdivision numbered 8 and subdivision numbered 7 as shown on said map, 79 chains to a post marked L.P. XIII; and thence south along the eastern boundary line of subdivision numbered 7, as said subdivision numbered 7 is shown on said map, and along the eastern boundary line of said subdivision numbered 6 of said plot J to the point of beginning.

Being a portion of said plot J of said rancho, as shown upon a certain map of a portion of the Rancho Las Positas surveyed for J. Aurrecochea, August 1876, by Luis Castro, county surveyor, and also known as subdivisions 5, 6, 7, and 8 in the official map of the county of Alameda, State of California, made by George L. Nusbaumer and W. F. Boardman, adopted by the supervisors of said county, September 24, 1888, and issued May 1, 1889.

Beginning at the northeast corner of the northwest quarter of section 13, township 3 south, range 2 east, Mount Diablo base and meridian, being also the northeast corner of the 160 acre tract owned by Louis Madsen, thence south 2,640 feet, more or less, along the east line of said quarter section and along the east boundary fence of said 160 acre tract to the southeast corner of said northwest quarter of said section 13, being the southeast corner of said 160 acre tract and the northeast corner of a 30.66 acre tract owned by John and Dora Bargman; thence south 506 feet, more or less, to the southeast corner of said 30.66 acre tract; thence south 965 feet, more or less, along the east fence of a 129.34 acre tract owned by Charles M. and Sue I. G. Nissen to a fence running east and west through said 129.34 acre parcel; thence west 500 feet along said fence through said 129.34 acre tract; thence north, parallel to the east line of the northwest quarter of said section 13, 4,111 feet, more or less, to north boundary of said section 13; thence east 500 feet to the point of beginning, containing 47.175 acres, more or less.

Beginning at a point 30 feet east of the northeast corner of the northwest quarter of said section 13; thence due south, 4,111 feet,

more or less, to a point 30 feet due east of the end of a fence across the 129.34 acre tract owned by Charles M. and Sue I. G. Nissen; thence west 30 feet; thence north 4,111 feet, more or less, to the northeast corner of the northwest quarter of said section 13; thence due east 30 feet to the point of beginning, containing 2.83 acres, more or less.

This retrocession of jurisdiction shall take effect upon acceptance by the State of California.

Atomic Energy
Act of 1954,
amendments.
60 Stat. 919.
42 USC 2011
note, 2014.

SEC. 2 Subsection 11 b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"b. The term 'agreement for cooperation' means any agreement with another nation or regional defense organization authorized or permitted by sections 54, 57, 64, 82, 91 c., 103, 104, or 144, and made pursuant to section 123."

71 Stat. 576.

SEC. 3. Subsection 11 u. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"u. The term 'public liability' means any legal liability arising out of or resulting from a nuclear incident, except: (i) claims under State or Federal workmen's compensation acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs; (ii) claims arising out of an act of war; and (iii) whenever used in subsections 170 a., c., and k., claims for loss of, or damage to, or loss of use of property which is located at the site of and used in connection with the licensed activity where the nuclear incident occurs. 'Public liability' also includes damage to property of persons indemnified: *Provided*, That such property is covered under the terms of the financial protection required, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs."

71 Stat. 576;
72 Stat. 837.
42 USC 2210.

42 USC 2074.

SEC. 4. Section 54 of the Atomic Energy Act of 1954, as amended, is amended by inserting after the words "five thousand kilograms of contained uranium 235" the following "five hundred grams of uranium 233 and three kilograms of plutonium".

42 USC 2163.

SEC. 5. Section 143 of the Atomic Energy Act of 1954, as amended, is amended by striking out "subsection 145 b." and adding in lieu thereof "subsections 145 b. and 145 c."

Security pro-
visions.
42 USC 2165.

SEC. 6. Section 145 of the Atomic Energy Act of 1954, as amended, is amended by deleting subsections d., e., and f., redesignating subsection "c." as subsection "d." and subsection "g." as subsection "h." and adding the following subsections:

"c. In lieu of the investigation and report to be made by the Civil Service Commission pursuant to subsection b. of this section, the Commission may accept an investigation and report on the character, associations, and loyalty of an individual made by another Government agency which conducts personnel security investigations, provided that a security clearance has been granted to such individual by another Government agency based on such investigation and report.

"e. If the President deems it to be in the national interest he may from time to time determine that investigations of any group or class which are required by subsections a., b., and c. of this section be made by the Federal Bureau of Investigation.

"f. Notwithstanding the provisions of subsections a., b., and c. of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity, and upon such certification, the investigation, and reports required by such provisions shall be made by the Federal Bureau of Investigation.

"g. The Commission shall establish standards and specifications in writing as to the scope and extent of investigations, the reports of which will be utilized by the Commission in making the determination,

pursuant to subsections a., b., and c. of this section, that permitting a person access to restricted data will not endanger the common defense and security. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the restricted data to which access will be permitted."

SEC. 7. Section 151 of the Atomic Energy Act of 1954, as amended, is amended by deleting in the descriptive title the words "MILITARY UTILIZATION," and inserting in lieu thereof "INVENTIONS RELATING TO ATOMIC WEAPONS, AND FILING OF REPORTS." 68 Stat. 943.
42 USC 2181.

SEC. 8. Subsection c. of section 151 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. Any person who has made or hereafter makes any invention or discovery useful in the production or utilization of special nuclear material or atomic energy, shall file with the Commission a report containing a complete description thereof unless such invention or discovery is described in an application for a patent filed with the Commissioner of Patents by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before the one hundred and eightieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization." Inventions; reports.

SEC. 9. Section 151 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"e. Reports filed pursuant to subsection c. of this section, and applications to which access is provided under subsection d. of this section, shall be kept in confidence by the Commission, and no information concerning the same given without authority of the inventor or owner unless necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commission."

SEC. 10. Section 152 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: 42 USC 2182.

"SEC. 152. INVENTIONS MADE OR CONCEIVED DURING COMMISSION CONTRACTS.—Any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Commission, regardless of whether the contract, subcontract, or arrangement involved the expenditure of funds by the Commission, shall be vested in, and be the property of, the Commission, except that the Commission may waive its claim to any such invention or discovery under such circumstances as the Commission may deem appropriate, consistent with the policy of this section. No patent for any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, shall be issued unless the applicant files with the application, or within thirty days after request therefor by the Commissioner of Patents (unless the Commission advises the Commissioner of Patents that its rights have been determined and that accordingly no statement is necessary) a statement under oath setting forth the full facts surrounding the making or conception of the invention or discovery described in the application and whether the invention or discovery was made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Commission, regardless of whether the contract, subcontract, or arrangement involved the expenditure of funds by the Commission. The Commissioner of Patents shall as soon as the application is otherwise in condition for allowances forward copies of the application and the statement to the Commission.

"The Commissioner of Patents may proceed with the application and issue the patent to the applicant (if the invention or discovery is otherwise patentable) unless the Commission, within 90 days after receipt of copies of the application and statement, directs the Commissioner of Patents to issue the patent to the Commission (if the invention or discovery is otherwise patentable) to be held by the Commission as the agent of and on behalf of the United States.

Board of Patent Interferences. Hearing.

"If the Commission files such a direction with the Commissioner of Patents, and if the applicant's statement claims, and the applicant still believes, that the invention or discovery was not made or conceived in the course of or under any contract, subcontract or arrangement entered into with or for the benefit of the Commission entitling the Commission to the title to the application or the patent the applicant may, within 30 days after notification of the filing of such a direction, request a hearing before a Board of Patent Interferences. The Board shall have the power to hear and determine whether the Commission was entitled to the direction filed with the Commissioner of Patents. The Board shall follow the rules and procedures established for interference cases and an appeal may be taken by either the applicant or the Commission from the final order of the Board to the Court of Customs and Patent Appeals in accordance with the procedures governing the appeals from the Board of Patent Interferences.

"If the statement filed by the applicant should thereafter be found to contain false material statements any notification by the Commission that it has no objections to the issuance of a patent to the applicant shall not be deemed in any respect to constitute a waiver of the provisions of this section or of any applicable civil or criminal statute, and the Commission may have the title to the patent transferred to the Commission on the records of the Commissioner of Patents in accordance with the provisions of this section. A determination of rights by the Commission pursuant to a contractual provision or other arrangement prior to the request of the Commissioner of Patents for the statement, shall be final in the absence of false material statements or nondisclosure of material facts by the applicant."

42 USC 2187.

SEC. 11. Section 157 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

Compensation, awards, royalties.

"d. PERIOD OF LIMITATIONS.—Every application under this section shall be barred unless filed within six years after the date on which first accrues the right to such reasonable royalty fee, just compensation, or award for which such application is filed."

42 USC 2188.

SEC. 12. The second sentence of section 158 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "If the court, at its discretion, deems that such licensee shall pay a reasonable royalty to the owner of the patent, the reasonable royalty shall be determined in accordance with section 157."

72 Stat. 633.
42 USC 2201.

SEC. 13. Subsections 161 t., u., and v. of the Atomic Energy Act of 1954, as amended, are hereby redesignated respectively as subsections 161 s., t., and u.

42 USC 2207.

SEC. 14. Section 167 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 167. CLAIMS SETTLEMENTS.—The Commission, acting on behalf of the United States, is authorized to consider, ascertain, adjust, determine, settle, and pay, any claim for money damage of \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of any program undertaken by the Commission involving the detonation of an explosive device, where such claim is presented to the Commission in writing within one year after the accident or incident out of which the claim arises: *Provided, however,* That the damage to or loss of property, or bodily injury or death, shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agents, or employees. Any such settlement under the authority of this section shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary. If the Commission considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this section, the Commission may report the facts and circumstances thereof to the Congress for its consideration."

75 STAT. 478.
75 STAT. 479.

SEC. 15. Subsection d. of section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new sentence: "A contractor with whom an agreement of indemnification has been executed and who is engaged in activities connected with the underground detonation of a nuclear explosive device shall be liable, to the extent so indemnified under this section, for injuries or damage sustained as a result of such detonation in the same manner and to the same extent as would a private person acting as principal, and no immunity or defense founded in the Federal, State, or municipal character of the contractor or of the work to be performed under the contract shall be effective to bar such liability."

Indemnification.
42 USC 2210.

SEC. 16. The Atomic Energy Act of 1954, as amended, is amended by adding thereto the following new section:

68 Stat. 919.
42 USC 2011
note.

"SEC. 190. LICENSEE INCIDENT REPORTS.—No report by any licensee of any incident arising out of or in connection with a licensed activity made pursuant to any requirement of the Commission shall be admitted as evidence in any suit or action for damages growing out of any matter mentioned in such report."

SEC. 17. The second sentence of section 202 of the Atomic Energy Act of 1954, as amended, is amended by striking out the word "sixty" and adding in lieu thereof the word "ninety".

42 USC 2252.

SEC. 18. Section 4(c) of the EURATOM Cooperation Act of 1958 is amended to read as follows:

EURATOM Coop-
eration Act of
1958, amendments
72 Stat. 1084.
42 USC 2291
note, 2293.

"SEC. 4. (c) The Commission shall establish and publish criteria for computing the maximum fuel element charge and minimum fuel element life to be guaranteed by the manufacturer as a basis for inviting and evaluating proposals."

SEC. 19. Section 5 of the EURATOM Cooperation Act of 1958 is amended in the following particulars:

42 USC 2294.

(a) by deleting the words "One kilogram" and substituting the words "Nine kilograms" immediately following "Thirty thousand kilograms of contained uranium 235",

(b) by adding the words "Thirty kilograms of uranium 233" as an additional item immediately following "Nine kilograms of plutonium", and

75 STAT. 479.

(c) by adding the words "or agreements" immediately following the words "an agreement".

42 USC 2296.

SEC. 20. Section 7 of the EURATOM Cooperation Act of 1958 is amended by deleting the period after the word "amended" and inserting thereafter the following: "*And provided further*, That nothing in this section shall apply to arrangements made by the Commission under a research and development program authorized in section 3."

42 USC 2292.

Approved September 6, 1961.

Public Law 87-315
87th Congress, H. R. 7576
September 26, 1961

An Act

75 STAT. 676.

To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. PLANT OR FACILITY ACQUISITION OR CONSTRUCTION.—There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261a(1) of the Atomic Energy Act of 1954, as amended, the sum of \$226,440,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows:

Atomic Energy
Commission
appropriation.
Acquisition of
property, etc.
71 Stat. 274.
42 USC 2017.

(a) SPECIAL NUCLEAR MATERIALS.—

Project 62-a-1, modifications to production and supporting installations, \$7,500,000.

Project 62-a-2, fission product recovery, phase II, Hanford, Washington, \$1,500,000.

Project 62-a-3, modifications for improved natural fuel elements, Savannah River, South Carolina, \$3,950,000.

Project 62-a-4, solvent purification installation, Savannah River, South Carolina, \$500,000.

Project 62-a-5, additional reactor confinement, Savannah River, South Carolina, \$3,000,000.

(b) SPECIAL NUCLEAR MATERIALS.—

Project 62-b-1, relocation of Clinch River pumping station, Oak Ridge, Tennessee, \$1,425,000.

Project 62-b-2, feed vaporization building, Paducah, Kentucky, \$585,000.

Project 62-b-3, permanent Gallaher Bridge, Oak Ridge, Tennessee, \$1,265,000.

(c) ATOMIC WEAPONS.—

Project 62-c-1, weapons production, development, and test installations, \$7,500,000.

Project 62-c-2, specialized plant addition and modification, Oak Ridge, Tennessee, \$3,500,000.

Project 62-c-3, Tandem Van de Graaff facility, Los Alamos, New Mexico, \$3,500,000.

(d) REACTOR DEVELOPMENT.—

Project 62-d-1, test plant for Project SNAP, Santa Susana, California, \$3,375,000.

Project 62-d-2, experimental beryllium oxide reactor, National Reactor Testing Station, Idaho, \$8,000,000.

Project 62-d-3, fuels recycle pilot plant, Hanford, Washington, \$5,000,000.

Project 62-d-4, high radiation level analytical laboratory, Oak Ridge National Laboratory, Tennessee, \$2,000,000.

Project 62-d-5, improvements to radioactive liquid waste system, Oak Ridge National Laboratory, Tennessee, \$1,700,000.

Project 62-d-6, experimental organic cooled reactor loops, National Reactor Testing Station, Idaho, \$6,000,000.

Project 62-d-7, ultrahigh temperature reactor experiment building, Los Alamos Scientific Laboratory, New Mexico, \$3,500,000.

(e) REACTOR DEVELOPMENT.—

Project 62-e-1, additional transient housing, Argonne National Laboratory, Illinois, \$300,000.

Project 62-e-2, technical services building, National Reactor Testing Station, Idaho, \$1,500,000.

Project 62-e-3, instrumentation and health physics building, Brookhaven National Laboratory, New York, \$2,000,000.

(f) PHYSICAL RESEARCH.—

Project 62-f-1, modifications to CP-5 reactor and low energy accelerator installations, Argonne National Laboratory, Illinois, \$1,650,000.

Project 62-f-2, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$1,875,000.

Project 62-f-3, accelerator improvements, Cambridge and Princeton accelerators, \$500,000.

Project 62-f-4, accelerator improvements, Lawrence Radiation Laboratory, California, \$550,000.

(g) PHYSICAL RESEARCH.—

Project 62-g-1, high energy physics laboratory, Argonne National Laboratory, Illinois, \$6,000,000.

Project 62-g-2, chemistry laboratory, Brookhaven National Laboratory, New York, \$6,000,000.

Project 62-g-3, cosmotron laboratory addition, Brookhaven National Laboratory, New York, \$525,000.

Project 62-g-4, mechanical shops building, Lawrence Radiation Laboratory, California, \$2,640,000.

Project 62-g-5, physics building, University of Chicago, Illinois, \$800,000.

(h) BIOLOGY AND MEDICINE.—

Project 62-h-1, laboratory for mixed fission product inhalation studies, Lovelace Foundation, Albuquerque, New Mexico, \$2,000,000.

(i) BIOLOGY AND MEDICINE.—

Project 62-i-1, cell physiology laboratories, Oak Ridge National Laboratory, Tennessee, \$500,000.

Project 62-i-2, mammalian genetics laboratories, Oak Ridge National Laboratory, Tennessee, \$760,000.

Project 62-i-3, controlled environment laboratory, Brookhaven National Laboratory, New York, \$1,000,000.

Project 62-i-4, animal bioradiological laboratory, Lawrence Radiation Laboratory, California, \$700,000.

(j) COMMUNITY.—

Project 62-j-1, additional junior high school construction, Los Alamos, New Mexico, \$1,750,000.

Project 62-j-2, additional elementary school construction, Los Alamos, New Mexico, \$700,000.

Project 62-j-3, Mesa public library addition, Los Alamos, New Mexico, \$70,000.

Project 62-j-4, real estate development, Los Alamos County, New Mexico, \$410,000.

(k) GENERAL PLANT PROJECTS.—\$34,510,000.

SEC 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101 (a), (c), (d), (f), and (h), only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101 (b), (e), (g), (i), and (j), only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101 (k) only if it is in accordance with the following:

1. For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000.

2. For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such a project shall be \$100,000.

3. The total cost of all projects undertaken under subsection 101(k) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. ADVANCE PLANNING AND DESIGN.—There are hereby authorized to be appropriated funds for advance planning, construction design, and architectural services, in connection with projects which are not otherwise authorized by law, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 104. RESTORATION OR REPLACEMENT.—There are hereby authorized to be appropriated funds necessary to restore or to replace plants or facilities destroyed or otherwise seriously damaged, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 105. CURRENTLY AVAILABLE FUNDS.—In addition to the sums authorized to be appropriated to the Atomic Energy Commission by section 101 of this Act, there are hereby authorized to be appropriated to the Atomic Energy Commission to accomplish the purposes of this Act such sums of money as may be currently available to the Atomic Energy Commission.

SEC. 106. SUBSTITUTIONS.—Funds authorized to be appropriated or otherwise made available by this Act may be used to start any other new project for which an estimate was not included in this Act if it be a substitute for a project or portion of a project authorized in subsections 101(a), (b), and (c) and the estimated cost thereof is within the limit of cost of the project for which substitution is to be made, and the Commission certifies that—

(a) the project is essential to the common defense and security;

(b) the new project is required by changes in weapon characteristics or weapon logistic operations; and

(c) it is unable to enter into a contract with any person, including a licensee, on terms satisfactory to the Commission to furnish from a privately owned plant or facility the product or services to be provided in the new project.

SEC. 107. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 86-457 is amended by striking therefrom the figure “\$211,476,000” and substituting therefor the figure “\$338,476,000”. 74 Stat. 120.

(b) Section 101(f) of Public Law 86-457 is amended by striking therefrom “Project 61-f-7, design and engineering, linear electron accelerator, \$3,000,000” and substituting therefor “Project 61-f-7, linear electron accelerator, \$114,000,000”. 74 Stat. 121.

(c) Section 101(d) of Public Law 86-457 is amended by striking therefrom the figure “\$24,000,000” for project 61-d-9, advanced test reactor, and substituting therefor the figure “\$40,000,000”. 74 Stat. 120.

SEC. 108. PROJECT RESCISSIONS.—(a) Public Law 86-457 is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 61-b-2, high-velocity test track, Sandia Base, New Mexico, \$2,100,000. 74 Stat. 120.

(b) Public Law 86-50, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows: 73 Stat. 81.

Project 60-a-2, prototype installations, gaseous diffusion plants, \$1,000,000.

75 STAT. 679.

73 Stat. 81. Project 60-b-1, cylinder storage area, Paducah, Kentucky, \$500,000.
 72 Stat. 491. (c) Public Law 85-590, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows:
 Project 59-c-9, test assembly building, \$510,000.
 Project 59-d-1, reprocessing pilot plant, Oak Ridge National Laboratory, Tennessee, \$3,500,000.
 Project 59-d-3, fast reactor safety testing station, Nevada test site, \$1,367,000.

71 Stat. 403. (d) Public Law 85-162, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 58-b-6, additions to gaseous diffusion plants, \$6,600,000.
 70 Stat. 127. (e) Public Law 84-506, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows:

Project 57-a-6, charging and discharging system, Hanford, Washington, \$3,450,000.

SEC. 109. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—

74 Stat. 123. (a) Section 111 of Public Law 85-162, as amended, is further amended by striking out the date "June 30, 1961," in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1962."

73 Stat. 84, 86. (b) There is hereby authorized to be appropriated to the Atomic Energy Commission the sum of \$7,000,000 to be available, in addition to the funds heretofore authorized, for carrying out the Commission's power reactor demonstration program in accordance with the terms and conditions provided in sections 110 and 112 of Public Law 86-50. The maximum amount of the program authorization, specified in subsection 110(b) of Public Law 86-50 and section 109 of Public Law 86-457, is increased by \$12,000,000. In addition to the amounts authorized under subsection 110(c) of Public Law 86-50 and section 109 of Public Law 86-457, the Commission is authorized to use funds not to exceed \$7,000,000 in the aggregate, to provide research and development assistance in support of unsolicited proposals from the utility industry to construct nuclear power plants.

73 Stat. 84. (c) Funds appropriated to the Commission pursuant to the authorization contained in subsections (b) and (d) of section 110 of Public Law 86-50 shall be available to the Commission, notwithstanding the provisions of section 111(f) of Public Law 85-162, for a cooperative arrangement in accordance with the basis for an agreement described in the program justification data for arrangement numbered 60-110-2, a cooperative power reactor project designated as the LaCrosse boiling water reactor.
 72 Stat. 493.

SEC. 110. DISPOSITION OF ELECTRIC ENERGY.—

68 Stat. 929. (a) Electric energy produced during the operating life of the electric generating facilities constructed under section 101(a) shall be delivered by the Commission at the site of said generating facilities to, and pursuant to agreement with, the Secretary of the Interior who shall transmit and dispose of such energy under the terms prescribed by section 44 of the Atomic Energy Act of 1954, as amended.
 42 USC 2064.

(b) Allocation of costs to the production of such electric energy shall be made jointly by the Commission and the Secretary of the Interior, and, in the event of disagreement, shall be made by the President. Costs so allocated shall be returned to the Treasury from revenue derived by the Secretary from the disposition of electric energy marketed through the Bonneville Power Administration.

Approved September 26, 1961.

Public Law 87-363
87th Congress, H. J. Res. 569
October 4, 1961

Joint Resolution

75 STAT. 782.

To waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective.

Whereas on September 7, 1961, the President submitted to the Congress pursuant to section 123 d. of the Atomic Energy Act of 1954, a proposed agreement for cooperation between the Government of the United States of America and the Government of the French Republic, signed at Paris, July 27, 1961; and

72 Stat. 277.
42 USC 2153.

Whereas section 123 d. of the Atomic Energy Act of 1954 provides in effect that such an agreement may not enter into force for the United States until sixty days have expired while the Congress is in session after the submission of the agreement, without adverse action thereon by the Congress; and

Whereas it appears that the full sixty-day period will not have expired during this session of the Congress and that the proposed agreement, therefore, would not in the ordinary course of events be brought into force until Congress reconvenes; and

Whereas the Congress is satisfied that the proposed agreement is within the scope of the Atomic Energy Act of 1954, particularly sections 91 c. (1) and 144 b.; and

42 USC 2121,
2164.

Whereas the proposed agreement is similar to the agreements for cooperation already in effect with the Federal Republic of Germany, Greece, Italy, the Netherlands, and Turkey; and

Whereas recent international developments warrant proceeding with such cooperation with France as expeditiously as possible; and

Whereas the Congress recognizes that the early entry into force of this proposed agreement would contribute to the strength of the free world and thus enhance the common defense and security:
Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 123 d. of the Atomic Energy Act of 1954, which provides for a sixty-day waiting period before agreements for cooperation for mutual defense purposes may be made effective, the proposed agreement for cooperation between the Government of the United States of America and the Government of the French Republic, submitted on September 7, 1961, by the President to the Congress, may be made effective at any time after the approval of this resolution.

Atomic Energy.
Cooperation between U. S. and France.

Approved October 4, 1961.

Public Law 87-563
87th Congress, H. R. 10618
July 31, 1962

An Act

76 STAT. 249.

Granting the consent of Congress to the Southern Interstate Nuclear Compact, and for related purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the national policy to encourage and recognize the performance of functions by the States with respect to the peaceful use of nuclear energy in its several forms. The Federal Government recognizes that many programs in nuclear fields can benefit from cooperation among the States, as well as between the Federal Government and the States. The importance of the interstate compact as one means for promoting such cooperation is hereby declared as part of the intention of Congress, already expressed in part in Public Law 86-373, to facilitate the use of State jurisdiction in and over portions of the development and regulatory nuclear field.

Southern Interstate Nuclear Compact. Consent of Congress.

73 Stat. 688.
42 USC 2021.

SEC. 2. The Congress hereby consents to the Southern Interstate Nuclear Compact, which compact is as follows:

"ARTICLE I. POLICY AND PURPOSE

"The party states recognize that the proper employment of nuclear energy, facilities, materials, and products can assist substantially in the industrialization of the South and the development of a balanced economy for the region. They also recognize that optimum benefit from and acquisition of nuclear resources and facilities requires systematic encouragement, guidance, and assistance from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis; it is the purpose of this compact to provide the instruments and framework for such a cooperative effort to improve the economy of the South and contribute to the individual and community well-being of the region's people.

"ARTICLE II. THE BOARD

"(a) There is hereby created an agency of the party states to be known as the 'Southern Interstate Nuclear Board' (hereinafter called the Board). The Board shall be composed of one member from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions threeron (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

Southern Interstate Nuclear Board." Composition, powers, etc.

Post, p. 254.

"(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

"(c) The Board shall have a seal.

"(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, shall be bonded in such amounts as the Board may require.

"(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

"(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

"(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

"(h) The Board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same.

"(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

"(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

"(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said state. The Board may issue such additional reports as it may deem desirable.

Reports.
Post, p. 254.

"ARTICLE III. FINANCES

"(a) The Board shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

"(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. One half of the total amount of each budget of estimated expenditures shall be apportioned among the party states in equal shares; one quarter of each such budget shall be apportioned among the party states in accordance with the ratio of their populations to the total population of the entire group of party states based on the last decennial federal census; and one quarter of each such budget shall be apportioned among the party states on the basis of the relative average per capita income of the inhabitants in each of the party states based on the latest computations published by the federal census-taking agency. Subject to appropriation by their respective legislatures, the Board shall be provided with

such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

"(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II (h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II (h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to meet the same.

"(d) Any expenses and any other costs for each member of the Board in attending Board meetings shall be met by the Board.

"(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the Board.

"(f) The accounts of the Board shall be open at any reasonable time for inspection.

"ARTICLE IV. ADVISORY COMMITTEES

"The Board may establish such advisory and technical committees as it may deem necessary, membership on which to include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, State and Federal Government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

"ARTICLE V. POWERS

"The Board shall have power to—

"(a) ascertain and analyze on a continuing basis the position of the South with respect to nuclear and related industries.

"(b) encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

"(c) collect, correlate, and disseminate information relating to civilian uses of nuclear energy, materials, and products

"(d) conduct, or cooperate in conducting, programs of training for State and local personnel engaged in any aspect of—

"(1) Nuclear industry, medicine, or education or the promotion or regulation thereof.

"(2) The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, installations, or wastes.

"(e) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations of nuclear product, material, or equipment use and disposal and of proper techniques or processes for the application of nuclear resources to the civilian economy or general welfare.

"(f) Undertake such non-regulatory functions with respect to non-nuclear sources of radiation as may promote the economic development and general welfare of the region.

"(g) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

"(h) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made through the appropriate state agency with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

"(i) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other material as it deems appropriate.

"(j) Cooperate with the Atomic Energy Commission or any agency successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interests.

"(k) Act as licensee of the United States Government or any party state with respect to the conduct of any research activity requiring such license and operate such research facility or undertake any program pursuant thereto.

"(l) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents. The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

"ARTICLE VI. SUPPLEMENTARY AGREEMENTS

"(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify its purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate. No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or the activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

"(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

"(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

"ARTICLE VII. OTHER LAWS AND RELATIONS

"Nothing in this compact shall be construed to—

"(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

"(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress.

"(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

"(d) Permit or authorize the Board to exercise any regulatory authority or to own or operate any nuclear reactor for the generation of electric energy; nor shall the Board own or operate any facility or installation for industrial or commercial purposes.

"ARTICLE VIII. ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

"(a) Any or all of the states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia shall be eligible to become party to this compact.

"(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law: provided that it shall not become initially effective until enacted into law by seven states.

"(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall become effective until the governor of the withdrawing state shall have sent formal notice in writing to the governor of each other party state informing said governors of the action of the legislature in repealing the compact and declaring an intention to withdraw.

"ARTICLE IX. SEVERABILITY AND CONSTRUCTION

"The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held

contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof."

Representative
of Federal Gov-
ernment on Board.

SEC. 3. Pursuant to article II(a) of the Southern Interstate Nuclear Compact, there shall be one representative of the Federal Government on the Southern Interstate Nuclear Board. The representative shall be appointed by the President and he shall report to the President either directly or through such agency or official as the President may specify. His compensation shall be in such amount not in excess of \$100 per diem, as the President shall specify, but the total amount of compensation payable in any one calendar year shall not exceed \$15,000: *Provided*, That if the representative be an employee of the United States, he shall serve without additional compensation. The compensation, travel expenses, office space, stenographic, and administrative services of the representative shall be paid from any available appropriations selected by the head of such agency or agencies as may be designated by the President to provide such expenses.

Agency cooper-
ation.

SEC. 4. The Atomic Energy Commission; the National Aeronautics and Space Administration; the Secretary of Health, Education, and Welfare; the Secretary of Commerce; the Secretary of Labor; the Secretary of Agriculture; and the heads of other departments and agencies of the Federal Government are authorized, within available appropriations and pursuant to law, to cooperate with the Southern Interstate Nuclear Board.

Reports, copies
to President and
Congress.

SEC. 5. Copies of the annual reports made by the Southern Interstate Nuclear Board pursuant to article II(k) of the Southern Interstate Nuclear Compact shall be transmitted to the President and to the Joint Committee on Atomic Energy of the Congress.

Consent, exten-
sion.

SEC. 6. The consent to the Southern Nuclear Compact given by this Act shall extend to any and all supplementary agreements entered into pursuant to article VI of such Compact: *Provided*, That any such supplementary agreement is only for the exercise of one or more of the powers conferred upon the Southern Interstate Nuclear Board by article V of such compact.

SEC. 7. The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 8. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information or data by the Southern Interstate Nuclear Board as is deemed appropriate by the Congress or any such Committee.

Approved July 31, 1962.

Public Law 87-615
87th Congress, S. 3491
August 29, 1962

An Act

76 STAT. 409.

To amend the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Act of 1954 is amended by adding thereto the following new section:

“SEC. 191. ATOMIC SAFETY AND LICENSING BOARD.—

“a. Notwithstanding the provisions of sections 7(a) and 8(a) of the Administrative Procedure Act, the Commission is authorized to establish one or more atomic safety and licensing boards, each composed of three members, two of whom shall be technically qualified and one of whom shall be qualified in the conduct of administrative proceedings, to conduct such hearings as the Commission may direct and make such intermediate or final decisions as the Commission may authorize with respect to the granting, suspending, revoking or amending of any license or authorization under the provisions of this Act, any other provision of law, or any regulation of the Commission issued thereunder. The Commission may delegate to a board such other regulatory functions as the Commission deems appropriate. The Commission may appoint a panel of qualified persons from which board members may be selected.

“b. Board members may be appointed by the Commission from private life, or designated from the staff of the Commission or other Federal agency. Board members appointed from private life shall receive a per diem compensation for each day spent in meetings or conferences, and all members shall receive their necessary traveling or other expenses while engaged in the work of a board. The provisions of section 163 shall be applicable to board members appointed from private life.”

SEC. 2. The second sentence of subsection 189a. of the Atomic Energy Act of 1954, as amended, is deleted and the following is inserted in lieu thereof: “The Commission shall hold a hearing after thirty days’ notice and publication once in the Federal Register, on each application under section 103 or 104b. for a construction permit for a facility, and on any application under section 104c. 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.”

Sec. 3. Subsection 182b. of the Atomic Energy Act of 1954 is amended to read as follows:

“b. The Advisory Committee on Reactor Safeguards shall review each application under section 103 or section 104b. for a construction permit or an operating license for a facility, any application under section 104c. for a construction permit or an operating license for a testing facility, any application under section 104 a. or c. specifically referred to it by the Commission, and any application for an amendment to a construction permit or an amendment to an operating license under section 103 or 104 a., b., or c. specifically referred to it

Atomic Energy Act of 1954, amendment. 68 Stat. 919. 42 USC 2011 note. 60 Stat. 241. 5 USC 1007, 1008.

68 Stat. 951. 42 USC 2203.

68 Stat. 955. 42 USC 2239. Publication in F. R. 68 Stat. 936, 937. 42 USC 2133, 2134.

71 Stat. 579. 42 USC 2232.

76 STAT. 410.

Report.

by the Commission, and shall submit a report thereon which shall be made part of the record of the application and available to the public except to the extent that security classification prevents disclosure."

68 Stat. 923.
42 USC 2014.

"Nuclear incident."

SEC. 4. Subsection 11o. of the Atomic Energy Act of 1954 is amended to read as follows:

"o. The term 'nuclear incident' means any occurrence within the United States causing, within or outside the United States, bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material: *Provided, however,* That as the term is used in subsection 170l., it shall include any such occurrence outside of the United States: *And provided further,* That as the term is used in section 170d., it shall include any such occurrence outside the United States if such occurrence involves a facility or device owned by, and used by or under contract with, the United States."

72 Stat. 837.
42 USC 2210.71 Stat. 576.
42 USC 2014.

"Person indemnified."

SEC. 5. Subsection 11r. of the Atomic Energy Act of 1954 is amended to read as follows:

"r. The term 'person indemnified' means (1) with respect to a nuclear incident occurring within the United States and with respect to any nuclear incident in connection with the design, development, construction, operation, repair, maintenance, or use of the nuclear ship Savannah, the person with whom an indemnity agreement is executed and any other person who may be liable for public liability; or (2) with respect to any other nuclear incident occurring outside the United States, the person with whom an indemnity agreement is executed and any other person who may be liable for public liability by reason of his activities under any contract with the Commission or any project to which indemnification under the provisions of section 170d. has been extended or under any subcontract, purchase order or other agreement, of any tier, under any such contract or project."

71 Stat. 577.
42 USC 2210.

SEC. 6. Subsection 170d. of the Atomic Energy Act of 1954 is amended by adding before the period at the end of the second sentence thereof the following proviso: "*Provided,* That in the case of nuclear incidents occurring outside the United States, the amount of the indemnity provided by the Commission shall not exceed \$100,000,000."

42 USC 2210.

SEC. 7. Subsection 170e. of the Atomic Energy Act of 1954 is amended to read as follows:

Aggregate liability.

"e. The aggregate liability for a single nuclear incident of persons indemnified, including the reasonable costs of investigating and settling claims and defending suits for damage, shall not exceed the sum of \$500,000,000 together with the amount of financial protection required of the licensee or contractor: *Provided, however,* That with respect to any nuclear incident occurring outside of the United States to which an agreement of indemnification entered into under the provisions of subsection 170d. is applicable, such aggregate liability shall not exceed the amount of \$100,000,000 together with the amount of financial protection required of the contractor. The Commission or any person indemnified may apply to the appropriate district court of the United States having venue in bankruptcy matters over the location of the nuclear incident, except that in the case of nuclear incidents occurring outside the United States, the Commission or any person indemnified may apply to the United States District Court for the District of Columbia, and upon a showing that the public liability from a single nuclear incident will probably exceed the limit of liability imposed by this section, shall be entitled to such orders as may be appropriate for enforcement of the provisions of this section,

including an order limiting the liability of the persons indemnified, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, orders permitting partial payments to be made before final determination of the total claims, and an order setting aside a part of the funds available for possible latent injuries not discovered until a later time."

SEC. 8. Section 261 of the Atomic Energy Act of 1954 is amended by adding thereto the following new subsections: 71 Stat. 274.
42 USC 2017.

"c. Funds are hereby authorized to be appropriated for advance planning, construction design, and architectural services in connection with any plant or facility not otherwise authorized, and for the restoration or replacement of any plant or facility destroyed or otherwise seriously damaged, and the Commission is authorized to use available funds for such purposes. Appropriation."

"d. Funds hereafter authorized to be appropriated for any project to be used in connection with the development or production of special nuclear material or atomic weapons may be used to start another project not otherwise authorized if the substituted project is within the limit of cost of the project for which substitution is to be made, and the Commission certifies that—

"(1) the substituted project is essential to the common defense and security;

"(2) the substituted project is required by changes in weapon characteristics or weapon logistic operations; and

"(3) the Commission is unable to enter into a contract with any person on terms satisfactory to it to furnish from a privately owned plant or facility the product or services to be provided by the new project."

SEC. 9. Section 109 of the Atomic Energy Act of 1954 is amended by striking out the words "11p.(2) or 11v.(2)" and substituting therefor the words "11t.(2) or 11aa.(2)". 68 Stat. 939.
42 USC 2139.

SEC. 10. Subsection 145f. of the Atomic Energy Act of 1954 is amended by striking out the comma after the word "investigation". 75 Stat. 476.
42 USC 2165.

SEC. 11. Section 152 of the Atomic Energy Act of 1954 is amended by striking out the word "allowances" in the first paragraph thereof and substituting therefor the word "allowance". 42 USC 2182.

SEC. 12. Subsection 161n. of the Atomic Energy Act of 1954 is amended by striking out the words "145e." and substituting therefor the words "145f.". 72 Stat. 337.
42 USC 2201.

Approved August 29, 1962.

Public Law 87-701
87th Congress, H. R. 11974
September 26, 1962

An Act

76 STAT. 599.

To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. PLANT OR FACILITY ACQUISITION OR CONSTRUCTION.—There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261a(1) of the Atomic Energy Act of 1954, as amended, the sum of \$159,416,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows:

Atomic Energy
Commission, ap-
propriation.
Acquisition, etc.,
of property.
71 Stat. 274.
42 USC 2017.

(a) SPECIAL NUCLEAR MATERIALS.—

Project 63-a-1, modifications to production and supporting installations, \$5,000,000.

Project 63-a-2, modifications to facilities for conversion of UNH to UF₆, \$1,450,000.

Project 63-a-3, radioactive waste disposal facilities, Hanford, Washington, \$3,700,000.

(b) SPECIAL NUCLEAR MATERIALS.—

Project 63-b-1, consolidated service facility, Hanford, Washington, \$955,000.

Project 63-b-2, additional high level waste storage tanks, Savannah River, South Carolina, \$6,000,000.

Project 63-b-3, health physics headquarters addition, Savannah River, South Carolina, \$1,000,000.

Project 63-b-4, emergency duty personnel shelters, various sites, \$4,000,000.

(c) ATOMIC WEAPONS.—

Project 63-c-1, weapons production, development, and test installations, \$10,000,000.

Project 63-c-2, addition to special metallurgical facility, Mound Laboratory, Miamisburg, Ohio, \$540,000.

Project 63-c-3, production plant addition, Mound Laboratory, Miamisburg, Ohio, \$300,000.

Project 63-c-4, hydraulic centrifuge installation, Sandia Base, New Mexico, \$700,000.

Project 63-c-5, specialized plant additions and modifications, phase II, Oak Ridge, Tennessee, \$2,200,000.

Project 63-c-6, pulsed power research facility, Lawrence Radiation Laboratory, California, \$1,950,000.

Project 63-c-7, gamma irradiation facility, Sandia Base, New Mexico, \$650,000.

Project 63-c-8, dynamic test complex, Lawrence Radiation Laboratory, California, \$265,000.

Project 63-c-9, nondestructive test facility, Oak Ridge, Tennessee, \$510,000.

Project 63-c-10, processing facilities, Rocky Flats, Colorado, \$3,000,000.

(d) ATOMIC WEAPONS.—

Project 63-d-1, terminal facilities—115 kilovolt power line, Los Alamos Scientific Laboratory, New Mexico, \$1,950,000.

Project 63-d-2, environmental control facilities, phase III, Kansas City, Missouri, \$1,200,000.

Project 63-d-3, engineering building addition, Lawrence Radiation Laboratory, California, \$4,000,000.

Project 63-d-4, model shop addition (Sandia), Livermore, California, \$820,000.

Project 63-d-5, engineering model shop, Kansas City, Missouri, \$1,000,000.

Project 63-d-6, improvement of United States Highway 95—Las Vegas, Nevada, to the Nevada test site, \$9,000,000.

(e) REACTOR DEVELOPMENT.—

Project 63-e-1, housing for lithium cooled reactor experiment, \$5,000,000.

Project 63-e-2, modifications to reactors, \$5,000,000.

Project 63-e-3, organic reactor project, \$20,000,000.

Project 63-e-4, research and development test plants for Project Rover, \$10,000,000.

Project 63-e-5, modifications and additions, CANEL, Middletown, Connecticut, \$1,400,000.

(f) REACTOR DEVELOPMENT.—

Project 63-f-1, cafeteria, Argonne National Laboratory, Illinois, \$1,500,000.

(g) PHYSICAL RESEARCH.—

Project 63-g-1, accelerator improvements, Lawrence Radiation Laboratory, California, \$750,000.

Project 63-g-2, accelerator improvements, Cambridge and Princeton accelerators, \$800,000.

Project 63-g-3, accelerator improvements, Argonne National Laboratory, Illinois, \$500,000.

Project 63-g-4, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$2,250,000.

(h) PHYSICAL RESEARCH.—

Project 63-h-1, low level radiochemistry laboratory, Hanford, Washington, \$1,200,000.

Project 63-h-2, inorganic materials laboratory, Lawrence Radiation Laboratory, California, \$2,500,000.

Project 63-h-3, corporation yard, Lawrence Radiation Laboratory, California, \$1,500,000.

Project 63-h-4, mathematics and computer building, Argonne National Laboratory, Illinois, \$2,300,000.

Project 63-h-5, building addition for physics and mathematics, Brookhaven National Laboratory, New York, \$5,000,000.

Project 63-h-6, water treatment plant, Brookhaven National Laboratory, New York, \$1,000,000.

(i) BIOLOGY AND MEDICINE.—

Project 63-i-1, biological research laboratory additions, Oak Ridge National Laboratory, Tennessee, \$930,000.

(j) ISOTOPES DEVELOPMENT.—

Project 63-j-1, isotopes technology laboratory, Oak Ridge National Laboratory, Tennessee, \$300,000.

Project 63-j-2, marine products development irradiator, \$600,000.

Project 63-j-3, two mobile irradiators, \$700,000.

(k) COMMUNITY.—

Project 63-k-1, White Rock Elementary School, Los Alamos, New Mexico, \$600,000.

Project 63-k-2, real estate development, Los Alamos, New Mexico, \$600,000.

Project 63-k-3, additional water well, Los Alamos, New Mexico, \$165,000.

(l) GENERAL PLANT PROJECTS.—\$34,540,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101 (a), (c), (e), and (g), only

if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101 (b), (d), (f), (h), (i), (j), and (k), only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101 (1) only if it is in accordance with the following:

1. For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000.

2. For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such a project shall be \$100,000.

3. The total cost of all projects undertaken under subsection 101 (1) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. ADVANCED PLANNING AND DESIGN.—There are hereby authorized to be appropriated funds for advance planning, construction design, and architectural services, in connection with projects which are not otherwise authorized by law, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 104. RESTORATION OR REPLACEMENT.—There are hereby authorized to be appropriated funds necessary to restore or to replace plants or facilities destroyed or otherwise seriously damaged, and the Atomic Energy Commission is authorized to use funds currently or otherwise available to it for such purposes.

SEC. 105. CURRENTLY AVAILABLE FUNDS.—In addition to the sums authorized to be appropriated to the Atomic Energy Commission by section 101 of this Act, there are hereby authorized to be appropriated to the Atomic Energy Commission to accomplish the purposes of this Act such sums of money as may be currently available to the Atomic Energy Commission.

SEC. 106. SUBSTITUTION.—Funds authorized to be appropriated or otherwise made available by this Act may be used to start any other new project for which an estimate was not included in this Act if it be a substitute for a project or portion of a project authorized in subsections 101 (a), (b), (c), and (d) and the estimated cost thereof is within the limit of cost of the project for which substitution is to be made, and the Commission certifies that—

(a) the project is essential to the common defense and security;

(b) the new project is required by changes in weapon characteristics or weapon logistic operations; and

(c) it is unable to enter into a contract with any person, including a licensee, on terms satisfactory to the Commission to furnish from a privately owned plant or facility the product or services to be provided in the new project.

SEC. 107. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 86-50 is amended by striking therefrom the figure “\$165,400,000” and substituting therefor the figure “\$172,000,000”.

73 Stat. 81.

(b) Section 101 (g) of Public Law 86-50 is amended by striking therefrom “Project 60-g-3, transuranium laboratory, Oak Ridge National Laboratory, Tennessee, \$1,200,000” and substituting therefor “Project 60-g-3, transuranium processing plant, Oak Ridge National Laboratory, Tennessee, \$8,700,000”.

73 Stat. 82.

- (c) Section 101 of Public Law 87-315 is amended as follows: (1) by striking therefrom the figure "\$3,000,000" for project 62-a-5, additional reactor confinement, Savannah River, South Carolina, and substituting therefor the figure "\$12,000,000"; (2) by striking therefrom the figure "\$7,500,000" for project 62-c-1, weapons production, development, and test installations, and substituting therefor the figure "\$15,000,000"; (3) by striking therefrom the figure "\$1,000,000" for project 62-i-3, controlled environment laboratory, Brookhaven National Laboratory, New York, and substituting therefor the figure "\$1,800,000"; and (4) by striking therefrom the figure "\$700,000" for project 62-i-4, animal bioradiological laboratory, Lawrence Radiation Laboratory, California, and substituting therefor the figure "\$980,000".
- (d) Section 101 of Public Law 85-590 is amended by striking therefrom the figure "\$386,679,000" and substituting therefor the figure "\$436,879,000".
- 75 Stat. 676. SEC. 108. RESCISSIONS.—(a) Public Law 86-50, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:
- 75 Stat. 677. Project 60-e-14, experimental low-temperature process heat reactor, \$4,000,000.
- 72 Stat. 490. (b) Section 111 of Public Law 86-50 is rescinded.
- 73 Stat. 82. SEC. 109. COOPERATION WITH EUROPEAN ATOMIC ENERGY COMMUNITY.—There is hereby authorized to be appropriated to the Atomic Energy Commission, in accordance with the provisions of section 261a(2) of the Atomic Energy Act of 1954, as amended, the sum of \$5,000,000, in addition to the sum of \$10,000,000 previously authorized, which shall be available for carrying out the purposes of section 3 of Public Law 85-846, providing for cooperation with the European Atomic Energy Community.
- 73 Stat. 85. SEC. 110. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—
- (a) Section 111 of Public Law 85-162, as amended, is further amended by striking out the date "June 30, 1962" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1963".
- (b) There is hereby authorized to be appropriated to the Atomic Energy Commission the sum of \$3,000,000 to be available, in addition to the funds heretofore authorized, for carrying out the Commission's power reactor demonstration program in accordance with the terms and conditions provided in sections 119 and 112 of Public Law 86-50.
- (c) Funds authorized and appropriated to the Commission and authorized waivers of the Commission's use charges, available for the third round of the Commission's power reactor demonstration program, shall also be available to the Commission for use in a supplemental program of third round cooperative arrangements in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy and in accordance with the provisions of subsections 111 (b) and (f) of Public Law 85-162. Under any such arrangements the Commission may furnish funds for design assistance without regard to the provisions of section 169 of the Atomic Energy Act of 1954. No funds or waiver of use charges made available by this section shall be available for projects heretofore approved under the power reactor demonstration program or for other nuclear power projects already under construction.
- (d) Funds authorized and appropriated to the Commission and authorized waivers of the Commission's use charges, available in support of unsolicited proposals from the utility industry to construct nuclear powerplants, shall also be available to the Commission for use in a cooperative arrangement with any person or persons for participation in a nuclear reactor project to generate electricity, process
- 71 Stat. 274.
42 USC 2017.
- 72 Stat. 1084.
42 USC 2292.
- 71 Stat. 409;
75 Stat. 679.
- 73 Stat. 84,
86.
- 71 Stat. 409.
72 Stat. 493.
- 68 Stat. 952.
42 USC 2209.

heat, or both. Any such arrangement shall be entered into in accordance with the criteria for the third round of the Commission's power reactor demonstration program, including the provisions of section 111(b) of Public Law 85-162: *Provided, however,* That under any such arrangement the Commission may furnish funds for design assistance without regard to the provisions of section 160 of the Atomic Energy Act of 1954.

71 Stat. 409.

68 Stat. 952.
42 USC 2209.

SEC. 111. ORGANIC REACTOR PROJECT.—(a) The Commission is authorized to enter into cooperative arrangements with any person or persons for participation in the development, design, construction, and operation of an organic reactor authorized under project 63-e-3 of section 101(e) of this Act, and the utilization of the steam generated by the reactor plant. Under such arrangements—

Ante, p. 600.

(1) the Commission is authorized to obtain the participation of such person or persons to the fullest extent consistent with the Commission's direction of the project and ownership of the reactor;

(2) the reactor plant may be constructed upon a site provided by a participating party with or without compensation;

(3) the reactor plant shall be operated by, or under contract with, the Commission, for such period of time as the Commission determines to be advisable for research and development purposes and for such additional period as the Commission may determine to be necessary in the best interest of the Government. Upon the expiration of such period, the Commission may offer the reactor plant and its appurtenances for sale to a participating party or parties at a price to reflect appropriate depreciation, but not to include construction costs assignable to research and development, or the Commission may dismantle the reactor plant and its appurtenances;

(4) the Commission may sell steam to a participating party at rates based upon the present cost of, or the projected cost of, comparable steam from a plant using conventional fuels at the reactor location; and

(5) any steam sold shall be used for industrial, manufacturing, or other commercial purposes, including the generation of electric power for use by a participating party, or for research and development related thereto, but shall not be used for the generation of electric power for sale by a participating party. The participating party or parties shall provide facilities required for such utilization of the steam generated by the nuclear plant.

(b) Before the Commission enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed participating party or parties with whom the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by the Commission and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five day period: *Provided further,* That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as

Review by Joint
Committee.

provided herein: *And provided further*, That no basis for arrangement need be resubmitted to the Joint Committee for the sole reason that the estimated amount of the cost to be incurred by the Commission exceeds the estimated cost previously submitted to the Joint Committee by not more than fifteen per centum.

(c) In the event no satisfactory proposal for a cooperative arrangement is received, the Commission may, if the project is still deemed desirable, proceed with design, construction, and operation of such a reactor plant at a Commission installation. The electric energy generated shall be used by the Commission in connection with the operation of such installation and the provisions of section 112 of Public Law 86-50 shall be applicable to this project.

Sec. 112. (a) The Commission is not authorized—

(1) to enter into any arrangements for the construction or operation of electric generating and transmission facilities at the Hanford New Production Reactor, or

(2) to sell any byproduct energy produced incident to the operation of the reactor and is directed to withhold from beneficial use and dissipate such byproduct energy, or

(3) to enter into agreements, as part of such arrangements, to lease or contract for the operation of the reactor during periods when the reactor is not being operated or maintained for production or other Commission purposes, unless and until the Commission shall make the determinations required by subsection (b).

(b) Before entering into any arrangement or sale of the type described in subsection (a), the Commission shall make the following determinations:

(1) Useable byproduct energy will be produced incident to the production of special nuclear material in the reactor in accordance with the design of the reactor as originally authorized by Congress;

(2) The sale of byproduct energy could provide a substantial financial return to the United States Treasury for the benefit of the taxpayers;

(3) The national defense posture would be improved by the enhanced capability for resumption of special nuclear material production through non-Federal operation and maintenance of the reactor during periods when it is not being operated for special nuclear material production.

(c) All expenses of modifications of the Hanford New Production Reactor made at the request of a non-Federal entity, and all expenses of constructing and operating the electric energy generating and transmission facilities at the New Production Reactor, shall be borne by such non-Federal entity.

(d) Any losses to the Bonneville Power Administration, in connection with the arrangements or sales authorized herein, shall be borne by its system customers through rate adjustments.

(e) The Commission shall not enter into any arrangements for the sale of byproduct energy from the Hanford New Production Reactor unless it determines that the purchaser has offered fifty per cent participation to private organizations and fifty per cent participation to public organizations on a non-discriminatory basis in the sale of electric energy generated therewith.

(f) No Federal agency may acquire the generating facilities without prior Congressional authorization and in the event of such authorization the generating facilities shall be acquired subject to contracts then in existence for disposition of the electric energy produced by the facilities.

73 Stat. 86.
Conditions.

Determinations.

Congressional
authorization.

(g) Before the Commission enters into any arrangements pursuant to this section, the basis for such arrangements and the determinations required by subsection (b), with supporting data, shall be submitted to the Joint Committee on Atomic Energy and a period of forty-five days shall elapse: *Provided, however,* That the Joint Committee, after having received such documents, may, by majority concurrence in writing, waive the conditions of or all or any portion of such forty-five day period.

Review by Joint
Committee.

Approved September 26, 1962.

Public Law 87-719
87th Congress, S. 3580
September 28, 1962

An Act

76 STAT. 664.

To amend the Atomic Energy Community Act of 1955, as amended, to provide for the disposal of federally owned properties at Los Alamos, New Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Energy Community Act of 1955, as amended, is hereby further amended in the following respects:

Atomic Energy
Community Act
of 1955, amend-
ment.
Definitions.
69 Stat. 473.
42 USC 2304.

Section 21 b. is hereby amended by striking the period after the words "General Manager" in subsection (2), by inserting after the quotation mark: "; or (3) Los Alamos, New Mexico, designated on a map on file at the principal office of the Commission, entitled 'Minimum Geographic Area, Los Alamos, New Mexico,' bearing the legend 'Boundary Line, Minimum Geographic Area, Los Alamos, New Mexico' and marked 'Approved, April 5, 1962, A. R. Luedecke, General Manager.'"

Sec. 2. Section 21 i. is hereby amended by striking therefrom the period appearing after the words "Hanford, Washington" by inserting a comma in lieu thereof and by adding thereafter: "or that area which, on the date Los Alamos is included within this Act, constitutes the County of Los Alamos, New Mexico, excluding therefrom, however, that land which is, on said date, under the administrative control of the National Park Service of the Department of the Interior."

Sec. 3. Section 21 l. is hereby amended by inserting "any natural gas distribution system," after the comma following "electrical distribution system".

Sec. 4. A new subsection is hereby added to section 21, as follows: "m. The terms 'single' and 'single family' when used in connection with 'house' or 'residential property' shall include each separate unit of a residential structure which the Commission has classified as a residential structure containing two or more separate single family units pursuant to section 41 c. of this Act."

"Single" and
"single family."

Sec. 5. Section 32 is hereby amended by striking therefrom the third sentence and substituting in lieu thereof the following: "The Federal Housing Commissioner shall be reimbursed from the Community Disposal Operations Fund for the cost of such appraisals."

Infra.
Appraisals costs,
reimbursement.
42 USC 2322.

Sec. 6. Section 36 b. is hereby amended to read as follows:

"b. An occupant of a single family or duplex house shall, upon application therefor, be entitled to a credit, against the purchase price of any residential property purchased through the exercise of a priority right established under the provisions of section 42, for the amount by which the current fair market value of the Government's interest in the single family or duplex house of which he was an occupant is enhanced as a result of improvements to the premises of such single family or duplex house made by, or at the expense of, such occupant."

Purchase price
credits.
42 USC 2326.

Sec. 7. Section 41 a. is hereby amended by inserting between the word "Act" and the comma: ", or, in the case of Los Alamos, upon its inclusion within this Act".

Property classi-
fication.
42 USC 2331.

Sec. 8. A new subsection is hereby added to section 41, as follows:

"c. Prior to the date any residential property is first offered for sale at Los Alamos, the Commission shall further classify each residential structure within the community of Los Alamos either as a single family house, a duplex house, an apartment house, a dormitory, or as a residential structure containing two or more separate single family units and shall post, at the offices of the Commission at Los

Alamos, a list, available for public inspection at reasonable times, showing the classification of each such residential structure. For the purposes of this Act, each such residential structure will thereafter be deemed to be a single family house, a duplex house, an apartment house, a dormitory, or a residential structure containing two or more separate single family units in accordance with its classification. In determining the classification of each such residential structure containing two or more single family units, the Commission shall consider (1) the practicability of selling separately the single family units, and (2) the insurability of mortgages under section 223 (a) of the National Housing Act, as amended."

68 Stat. 605.
12 USC 1715n.
Property disposal.
69 Stat. 476.
42 USC 2342.

SEC. 9. Section 52 a. is hereby amended by striking the period after the words "chapter 8" in subsection (2) and by inserting thereafter: "; or (3) property which in the opinion of the Commission should be retained by the Commission for its own use."

SEC. 10. The first sentence in section 53 b. is hereby amended by striking everything after the word "bids" and inserting a period at the end thereof.

75 Stat. 409.
42 USC 2343.
42 USC 2345.

SEC. 11. Section 53 c. is hereby amended by striking everything after the word "appropriate" and inserting a period at the end thereof.

SEC. 12. Section 55 d. is hereby amended by inserting between the word "community" and the semicolon "or after June 30, 1966, in the case of Los Alamos".

42 USC 2347.

SEC. 13. Section 57 b. is hereby amended by adding the following sentence: "The zoning restrictions to be taken into account at Los Alamos shall be those which the local government is likely to enact with respect to those lots."

Cooperatives.

SEC. 14. A new section is hereby added, as follows:

"SEC. 58. COOPERATIVES.—The Commission may grant to cooperatives, the entire initial membership of which is restricted to project-connected persons, such priorities for the purchase of apartment buildings as the Commission determines fair and reasonable. The priority with respect to each cooperative shall terminate if within such time as the Commission may prescribe the cooperative has not obtained one hundred per centum initial membership consisting of project-connected persons. The 15 per centum deduction specified by subsection 35 a., the deduction provided by 36 d., the financing provisions of section 62, and the indemnity provided by sections 63, 64, 65, and 66 shall be applicable to priority sales of apartment buildings to such cooperatives. The term 'cooperative' as used herein means a corporation or a trust of the character described in section 213 (a) (1) of the National Housing Act, as amended."

42 USC 2325,
2326, 2362-2366.

64 Stat. 54.
12 USC 1715e.
70 Stat. 653.
42 USC 2362.

SEC. 15. Section 62 a. is hereby amended by deleting "house, apartment building, or dormitory" and by inserting in lieu thereof "such property".

Contracts.

SEC. 16. Section 62 d. is hereby amended to read as follows:

"d. The Commission may sell any notes and mortgages acquired under subsections a. and c. of this section on terms set by the Commission. Notwithstanding any other provisions of law and without regard to the provisions of section 3709 of the Revised Statutes, the Commission may, in accordance with such terms and conditions as it may prescribe, (1) enter into contracts for servicing any of the notes and mortgages it has acquired, and (2) sell or enter into contracts to sell to a servicer any notes and mortgages with respect to which a servicing contract has been entered into by the servicer with the Commission: *Provided*, That with respect to sales of notes and mortgages under (2) the Commission shall comply with section 3709 of the Revised Statutes unless it determines that such compliance would not be feasible."

41 USC 5.

SEC. 17. Section 63 is hereby amended by inserting the following between the word "Act" and the comma: ", or, in the case of Los Alamos, not more than fifteen years after the date it is included within this Act".

Indemnification provisions.
69 Stat. 479.
42 USC 2363.

SEC. 18. Section 64, clause (a) is hereby amended by inserting between the word "Richland" and the semicolon: "or four thousand six hundred and twenty in the case of Los Alamos".

42 USC 2364.

SEC. 19. Section 64, clause (b) is hereby amended by inserting between the word "Richland" and the period: "or eleven thousand seven hundred and sixty-nine in the case of Los Alamos".

SEC. 20. Section 72 is hereby amended by inserting between the word "Act" and the period: "in the case of Oak Ridge and Richland, or, in the case of Los Alamos, not later than five years after the date it is included within this Act".

Utilities.
42 USC 2372.

SEC. 21. Section 75 is hereby amended by striking the period after the word "transferee", by inserting a colon in lieu thereof and by adding thereafter: "Provided, That at Los Alamos, utilities may be given to the county or other local governmental entity."

42 USC 2375.

SEC. 22. Section 81 is hereby amended by inserting between the words "Act" and "to cooperate": "in the case of Oak Ridge and Richland, or, in the case of Los Alamos, not to extend beyond five years after the date it is included within this Act".

Municipalities.
Organization assistance.
42 USC 2381.

SEC. 23. Section 83 is hereby amended by inserting between the word "Act" and the period: "in the case of Oak Ridge and Richland, or, in the case of Los Alamos, not later than five years after the date it is included within this Act".

42 USC 2383.

SEC. 24. Section 118 b. is hereby amended by striking the word "and" between the words "Oak Ridge" and "the sum of", by inserting a comma in lieu thereof, by inserting between the words "at Richland" and "for": "and the sum of \$8,710,000 at Los Alamos", by inserting between the words "installations" and "authorized": "and utilities", and by inserting between the words "pursuant to" and "chapter": "chapter 7 and".

Appropriation provisions.
42 USC 2312.

Approved September 28, 1962.

Public Law 88-72
88th Congress, S. 1745
July 22, 1963

An Act

77 STAT. 84.

To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. PLANT OR FACILITY ACQUISITION OR CONSTRUCTION.—There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 a. (1) of the Atomic Energy Act of 1954, as amended, the sum of \$172,562,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows:

Atomic Energy
Commission.
Appropriation
authorization.
71 Stat. 274.
42 USC 2017.

(a) SPECIAL NUCLEAR MATERIALS.—

Project 64-a-1, modifications to production and supporting installations, \$5,000,000.

Project 64-a-2, waste fractionization facilities, Richland, Washington, \$3,700,000.

Project 64-a-3, additional waste storage facilities, National Reactor Testing Station, Idaho, \$3,400,000.

Project 64-a-4, additional waste storage facilities, Savannah River, South Carolina, \$7,700,000.

(b) SPECIAL NUCLEAR MATERIALS.—

Project 64-b-1, additional boiler for heating plant, Richland, Washington, \$700,000.

(c) ATOMIC WEAPONS.—

Project 64-c-1, weapons production, development, and test installations, \$10,000,000.

Project 64-c-2, explosive component plant, Mound Laboratory, Miamisburg, Ohio, \$1,590,000.

Project 64-c-3, radiography facility, Sandia Base, New Mexico, \$275,000.

Project 64-c-4, nuclear safety facility, Rocky Flats, Colorado, \$1,500,000.

Project 64-c-5, fabrication building addition, Rocky Flats, Colorado, \$2,140,000.

(d) ATOMIC WEAPONS.—

Project 64-d-1, theoretical and computations building, Lawrence Radiation Laboratory, California, \$3,500,000.

Project 64-d-2, additions to administration and computer buildings, Los Alamos Scientific Laboratory, New Mexico, \$2,400,000.

Project 64-d-3, technical area utility improvements, Los Alamos Scientific Laboratory, New Mexico, \$865,000.

Project 64-d-4, steamplant addition, Sandia Base, New Mexico, \$655,000.

Project 64-d-5, test range improvements, Tonopah, Nevada, \$760,000.

Project 64-d-6, base construction, Nevada Test Site, \$4,000,000.

Project 64-d-7, manufacturing standards laboratory, Rocky Flats, Colorado, \$720,000.

Project 64-d-8, instrument maintenance and standards addition, Y-12 plant, Oak Ridge, Tennessee, \$590,000.

Project 64-d-9, addition to development laboratory, Y-12 plant, Oak Ridge, Tennessee, \$1,700,000.

(e) REACTOR DEVELOPMENT.—

Project 64-e-1, modifications to reactor facilities, \$3,000,000.

Project 64-e-2, fast reactor test facility, National Reactor Testing Station, Idaho, \$17,000,000.

Project 64-e-3, SNAP development and test facilities, Santa Susana, California, \$500,000.

Project 64-e-4, nuclear safety engineering test facilities, National Reactor Testing Station, Idaho, \$19,400,000.

Project 64-e-5, expansion of expended core facility, National Reactor Testing Station, Idaho, \$3,000,000.

Project 64-e-6, support facilities for advanced space power systems, National Reactor Testing Station, Idaho, \$1,800,000.

Project 64-e-7, thorium-uranium fuel cycle development facility, Oak Ridge National Laboratory, Tennessee, \$7,275,000.

Project 64-e-8, modifications to CANEL facilities, Middletown, Connecticut, \$1,455,000.

Project 64-e-9, research and development test plants for Project Rover, Los Alamos Scientific Laboratory, New Mexico and Nevada Test Site, \$3,000,000.

Project 64-e-10, modifications to radioactive materials handling facilities, Savannah River, South Carolina, \$1,000,000.

Project 64-e-11, high temperature lattice testing reactor, Richland, Washington, \$2,500,000.

(f) REACTOR DEVELOPMENT.—

Project 64-f-1, heating plant boiler No. 5, Argonne National Laboratory, Illinois, \$1,500,000.

(g) PHYSICAL RESEARCH.—

Project 64-g-1, accelerator improvements, Lawrence Radiation Laboratory, California, \$750,000.

Project 64-g-2, accelerator improvements, Argonne National Laboratory, Illinois, \$500,000.

Project 64-g-3, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$1,250,000.

Project 64-g-4, Tandem Van de Graaff facility, Brookhaven National Laboratory, New York, \$12,000,000.

Project 64-g-5, accelerator improvements, Cambridge and Princeton accelerators, \$700,000

(h) PHYSICAL RESEARCH.—

Project 64-h-1, modifications and additions to cafeteria, Lawrence Radiation Laboratory, California, \$250,000.

Project 64-h-2, steamplant addition, Brookhaven National Laboratory, New York, \$850,000.

(i) BIOLOGY AND MEDICINE.—

Project 64-i-1, low-level radiation counting facility for clinical research, Brookhaven National Laboratory, New York, \$430,000.

Project 64-i-2, additional animal quarters, Lovelace Foundation, Albuquerque, New Mexico, \$500,000.

Project 64-i-3, addition to agricultural research laboratory, Oak Ridge, Tennessee, \$685,000.

Project 64-i-4, molecular biology laboratory, Oak Ridge National Laboratory, Tennessee, \$330,000.

(j) COMMUNITY.—

Project 64-j-1, water distribution system, phase II, White Rock, Los Alamos, New Mexico, \$625,000.

Project 64-j-2, classroom additions, Barranca Mesa Elementary School, Los Alamos, New Mexico, \$224,000.

Project 64-j-3, additional water well, Los Alamos, New Mexico, \$194,000.

(k) GENERAL PLANT PROJECTS.—\$40,649,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101 (a), (c), (e), and (g), only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101 (b), (d), (f), (h), (i), and (j), only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(k) only if it is in accordance with the following:

1. For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000.

2. For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000.

3. The total cost of all projects undertaken under subsection 101(k) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. COOPERATION WITH EUROPEAN ATOMIC ENERGY COMMUNITY.—There is hereby authorized to be appropriated to the Atomic Energy Commission, in accordance with the provisions of section 261 a.

(2) of the Atomic Energy Act of 1954, as amended, the sum of 71 Stat. 274.
\$7,500,000, in addition to the sum of \$15,000,000 previously authorized, 42 USC 2017.

which shall be available for carrying out the purposes of section 3 of Public Law 85-846, providing for cooperation with the European 72 Stat. 1084.
Atomic Energy Community. 42 USC 2292.

SEC. 104. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—

(a) Section 111 of Public Law 85-162, as amended, is further 71 Stat. 409.
amended as follows:

1. By striking out the figure "\$3,600,000" in clause (2) of subsection (a) and inserting in lieu thereof the figure "\$4,300,000".

2. By striking out the date "June 30, 1963" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1964".

(b) The maximum amount of the program authorization, specified in subsection 110(b) of Public Law 86-50, section 109 of Public Law 73 Stat. 84,
86-457, section 109 of Public Law 87-315, and section 110 of Public 74 Stat. 123,
Law 87-701, is increased by \$10,000,000. 75 Stat. 679.
76 Stat. 602.

SEC. 105. SPECTRAL SHIFT POWER REACTOR.—

(a) The Commission is hereby authorized to enter into cooperative arrangements with privately, publicly, or cooperatively owned utilities or industrial organizations for participation in the development, design, construction, and operation of a Spectral Shift Nuclear Powerplant for which the sum of \$30,000,000 is hereby authorized to be appropriated. The Commission is also authorized to waive use charges in connection with this project in an amount not to exceed \$10,000,000.

(b) The cooperative arrangements authorized under paragraph (a) of this section may be entered into in accordance with either (i) the criteria for the third round of the Commission's power reactor demonstration program: *Provided, however,* That under any such arrangement the Commission may furnish funds for design assistance without regard to the provisions of section 169 of the Atomic Energy Act of 1954; or (ii) an arrangement under the following terms and con- 68 Stat. 952,
42 USC 2209.

(1) The Commission shall provide for the manufacture and construction of the nuclear reactor plant. The Commission may obtain such participation by the cooperating utility or organization as is consistent with Commission ownership and operation of the nuclear reactor plant.

(2) The cooperating utility or organization shall furnish the site and all equipment, facilities, and services necessary for a complete and operable nuclear powerplant except those furnished by the Commission as part of the nuclear reactor plant.

(3) The Commission may enter into a contract with the cooperating utility or organization for the operation of the nuclear reactor plant, including the training of personnel and other relevant matters. Any such contract may be for such period of time as the Commission may determine to be advisable for research and development purposes and for such additional period as the Commission may determine to be necessary in the best interest of the Government. Upon the expiration of such period, the Commission is authorized to offer the nuclear reactor plant for sale to the cooperating utility or organization at a price to reflect appropriate depreciation, but not to include construction costs assignable to research and development; or the Commission may dismantle and remove the reactor plant and its appurtenances.

(4) The Commission, without regard to the provisions of section 44 of the Atomic Energy Act of 1954, as amended, is authorized to sell to the cooperating utility or organization the steam produced in the nuclear reactor plant. The price of such steam shall be based upon the current or projected cost of steam from conventional sources in the area in which the powerplant is constructed. Such steam may be used by the cooperating utility or organization for the generation of electric energy and any other industrial purpose.

(5) There are authorized to be appropriated such additional funds as may be required for the operation of said nuclear powerplant in accordance with any such arrangement.

(c) Before the Commission enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed participating party or parties with whom the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by the Commission and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five day period: *Provided further*, That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein: *And provided further*, That no basis for arrangement need be resubmitted to the Joint Committee for the sole reason that the estimated amount of the cost to be incurred by the Commission exceeds the estimated cost previously submitted to the Joint Committee by not more than fifteen per centum.

SEC. 106. COOPERATIVE RESEARCH AND DEVELOPMENT PROGRAM WITH WEST GERMAN AUTHORITIES.—There is hereby authorized to be appropriated to the Commission, the sum of \$5,500,000, for use in a cooperative program of research and development with any person or persons in connection with *Arbeitsgemeinschaft-Versuch Reaktor* at Juelich, Germany, to be conducted either under the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Govern-

ment of the United States of America and the Government of the Federal Republic of Germany signed on the 4th day of July 1957 as now or hereafter modified, or the additional agreement between the United States of America and the European Atomic Energy Community signed on the 11th day of June 1960 as now or hereafter modified.

SEC. 107.

Section 261 of the Atomic Energy Act of 1954, as amended, is amended to read as follows effective January 1, 1964:

71 Stat. 274.
42 USC 2017.

"SEC. 261. APPROPRIATIONS.—

"a. No appropriation shall be made to the Commission, nor shall the Commission waive charges for the use of materials under the Cooperative Power Reactor Demonstration Program, unless previously authorized by legislation enacted by the Congress.

"b. Any Act appropriating funds to the Commission may appropriate specified portions thereof to be accounted for upon the certification of the Commission only.

"c. Notwithstanding the provisions of subsection a., funds are hereby authorized to be appropriated for the restoration or replacement of any plant or facility destroyed or otherwise seriously damaged, and the Commission is authorized to use available funds for such purposes.

"d. Funds authorized to be appropriated for any construction project to be used in connection with the development or production of special nuclear material or atomic weapons may be used to start another construction project not otherwise authorized if the substituted construction project is within the limit of cost of the construction project for which substitution is to be made, and the Commission certifies that—

"(1) the substituted project is essential to the common defense and security;

"(2) the substituted project is required by changes in weapon characteristics or weapon logistic operations; and

"(3) the Commission is unable to enter into a contract with any person on terms satisfactory to it to furnish from a privately owned plant or facility the product or services to be provided by the new project."

Approved July 22, 1963.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 446 accompanying H. R. 7139 (Atomic Energy Joint Comm.).

SENATE REPORT No. 303 (Atomic Energy Joint Comm.).

CONGRESSIONAL RECORD, Vol. 109 (1963):

June 25: Considered and passed Senate.

July 8: Considered and passed House in lieu of H. R. 7139.

Public Law 88-189
88th Congress, S. 2267
November 29, 1963

An Act

77 STAT. 343.

To amend Public Law 88-72 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 231 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of Public Law 88-72 is hereby amended by striking the figure "\$172,562,000" and inserting in lieu thereof the figure "\$190,507,000".

Atomic Energy Commission. Appropriation authorization, increase. Ante, p. 84.

SEC. 2. Section 101(d) of Public Law 88-72 is amended by adding at the end thereof:

"Project 64-d-10, occupational health laboratory, Los Alamos Scientific Laboratory, New Mexico, \$1,650,000.

"Project 64-d-11, high temperature chemistry facility, Los Alamos Scientific Laboratory, New Mexico, \$1,435,000.

"Project 64-d-12, plutonium research support building, Los Alamos Scientific Laboratory, New Mexico, \$655,000.

"Project 64-d-13, radiochemistry building, Lawrence Radiation Laboratory, California, \$5,000,000.

"Project 64-d-14, hazards control addition, Lawrence Radiation Laboratory, California, \$1,000,000.

"Project 64-d-15, plant engineering and services building, Lawrence Radiation Laboratory, California, \$1,400,000.

"Project 64-d-16, west cafeteria addition, Lawrence Radiation Laboratory, California, \$255,000.

"Project 64-d-17, craft shop addition, Lawrence Radiation Laboratory, California, \$200,000.

"Project 64-d-18, development laboratory, Sandia Base, New Mexico, \$3,780,000.

"Project 64-d-19, explosive facilities, Sandia Base, New Mexico, \$540,000.

"Project 64-d-20, classified technical reports building addition, Sandia Base, New Mexico, \$500,000.

"Project 64-d-21, control point additions, Nevada Test Site, \$630,000."

Approved November 29, 1963.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 911 accompanying H. R. 8971 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 647 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 109 (1963):

Nov. 21: Considered and passed Senate.

Nov. 26: Considered and passed House in lieu of H. R. 8971.

Public Law 88-294
88th Congress, S. 2448
March 26, 1964

An Act

78 STAT. 172.

To amend the Atomic Energy Act of 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 202 of the Atomic Energy Act of 1954 is hereby amended to read as follows: "During the first ninety days of each session of the Congress, the Joint Committee may conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of the atomic energy industry."

Joint Committee
on Atomic Energy.
Hearings.
68 Stat. 956;
75 Stat. 479.
42 USC 2252.

Approved March 26, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1151 accompanying H. R. 9711 (Joint Committee on Atomic Energy).
SENATE REPORT No. 877 (Joint Committee on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 110 (1964):
Feb. 26: Considered and passed Senate.
Mar. 16: Considered and passed House in lieu of H. R. 9711.

Public Law 88-332
88th Congress, H. R. 10945
June 30, 1964

An Act

78 STAT. 227.

To authorize appropriations to the Atomic Energy Commission in accordance with section 201 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 201 of the Atomic Energy Act of 1954, as amended, the sum of \$2,636,577,000 as follows:

(a) For "Operating expenses," \$2,208,467,000: *Provided*, That in the total amount authorized by this subsection there is included the amount of \$1,000,000, which is in addition to the amount of \$5,000,000 previously authorized in section 110 of Public Law 86-457 for use in a cooperative program of research and development with the Government of Canada: *Provided further*, That in the total amount authorized by this subsection there is included the amount of \$3,000,000 which is in addition to the sum of \$22,500,000 previously authorized for carrying out the purposes of section 3 of Public Law 85-846, providing for cooperation with the European Atomic Energy Community.

(b) For "Plant and capital equipment," including construction, acquisition, or modification of facilities, including land acquisition; construction planning and design; and acquisition and fabrication of capital equipment not related to construction, \$338,110,000 as follows:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 65-1-a, radio-surgery facility, Richland, Washington, \$250,000.

Project 65-1-b, isotopes production plant, Richland, Washington, \$9,000,000.

(2) ATOMIC WEAPONS.—

Project 65-2-a, materials processing facilities, Mound Laboratory, Miamisburg, Ohio, \$565,000.

Project 65-2-b, analytical laboratory expansion, Rocky Flats, Colorado, \$3,000,000.

Project 65-2-c, weapons production, development and test installations, \$10,000,000.

Project 65-2-d, process facility addition, Savannah River, South Carolina, \$3,700,000.

Project 65-2-e, high velocity test facility, Sandia Base, New Mexico, \$1,350,000.

(3) ATOMIC WEAPONS.—

Project 65-3-a, environmental control facilities, Kansas City, Missouri, \$1,000,000.

Project 65-3-b, utility and supporting services additions, Rocky Flats, Colorado, \$2,245,000.

Project 65-3-c, supplemental water supply, Los Alamos Scientific Laboratory, New Mexico, \$1,550,000.

Project 65-3-d, experimental physics facilities additions, Lawrence Radiation Laboratory, Livermore, California, \$4,000,000.

Project 65-3-e, chemistry development facilities, Lawrence Radiation Laboratory, Livermore, California, \$2,000,000.

Project 65-3-f, base support facilities, Nevada Test Site, Nevada, \$620,000.

Atomic Energy Commission. Appropriation authorization. 77 Stat. 88. 42 USC 2017. Operating expenses.

74 Stat. 123.

72 Stat. 1084. 42 USC 2292.

Facilities, construction, acquisition, etc.

- (4) **REACTOR DEVELOPMENT.**—
 Project 65-4-a, zero power plutonium reactor, National Reactor Testing Station, Idaho, \$3,000,000.
 Project 65-4-b, power burst facility, National Reactor Testing Station, Idaho, \$8,100,000.
 Project 65-4-c, research and development test plants, Project Rover, Los Alamos, Scientific Laboratory, New Mexico and Nevada Test Site, Nevada, \$3,000,000.
 Project 65-4-d, modifications to reactors, \$3,000,000.
- (5) **PHYSICAL RESEARCH.**—
 Project 65-5-a, Argonne advanced research reactor, Argonne National Laboratory, Illinois, \$25,000,000.
 Project 65-5-b, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$1,650,000.
 Project 65-5-c, electron linear accelerator, Argonne National Laboratory, Illinois, \$875,000.
 Project 65-5-d, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$1,700,000.
 Project 65-5-e, accelerator improvements, Cambridge and Princeton accelerators, \$1,350,000.
 Project 65-5-f, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$850,000.
 Project 65-5-g, transuranium research laboratory, Oak Ridge National Laboratory, Tennessee, \$1,850,000.
- (6) **PHYSICAL RESEARCH.**—
 Project 65-6-a, lecture hall and cafeteria, Brookhaven National Laboratory, New York, \$2,300,000.
 Project 65-6-b, site utilities, Brookhaven National Laboratory, New York, \$675,000.
 Project 65-6-c, computer data processing building, Lawrence Radiation Laboratory, Berkeley, California, \$2,400,000.
 Project 65-6-d, heavy ion linear accelerator additions, Lawrence Radiation Laboratory, Berkeley, California, \$525,000.
 Project 65-6-e, high energy physics laboratory, California Institute of Technology, California, \$2,000,000.
- (7) **BIOLOGY AND MEDICINE.**—
 Project 65-7-a, co-carcinogenesis research laboratory, Oak Ridge National Laboratory, Tennessee, \$2,070,000.
 Project 65-7-b, atmospheric physics building, Richland, Washington, \$373,000.
 Project 65-7-c, biomedical and animal laboratory, Lawrence Radiation Laboratory, Livermore, California, \$3,500,000.
- (8) **COMMUNITY.**—
 Project 65-8-a, classroom addition, Cumbres Junior High School, Los Alamos, New Mexico, \$340,000.
 Project 65-8-b, classroom addition, White Rock Elementary School, Los Alamos, New Mexico, \$260,000.
 Project 65-8-c, water distribution system additions, phase III, White Rock, Los Alamos, New Mexico, \$200,000.
 Project 65-8-d, sewage disposal plant, White Rock, Los Alamos, New Mexico, \$610,000.
- (9) **GENERAL PLANT PROJECTS.**—\$43,250,000.
- (10) **CONSTRUCTION PLANNING AND DESIGN.**—\$3,000,000.
- (11) **CAPITAL EQUIPMENT.**—Acquisition and fabrication of capital equipment not related to construction, \$186,772,000.

SEC. 102. PROJECT RESCINDITIONS.—(a) Public Law 85-500, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows: Project rescissions.
72 Stat. 491,
492.

Project 59-e-3, two accelerators, beam analyzing system and magnet, Pennsylvania State University, Pennsylvania, \$950,000.

Project 59-e-12, research and engineering reactor, Argonne National Laboratory, design and engineering, \$1,000,000.

(b) Public Law 86-50, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows: 73 Stat. 82.

Project 60-e-7, nuclear test plant, Army Reactor Experimental Area (AREA), National Reactor Testing Station, Idaho, \$5,000,000.

(c) Public Law 86-457, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows: 74 Stat. 121.

Project 61-f-8, materials research laboratory, University of Illinois, \$5,600,000.

(d) Public Law 87-315, as amended, is further amended by rescinding therefrom the authorization for a project, except for funds heretofore obligated, as follows: 75 Stat. 676.

Project 62-a-4, solvent purification installation, Savannah River, South Carolina, \$500,000.

(e) Public Law 87-701, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows: 76 Stat. 600.

Project 63-e-3, organic reactor project, \$20,000,000.

Project 63-j-3, two mobile irradiators, \$700,000.

(f) Public Law 88-72, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows: 77 Stat. 85.

Project 64-e-6, support facilities for advanced space power systems, National Reactor Testing Station, Idaho, \$1,800,000.

SEC. 103. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (4), and (5), only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project. Cost limitations.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (3), (6), (7), and (8), only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b) (9) only if it is in accordance with the following:

(1) For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000. Community operations.

(2) For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000. General plant projects.

(3) The total cost of all projects undertaken under subsection 101(b) (9) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 104. The Commission is authorized to use funds appropriated pursuant to this authorization, and other funds currently available to the Commission, for the purpose of performing construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill Engineering design.

transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 105. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 106. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—Section 111 of Public Law 85-162, as amended, is further amended by striking out the date "June 30, 1964" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1965".

SEC. 107. FISSION PRODUCT CONTRACTS.—(a) Without regard to section 3679 of the Revised Statutes, as amended, the Commission is authorized to enter into contracts for such periods of time as the Commission may deem necessary or desirable, for the purpose of making available fission products from Commission reactors, with or without charge for commercial application.

(b) Any contract entered into by the Commission pursuant to this section shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contract, and any appropriation presently or hereafter made available to the Commission shall be available for payment of such costs which may arise from termination as the contract may provide.

(c) Before the Commission enters into any arrangement or amendment thereto under the authority of this section, the basis for the proposed arrangement or amendment thereto which the Commission proposes to execute (with necessary background and explanatory data) shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment of more than three days: *Provided, however,* That the Joint Committee, after having received the basis for the proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five-day period.

Approved June 30, 1964.

Transfers of amounts.

71 Stat. 409;
77 Stat. 86.

Fission product contracts, authority.
64 Stat. 765.
31 USC 665.

Contract termination.

Report to Joint Committee.

Time waiver.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1332 (Joint Committee on Atomic Energy).
SENATE REPORT No. 987 accompanying S. 2755 (Joint Committee on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 110 (1964):
May 7: Considered and passed House.
June 22: Considered and passed Senate in lieu of S. 2755.

Public Law 88-394
88th Congress, S. 2963
August 1, 1964

An Act

78 STAT. 376.

To amend the Atomic Energy Act of 1954, as amended, the Atomic Energy Community Act of 1955, as amended, and the EURATOM Cooperation Act of 1958, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 153(h) of the Atomic Energy Act of 1954, as amended, is amended by striking out the date "September 1, 1964" and inserting in lieu thereof the date "September 1, 1969".

Atomic Energy Act, amendments.
68 Stat. 946;
73 Stat. 87.
42 USC 2183.
71 Stat. 576.
42 USC 2210.

SEC. 2. Subsection 170 c. of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new sentence: "With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1967, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1967."

SEC. 3. Subsection 170 k. of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new sentence: "With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1967, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1967."

72 Stat. 837.

SEC. 4. The Atomic Energy Community Act of 1955, as amended, is amended by adding the following new section:

69 Stat. 471.
42 USC 2301
note.

"SEC. 120. DISPOSAL OF PROPERTY.—In addition to any other authority the Commission may have, the Commission is authorized, without regard to the provisions of section 3709 of the Revised Statutes, as amended, to lease land, and to sell, lease, including leases with options to purchase, and otherwise dispose of improvements thereon, and such equipment and other personal property as is determined to be directly related thereto, in the Commission's Hanford project in and near Richland, Washington, upon a determination by the Commission that such disposition will serve to prevent or reduce the adverse economic impact of actual or anticipated reductions in Commission programs in that area: *Provided, however,* That the compensation to the Government for any such disposition shall be the estimated fair market value or estimated fair rental value of the property as determined by the Commission: *Provided further,* That before the Commission makes any disposition of property under the authority of this section, the basis for the proposed disposition (with necessary background and explanatory data) shall be submitted to the Joint Committee on Atomic Energy, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment of more than three days): *Provided, however,* That the Joint Committee on Atomic Energy, after having received the basis for the proposed disposition, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five-day period."

41 USC 5.

SEC. 5. Section 5 of the EURATOM Cooperation Act of 1958, as amended, is amended to read as follows:

72 Stat. 1085.
42 USC 2294.

"SEC. 5. Pursuant to the provisions of section 54 of the Atomic Energy Act of 1954, as amended, there is hereby authorized for sale or lease to the Community:

42 USC 2074.

Seventy thousand kilograms of contained uranium 235
Five hundred kilograms of plutonium
Thirty kilograms of uranium 233

42 USC 2153.

in accordance with the provisions of an agreement or agreements for cooperation between the Government of the United States and the Community entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended: *Provided*, That the Government of the United States obtains the equivalent of a first lien on any such material sold to the Community for which payment is not made in full at the time of transfer."

Approved August 1, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1525 accompanying H. R. 11832 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 1128 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 110 (1964):

July 8: Considered and passed Senate.

July 21: Considered and passed House, in lieu of H. R. 11832.

An Act

To amend the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 2 b. of the Atomic Energy Act of 1954, as amended, is deleted.

Sec. 2. Subsection 2 h. of the Atomic Energy Act of 1954, as amended, is deleted.

Sec. 3. Subsection 3 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. a program for Government control of the possession, use, and production of atomic energy and special nuclear material, whether owned by the Government or others, so directed as to make the maximum contribution to the common defense and security and the national welfare, and to provide continued assurance of the Government's ability to enter into and enforce agreements with nations or groups of nations for the control of special nuclear materials and atomic weapons."

Sec. 4. Section 52 of the Atomic Energy Act of 1954, as amended, is repealed. All rights, title, and interest in and to any special nuclear material vested in the United States solely by virtue of the provisions of the first sentence of such section 52, and not by any other transaction authorized by the Atomic Energy Act of 1954, as amended, or other applicable law, are hereby extinguished.

Sec. 5. Subsection 53 a. of the Atomic Energy Act of 1954, as amended, between the words "The Commission" and "such material" is amended to read as follows:

"a. The Commission is authorized (i) to issue licenses to transfer or receive in interstate commerce, transfer, deliver, acquire, possess, own, receive possession of or title to, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, special nuclear material, (ii) to make special nuclear material available for the period of the license, and, (iii) to distribute special nuclear material within the United States to qualified applicants requesting such material—"

Sec. 6. Subsection 53 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. (1) The Commission may distribute special nuclear material licensed under this section by sale, lease, lease with option to buy, or grant: *Provided, however,* That unless otherwise authorized by law, the Commission shall not after December 31, 1970, distribute special nuclear material except by sale to any person who possesses or operates a utilization facility under a license issued pursuant to section 103 or 104 b. for use in the course of activities under such license; nor shall the Commission permit any such person after June 30, 1973, to continue leasing for use in the course of such activities special nuclear material previously leased to such person by the Commission.

"(2) The Commission shall establish reasonable sales prices for the special nuclear material licensed and distributed by sale under this section. Such sales prices shall be established on a nondiscriminatory basis which, in the opinion of the Commission, will provide reasonable compensation to the Government for such special nuclear material.

"(3) The Commission is authorized to enter into agreements with licensees for such period of time as the Commission may deem necessary or desirable to distribute to such licensees such quantities of special nuclear material as may be necessary for the conduct of the licensed activity. In such agreements, the Commission may agree to

Private Ownership of Special Nuclear Materials Act.

68 Stat. 921.

42 USC 2012.

42 USC 2013.

78 STAT. 602.

78 STAT. 603.

Repeal.

42 USC 2072.

Nuclear material, licenses.

42 USC 2073.

42 USC 2153.

Distribution.

42 USC 2133,
2134.

Agreements.

repurchase any special nuclear material licensed and distributed by sale which is not consumed in the course of the licensed activity, or any uranium remaining after irradiation of such special nuclear material, at a repurchase price not to exceed the Commission's sale price for comparable special nuclear material or uranium in effect at the time of delivery of such material to the Commission.

Charges.

68 Stat. 930.
42 USC 2073.

~~78 STAT. 603.~~
~~78 STAT. 604.~~

"(4) The Commission may make a reasonable charge, determined pursuant to this section, for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (1), (2) or (4) and shall make a reasonable charge determined pursuant to this section for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (3). The Commission shall establish criteria in writing for the determination of whether special nuclear material will be distributed by grant and for the determination of whether a charge will be made for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (1), (2) or (4), considering, among other things, whether the licensee is a nonprofit or eleemosynary institution and the purposes for which the special nuclear material will be used."

SEC. 7. Subsection 53 d. of the Atomic Energy Act of 1954, as amended, is amended by adding the words "by lease" after the word "distributed", and by amending subsection d. (5) to read as follows:

42 USC 2133.

"(5) with respect to special nuclear material consumed in a facility licensed pursuant to section 103, the Commission shall make a further charge equivalent to the sale price for similar special nuclear material established by the Commission in accordance with subsection 53 c. (2), and the Commission may make such a charge with respect to such material consumed in a facility licensed pursuant to section 104."

42 USC 2134.

SEC. 8. Subsection 53 e. of the Atomic Energy Act of 1954, as amended, is amended by deleting subsection 53 e. (1).

**Purchase of
special nuclear
material.**
42 USC 2074.

SEC. 9. Section 54 of the Atomic Energy Act of 1954, as amended, is amended by adding the following at the end thereof:

"The Commission may agree to repurchase any special nuclear material distributed under a sale arrangement pursuant to this section which is not consumed in the course of the activities conducted in accordance with the agreement for cooperation, or any uranium remaining after irradiation of such special nuclear material, at a repurchase price not to exceed the Commission's sale price for comparable special nuclear material or uranium in effect at the time of delivery of such material to the Commission. The Commission may also agree to purchase, consistent with and within the period of the agreement for cooperation, special nuclear material produced in a nuclear reactor located outside the United States through the use of special nuclear material which was leased or sold pursuant to this section. Under any such agreement, the Commission shall purchase only such material as is delivered to the Commission during any period when there is in effect a guaranteed purchase price for the same material produced in a nuclear reactor by a person licensed under section 104, established by the Commission pursuant to section 56, and the price to be paid shall be the price so established by the Commission and in effect for the same material delivered to the Commission."

SEC. 10. Section 55 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 55. ACQUISITION.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to purchase without regard to the limitations in section 54 or any guaranteed purchase prices established pursuant to section 56, and to take, requisition, condemn, or otherwise acquire any special nuclear

Acquisition.
42 USC 2075.

material or any interest therein. Any contract of purchase made under this section may be made without regard to the provisions of section 3700 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes. Just compensation shall be made for any right, property, or interest in property taken, requisitioned, or condemned under this section." 41 USC 5. 78 STAT. 604, 78 STAT. 605.

SEC. 11. Section 56 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: Guaranteed purchase prices. 68 Stat. 931, 42 USC 2076.

"SEC. 56. GUARANTEED PURCHASE PRICES.—The Commission shall establish guaranteed purchase prices for plutonium produced in a nuclear reactor by a person licensed under section 104 and delivered to the Commission before January 1, 1971. The Commission shall also establish for such periods of time as it may deem necessary but not to exceed ten years as to any such period, guaranteed purchase prices for uranium enriched in the isotope 238 produced in a nuclear reactor by a person licensed under section 104 and delivered to the Commission within the period of the guarantee. Guaranteed purchase prices established under the authority of this section shall not exceed the Commission's determination of the estimated value of plutonium or uranium enriched in the isotope 238 as fuel in nuclear reactors, and such prices shall be established on a nondiscriminatory basis: *Provided*, That the Commission is authorized to establish such guaranteed purchase prices only for such plutonium or uranium enriched in the isotope 238 as the Commission shall determine is produced through the use of special nuclear material which was leased or sold by the Commission pursuant to section 53." 42 USC 2134.

SEC. 12. Section 57 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: Unauthorized handling. 42 USC 2077.

"SEC. 57. PROHIBITION.—

"a. Unless authorized by a general or specific license issued by the Commission, which the Commission is authorized to issue pursuant to section 53, no person may transfer or receive in interstate commerce, transfer, deliver, acquire, own, possess, receive possession of or title to, or import into or export from the United States any special nuclear material.

"b. It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) under an agreement for cooperation made pursuant to section 123, or (2) upon authorization by the Commission after a determination that such activity will not be inimical to the interest of the United States. 42 USC 2153.

"c. The Commission shall not—

"(1) distribute any special nuclear material to any person for a use which is not under the jurisdiction of the United States except pursuant to the provisions of section 54; or

"(2) distribute any special nuclear material or issue a license pursuant to section 53 to any person within the United States if the Commission finds that the distribution of such special nuclear material or the issuance of such license would be inimical to the common defense and security or would constitute an unreasonable risk to the health and safety of the public."

SEC. 13. Section 58 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: Congressional review. 71 Stat. 275, 42 USC 2076.

"SEC. 58. REVIEW.—Before the Commission establishes any guaranteed purchase price or guaranteed purchase price period in accord-

78 STAT. 605.
78 STAT. 606.

ance with the provisions of section 56, or establishes any criteria for the waiver of any charge for the use of special nuclear material licensed and distributed under section 53, the proposed guaranteed purchase price, guaranteed purchase price period, or criteria for the waiver of such charge shall be submitted to the Joint Committee and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee, after having received the proposed guaranteed purchase price, guaranteed purchase price period, or criteria for the waiver of such charge, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five-day period."

68 Stat. 938.
42 USC 2135.

Sec. 14. Section 105 of the Atomic Energy Act of 1954, as amended, is amended by deleting the phrase "including the provisions which vest title to all special nuclear material in the United States," from the first sentence of subsection 105 a.

42 USC 2153.

Sec. 15. Section 123 of the Atomic Energy Act of 1954, as amended, is amended by adding "53," after the word "sections" in the first sentence.

Contract author-
ity.
42 USC 2201.

Sec. 16. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding thereto the following new subsection:

"v. (A) enter into contracts with persons licensed under sections 53, 63, 103 or 104 for such periods of time as the Commission may deem necessary or desirable to provide, after December 31, 1968, for the producing or enriching of special nuclear material in facilities owned by the Commission; and

"(B) enter into contracts to provide, after December 31, 1968, for the producing or enriching of special nuclear material in facilities owned by the Commission in accordance with and within the period of an agreement for cooperation arranged pursuant to section 123 while comparable services are made available pursuant to paragraph (A) of this subsection:

Provided, That (i) prices for services under paragraph (A) of this subsection shall be established on a nondiscriminatory basis; (ii) prices for services under paragraph (B) of this subsection shall be no less than prices under paragraph (A) of this subsection; and (iii) any prices established under this subsection shall be on a basis which will provide reasonable compensation to the Government: *And provided further,* That the Commission, to the extent necessary to assure the maintenance of a viable domestic uranium industry, shall not offer such services for source or special nuclear materials of foreign origin intended for use in a utilization facility within or under the jurisdiction of the United States. The Commission shall establish criteria in writing setting forth the terms and conditions under which services provided under this subsection shall be made available including the extent to which such services will be made available for source or special nuclear material of foreign origin intended for use in a utilization facility within or under the jurisdiction of the United States: *Provided,* That before the Commission establishes such criteria, the proposed criteria shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session (in computing the forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days) unless the Joint Committee by resolution in writing waives the conditions of, or all or any portion of, such forty-five-day period."

Sec. 17. Section 171 of the Atomic Energy Act of 1954, as amended, is amended by deleting the phrase "52 (with respect to the material for

42 USC 2221.

which the United States is required to pay just compensation),” from the first sentence; and by adding “55” after “43,” in the first sentence.

SEC. 18. Subsection 183 a. of the Atomic Energy Act of 1954, as amended, is deleted. 42 USC 2233.

SEC. 19. Section 184 of the Atomic Energy Act of 1954, as amended, is amended by adding the words “or special nuclear material,” after “other lien upon any facility” in the second sentence; and by deleting the word “property” in the second sentence and substituting the word “facility” in lieu thereof. 42 USC 2234.

SEC. 20. Nothing in this Act shall be deemed to diminish existing authority of the United States, or of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, to regulate source, byproduct, and special nuclear material and production and utilization facilities, or to control such materials and facilities exported from the United States by imposition of governmental guarantees and security safeguards with respect thereto, in order to assure the common defense and security and to protect the health and safety of the public, or to reduce the responsibility of the Atomic Energy Commission to achieve such objectives. 68 Stat. 919.
42 USC 2011 note.

SEC. 21. This Act may be cited as the “Private Ownership of Special Nuclear Materials Act.” Short title.

Approved August 26, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1702 accompanying H. R. 12228 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 1325 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 110 (1964):

Aug. 6: Considered and passed Senate.

Aug. 18: Considered and passed House, in lieu of H. R. 12228.

Public Law 88-557
88th Congress, H. R. 11960
August 31, 1964

An Act

78 STAT. 766.

To authorize the exchange of public domain lands heretofore withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all interests of the United States in the public domain lands lying south and west of the Columbia River, and within:

Hanford project.
Land exchange.

Township 14 north, range 26 east, section 28;
Township 14 north, range 27 east, section 34;
Township 13 north, range 25 east, section 14;
Township 10 north, range 28 east, sections 2, 4, and 10;
Township 12 north, range 26 east, sections 2, 4, 6, 8, 10, 12, 14, and 18;

Township 12 north, range 25 east, sections 2, 12, and 14;

Township 13 north, range 26 east, sections 28, 30, 32, and 34;

Willamette meridian, comprising approximately 10,000 acres, which lands are now withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, shall hereafter be held by the Atomic Energy Commission as an agent of and on behalf of the United States, and the Atomic Energy Commission shall exercise all of the authorities with respect thereto as provided in the Atomic Energy Act of 1954, as amended, and the Atomic Energy Community Act of 1955, as amended: *Provided*, That any disposal of such lands pursuant to such Acts shall be subject to valid existing rights in third parties: *Provided further*, That nothing herein shall be deemed to add to, modify, or eliminate any authority of the Commission pursuant to such Acts to dispose of property.

68 Stat. 919.
42 USC 2011
note.
69 Stat. 471.
42 USC 2301
note.

Sec. 2. All lands within the Hanford project lying north and east of the Columbia River and within:

Township 14 north, range 28 east, sections 18, 19, west half section 20, west half section 29, and sections 30, 31, and 32;

Township 13 north, range 27 east, sections 1, 12, and 13;

Township 13 north, range 28 east, sections 5, 6, 7, and 8;

Willamette meridian, that were acquired by the Manhattan Engineering District or by the Atomic Energy Commission and that are now under the administrative control of the Atomic Energy Commission, comprising approximately 7,000 acres, are hereby designated public domain lands of the United States subject to all of the laws and regulations applicable thereto, and are withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and are reserved for the use of the Atomic Energy Commission in connection with its Hanford operations until such withdrawal and reservation are revoked by order of the Secretary of the Interior with the concurrence of the Atomic Energy Commission.

Sec. 3. The Secretary of the Interior and the Atomic Energy Commission may by agreement designate not to exceed 1,920 additional acres of public domain lands reserved for the Hanford

project, which shall thereafter be held by the Atomic Energy Commission in accordance with the provisions of section 1 of this Act, and acquired lands of approximately equal value under the administrative control of the Atomic Energy Commission, which shall thereafter be held by the Atomic Energy Commission in accordance with the provisions of section 2 of this Act.

Approved August 31, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1730 (Comm. on Interior & Insular Affairs).
SENATE REPORT No. 1456 accompanying S. 2984 (Comm. on Interior & Insular Affairs).

CONGRESSIONAL RECORD, Vol. 110 (1964):

Aug. 17: Considered and passed House.

Aug. 18: S. 2984 considered and passed Senate.

Aug. 19: Passed Senate, in lieu of S. 2984.

An Act

79 STAT. 120.

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, the sum of \$2,555,521,000 as follows:

Atomic Energy
Commission
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.

(a) For "Operating expenses," \$2,260,776,000.

(b) For "Plant and capital equipment" including construction, acquisition, or modification of facilities, including land acquisition; construction planning and design; and acquisition and fabrication of capital equipment not related to construction, \$294,745,000 as follows:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 66-1-a, sludge removal and waste transfer facility, Richland, Washington, \$2,650,000.

(2) ATOMIC WEAPONS.—

Project 66-2-r, vibration test data and control facility, Sandia Base, New Mexico, \$640,000.

Project 66-2-b, weapons production, development, and test installations, \$10,000,000.

Project 66-2-c, electron-positron accelerator facility, Lawrence Radiation Laboratory, Livermore, California, \$4,100,000.

Project 66-2-d, environmental test facility, Lawrence Radiation Laboratory, Livermore, California, \$2,300,000.

(3) ATOMIC WEAPONS.—

Project 66-3-a, weapons test support facility, Los Alamos Scientific Laboratory, New Mexico, \$1,300,000.

Project 66-3-b, supplemental water supply, Los Alamos, New Mexico, \$700,000.

Project 66-3-c, physics analytical facility, Los Alamos Scientific Laboratory, New Mexico, \$830,000.

Project 66-3-d, explosives engineering area rehabilitation, Los Alamos Scientific Laboratory, New Mexico, \$1,350,000.

Project 66-3-e, warehouses, Nevada Test Site, Nevada, \$680,000.

Project 66-3-f, control point additions and modifications, phase II, Nevada Test Site, Nevada, \$1,000,000.

(4) REACTOR DEVELOPMENT.—

Project 66-4-a, sodium pump test facility, \$6,800,000.

Project 66-4-b, electron linear accelerator, Oak Ridge National Laboratory, Tennessee, \$4,800,000.

Project 66-4-c, modifications to reactors, \$3,000,000.

Project 66-4-d, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$3,000,000.

Project 66-4-e, re-entry burnup test facility, Sandia Base, New Mexico, \$2,500,000.

(5) PHYSICAL RESEARCH.—

Project 66-5-a, low-energy accelerator improvements, Argonne National Laboratory, Illinois, \$1,000,000.

Project 66-5-b, bubble chamber and experimental area, Argonne National Laboratory, Illinois, \$17,000,000.

Project 66-5-c, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$2,300,000.

Project 66-5-d, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$2,300,000.

Project 66-5-e, alternating gradient synchrotron conversion, Brookhaven National Laboratory, New York (AE only), \$2,000,000.

Project 66-5-f, accelerator improvements, Cambridge and Princeton accelerators, \$475,000.

Project 66-5-g, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$1,425,000.

Project 66-5-h, meson physics facility, Los Alamos Scientific Laboratory, New Mexico (AE only), \$1,200,000.

(6) PHYSICAL RESEARCH.—

Project 66-6-a, solid state science building, Argonne National Laboratory, Illinois, \$4,000,000.

Project 66-6-b, alternating gradient synchrotron service building addition, Brookhaven National Laboratory, New York, \$1,600,000.

Project 66-6-c, land acquisition, Brookhaven National Laboratory, New York, \$2,000,000.

Project 66-6-d, electron linear accelerator facility, Massachusetts Institute of Technology, Massachusetts, \$4,600,000.

(7) BIOLOGY AND MEDICINE.—

Project 66-7-a, virus control laboratory, Oak Ridge National Laboratory, Tennessee, \$1,360,000.

Project 66-7-b, co-carcinogenesis mammalian receiving, isolation, and control laboratory, Oak Ridge National Laboratory, Tennessee, \$500,000.

Project 66-7-c, animal laboratories, Brookhaven National Laboratory, New York, \$975,000.

Project 66-7-d, air conditioning, Argonne Cancer Research Hospital, Chicago, Illinois, \$750,000.

(8) COMMUNITY.—

Project 66-8-a, classroom additions, White Rock Elementary School, Los Alamos, New Mexico, \$325,000.

Project 66-8-b, classroom addition, Pueblo Junior High School, Los Alamos, New Mexico, \$65,000.

Project 66-8-c, classroom addition, Barranca Mesa Elementary School, Los Alamos, New Mexico, \$225,000.

Project 66-8-d, classroom addition, Los Alamos High School, Los Alamos, New Mexico, \$360,000.

Project 66-8-e, Bayo Canyon sewage disposal plant expansion, Los Alamos, New Mexico, \$950,000.

(9) GENERAL PLANT PROJECTS.—\$42,325,000.

(10) CONSTRUCTION PLANNING AND DESIGN.—\$3,000,000.

(11) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$158,360,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (2), (4), and (5), only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (6), (7), and (8), only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b) (9) only if it is in accordance with the following:

(1) For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum

currently estimated cost of any building included in such project shall be \$10,000.

(2) For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000.

(3) The total cost of all projects undertaken under subsection 101(b)(9) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to use funds appropriated pursuant to this authorization, and other funds currently available to the Commission, for the purpose of performing construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Construction design services.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Transfer of amounts.

SEC. 105. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—Section 111 of Public Law 85-162, as amended, is further amended by striking out the date "June 30, 1965" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1966".

71 Stat. 409;
78 Stat. 230.

SEC. 106. LARGE SEED-BLANKET REACTOR.—(a) The Commission is hereby authorized to enter into a cooperative arrangement with a State, its departments and agencies, or with privately, publicly, or cooperatively owned utilities or industrial organizations, for participation in the research and development, design, construction, and operation of a thorium seed-blanket nuclear powerplant, in accordance with the basis for an arrangement described in program justification data submitted by the Commission to the Joint Committee on Atomic Energy, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and authorization of appropriations therefor in the amount of \$91,500,000 is included in section 101 of this Act.

68 Stat. 952.
42 USC 2209.

(b) Not in excess of \$25,000,000 of the funds appropriated to the Commission pursuant to the authorization contained in subsection (a) of this section may be used by the Commission for the purpose of performing research and development on a thorium seed-blanket nuclear powerplant prior to execution of a contract pursuant to the authorization contained in subsection (a) of this section.

Limitation.

SEC. 107. HIGH-TEMPERATURE GAS-COOLED POWER REACTOR.—The Commission is hereby authorized to enter into a cooperative arrangement with a utility or group of utilities and an equipment manufacturer or other industrial organization for participation in the research and development, design, construction, and operation of a high-temperature gas-cooled nuclear powerplant, in accordance with the basis for an arrangement described in the program justification data submitted by the Commission in support of this authorization for fiscal year 1966, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and authorization of appropriations therefor in the amount of \$40,863,000 is included in section 101 of this Act: *Provided*, That the Commission is also authorized to waive use charges for special nuclear materials in connection with this project in an amount not to exceed \$6,443,000, and to agree to purchase uranium enriched in the isotope 233 produced in and discharged from

79 STAT. 123.

the reactor during the term of the cooperative arrangement without regard to the provisions of section 56 of the Atomic Energy Act of 1954, as amended.

78 Stat. 605.
42 USC 2076.
76 Stat. 599.

SEC. 108. RESCISSIONS.—(a) Public Law 87-701, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 63-b-4, emergency duty personnel shelters, various sites, \$4,000,000.

77 Stat. 85.

(b) Public Law 88-72, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 64-e-8, modifications to CANEL facilities, Middletown, Connecticut, \$1,455,000.

71 Stat. 409;
78 Stat. 230.
77 Stat. 86, 87.

(c) Section 111 of Public Law 87-701, as amended, is rescinded.

(d) Section 105 of Public Law 88-72, as amended, is rescinded.

(e) Section 106 of Public Law 88-72, as amended, is rescinded.

Approved June 2, 1965.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 349 (Joint Committee on Atomic Energy).

SENATE REPORT No. 191 accompanying S. 1957 (Joint Committee on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 111 (1965):

May 20: Considered and passed House.

May 24: Considered and passed Senate, in lieu of S. 1957.

Public Law 89-135
89th Congress, H. R. 8856
August 24, 1965

An Act

79 STAT. 551.

To amend section 271 of the Atomic Energy Act of 1954, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 271 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Atomic Energy
Act of 1954,
amendment.
68 Stat. 960.
42 USC 2018.

"SEC. 271. AGENCY JURISDICTION.—Nothing in this Act shall be construed to affect the authority or regulations of any Federal, State, or local agency with respect to the generation, sale, or transmission of electric power produced through the use of nuclear facilities licensed by the Commission: *Provided*, That this section shall not be deemed to confer upon any Federal, State, or local agency any authority to regulate, control, or restrict any activities of the Commission."

Approved August 24, 1965.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 567 (Joint Committee on Atomic Energy).
SENATE REPORT No. 390 accompanying S. 2103 (Joint Committee on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 111 (1965):
July 12: Considered in House.
July 29: Considered and passed House.
Aug. 10: Considered and passed Senate, in lieu of S. 2103.

An Act

To amend section 170 of the Atomic Energy Act of 1954, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 170 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Atomic Energy Act of 1954, amendment.
71 Stat. 577.
42 USC 2210.
Aggregate indemnity.

"c. The Commission shall, with respect to licenses issued between August 30, 1954, and August 1, 1977, for which it requires financial protection, agree to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability arising from nuclear incidents which is in excess of the level of financial protection required of the licensee. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed \$500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage: *Provided, however,* That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed \$60,000,000. Such a contract of indemnification shall cover public liability arising out of or in connection with the licensed activity. With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1977, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1977."

79 STAT. 855.
79 STAT. 856.

Sec. 2. The first two sentences of subsection 170 d. of the Atomic Energy Act of 1954, as amended, are amended to read as follows:

"In addition to any other authority the Commission may have, the Commission is authorized until August 1, 1977, to enter into agreements of indemnification with its contractors for the construction or operation of production or utilization facilities or other activities under contracts for the benefit of the United States involving activities under the risk of public liability for a substantial nuclear incident. In such agreements of indemnification the Commission may require its contractor to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of \$500,000,000, including the reasonable costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indemnified in connection with such contract and for each nuclear incident: *Provided,* That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed \$60,000,000: *Provided further,* That in the case of nuclear incidents occurring outside the United States, the amount of the indemnity provided by the Commission shall not exceed \$100,000,000."

Indemnification agreements.

Sec. 3. The first sentence of subsection 170 e. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"The aggregate liability for a single nuclear incident of persons indemnified, including the reasonable costs of investigating and settling claims and defending suits for damage, shall not exceed the sum of \$500,000,000 together with the amount of financial protection required of the licensee or contractor: *Provided, however,* That such aggregate liability shall in no event exceed

76 Stat. 410.
Aggregate liabilities.

the sum of \$560,000,000: *Provided further*, That with respect to any nuclear incident occurring outside of the United States to which an agreement of indemnification entered into under the provisions of subsection 170 d. is applicable, such aggregate liability shall not exceed the amount of \$100,000,000 together with the amount of financial protection required of the contractor."

SEC. 4. Subsection 170 k. of the Atomic Energy Act of 1954, as amended, is amended by striking out the date "August 1, 1967" wherever it appears and inserting in lieu thereof the date "August 1, 1977".

SEC. 5. Subsection 170 l. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"1. The Commission is authorized until August 1, 1977, to enter into an agreement of indemnification with any person engaged in the design, development, construction, operation, repair, and maintenance or use of the nuclear-powered ship authorized by section 716 of the Merchant Marine Act, 1936, and designated the 'nuclear ship Savannah'. In any such agreement of indemnification the Commission may require such person to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising from a nuclear incident in connection with such design, development, construction, operation, repair, maintenance or use and shall indemnify the person indemnified against such claims above the amount of the financial protection required, in the amount of \$500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indemnified in connection with each nuclear incident: *Provided*, That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed \$60,000,000."

Approved September 29, 1965.

72 Stat. 837;
78 Stat. 376.
42 USC 2210.
72 Stat. 525.
Nuclear ship
Savannah.

70 Stat. 731.
46 USC 1206.

79 STAT. 856.
79 STAT. 857.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 883 accompanying H. R. 8496 (Joint Committee on Atomic Energy).

SENATE REPORT No. 650 (Joint Committee on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 111 (1965):

Aug. 31: Considered and passed Senate.

Sept. 16: Considered and passed House, in lieu of H. R. 8496.

Public Law 89-383
89th Congress, H. R. 10722
March 31, 1966

An Act

To authorize the payment of an allowance of not to exceed \$10 per day to employees assigned to duty at the Nevada Test Site of the United States Atomic Energy Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to provide authority for the payment of certain amounts to offset certain expenses of Federal employees assigned to duty on the California offshore islands, and for other purposes", approved August 31, 1964 (78 Stat. 745; 5 U.S.C. 70c), is amended by inserting after the word "islands" the words "or at the United States Atomic Energy Commission Nevada Test Site, including the Nuclear Rocket Development Station," Nevada Test Site employees. Allowance.

SEC. 2. Sections 2 and 3 of such Act are amended to read as follows:

"SEC. 2. (a) Each employee or former employee of the United States who was erroneously paid per diem in lieu of subsistence under section 3 of the Travel Expense Act of 1949 (5 U.S.C. 836) for the period he was assigned to one of the California offshore islands or the United States Atomic Energy Commission Nevada Test Site, including the Nuclear Rocket Development Station, as his principal place of duty is relieved of all liability to refund to the United States the amounts of per diem in lieu of subsistence so paid. 63 Stat. 166; 75 Stat. 339, 340.

"(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the employee, former employee, or other appropriate party concerned, in accordance with law, all amounts paid by, or withheld from amounts otherwise due, an employee or former employee of the United States in complete or partial satisfaction of his liability to the United States for which relief has been granted by section 2 of this Act. Appropriation. 80 STAT. 98. 80 STAT. 99.

"SEC. 3. In accordance with regulations issued under the first section of this Act, the allowance authorized by such section may be made retroactively effective from the date erroneous payments of per diem in lieu of subsistence were discontinued as a result of the decision of the Comptroller General of the United States dated May 4, 1964 (B-153571), or as the result of administrative action taken by reason of that and similar decisions of the Comptroller General of the United States." Effective date.

Approved March 31, 1966.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1161 (Comm. on Government Operations).
SENATE REPORT No. 810 accompanying S. 2271 (Comm. on Government
Operations).

CONGRESSIONAL RECORD:

Vol. 111 (1965): Oct. 18, considered and passed House.
Vol. 112 (1966): Mar. 2, considered and passed Senate,
amended, in lieu of S. 2271.
Mar. 16, House concurred in Senate amendments.

Public Law 89-428
89th Congress, H. R. 14732
May 21, 1966

An Act

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, the sum of \$2,210,658,000 as follows:

Atomic Energy
Commission.
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.

- (a) For "Operating expenses", \$1,964,128,000.
- (b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; construction planning and design; and acquisition and fabrication of capital equipment not related to construction, \$246,530,000 as follows:
 - (1) SPECIAL NUCLEAR MATERIALS.—
Project 67-1-a, isotopes process development laboratory, Savannah River, South Carolina, \$2,000,000.
 - (2) ATOMIC WEAPONS.—
Project 67-2-a, diagnostic chemistry building addition, Lawrence Radiation Laboratory, Livermore, California, \$1,600,000.
Project 67-2-b, weapons production, development, and test installations, \$10,000,000.
 - (3) REACTOR DEVELOPMENT.—
Project 67-3-a, fast flux test facility (AE only), \$7,500,000.
Project 67-3-b, modifications and addition to S1W reactor facility, National Reactor Testing Station, Idaho, \$10,000,000.
Project 67-3-c, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$2,000,000.
Project 67-3-d, fast neutron generator, Argonne National Laboratory, Illinois, \$1,900,000.
Project 67-3-e, heavy water organic cooled reactor (AE only), \$2,000,000.
Project 67-3-f, modifications to reactors, \$3,000,000.
 - (4) PHYSICAL RESEARCH.—
Project 67-4-a, low energy accelerator improvements, Argonne National Laboratory, Illinois, \$400,000.
Project 67-4-b, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$2,000,000.
Project 67-4-c, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$800,000.
Project 67-4-d, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$1,550,000.
Project 67-4-e, accelerator improvements, Cambridge and Princeton accelerators, \$1,850,000.
Project 67-4-f, accelerator improvements, Stanford Linear Accelerator Center, California, \$400,000.
 - (5) BIOLOGY AND MEDICINE.—
Project 67-5-a, biology laboratory, Pacific Northwest Laboratory, Richland, Washington, \$5,000,000.
 - (6) ISOTOPES DEVELOPMENT.—
Project 67-6-a, alpha fuels environmental test facility, Mound Laboratory, Miamisburg, Ohio, \$3,000,000.
 - (7) GENERAL PLANT PROJECTS.—\$39,325,000.
 - (8) CONSTRUCTION PLANNING AND DESIGN.—\$2,000,000.

80 STAT. 162
80 STAT. 163

(9) **CAPITAL EQUIPMENT.**—Acquisition and fabrication of capital equipment not related to construction, \$150,205,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), (4), and (6) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsection 101(b) (5) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b) (7) only if it is in accordance with the following:

(1) For community operations, the maximum currently estimated cost of any project shall be \$100,000 and the maximum currently estimated cost of any building included in such project shall be \$10,000.

(2) For all other programs, the maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000.

(3) The total cost of all projects undertaken under subsection 101(b) (7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Construction
design services.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever

(1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Transfer of
amounts.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

71 Stat. 409;
79 Stat. 122.

SEC. 105. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—Section 111 of Public Law 85-162, as amended, is further amended by striking out the date "June 30, 1966" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1967".

SEC. 106. AMENDMENT OF PRIOR YEAR ACT.—(a) Section 101 of Public Law 89-32 is amended by striking therefrom the figure "\$2,555,521,000" and substituting therefor the figure "\$2,604,821,000", and subsection (b) thereof is amended by striking therefrom the figure "\$294,745,000" and substituting therefor the figure "\$344,045,000".

(b) Section 101(b) (5) of Public Law 89-32 is amended by striking therefrom "Project 66-5-e, alternating gradient synchrotron conversion, Brookhaven National Laboratory, New York (AE only) \$2,000,000," and substituting therefor "Project 66-5-e, alternating gradient synchrotron conversion, Brookhaven National Laboratory, New York, \$47,800,000."

(c) Section 101(b) (5) of Public Law 89-32 is amended by striking therefrom the figure "\$1,200,000" for project 66-5-h, meson physics facility, Los Alamos Scientific Laboratory, New Mexico (AE only), and substituting therefor the figure "\$4,200,000".

(d) Section 101(b) (6) of Public Law 89-32 is amended by striking therefrom the figure "\$2,000,000" for project 66-6-c, land acquisition,

80 STAT. 163

90 STAT. 164

Brookhaven National Laboratory, New York, and substituting there-
for the figure "\$2,500,000".

SEC. 107. REVISION.—Section 106 of Public Law 80-32, except for 79 Stat. 122.
funds heretofore obligated, is rescinded.

Approved May 21, 1966.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1471 (Comm. on Atomic Energy).
SENATE REPORT No. 1142 accompanying S. 3293 (Comm. on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 112 (1966):

May 9: Considered and passed House.

May 10: Considered and passed Senate, in lieu of S. 3293.

Public Law 89-645
89th Congress, S. 3830
October 13, 1966

An Act

80 STAT., 891

To amend the Atomic Energy Act of 1954, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11 of the Atomic Energy Act of 1954, as amended, is amended—

Atomic Energy
Act of 1954,
amendment.

68 Stat. 922;
71 Stat. 576.
42 USC 2014.

(1) by redesignating subsections j. and k. as subsections k. and l., respectively, and by redesignating subsections l. through aa. as subsections n. through cc., respectively;

(2) by inserting after subsection i. the following new subsection:

"j. The term 'extraordinary nuclear occurrence' means any event causing a discharge or dispersal of source, special nuclear, or byproduct material from its intended place of confinement in amounts offsite, or causing radiation levels offsite, which the Commission determines to be substantial, and which the Commission determines has resulted or will probably result in substantial damages to persons offsite or property offsite. Any determination by the Commission that such an event has, or has not, occurred shall be final and conclusive, and no other official or any court shall have power or jurisdiction to review any such determination. The Commission shall establish criteria in writing setting forth the basis upon which such determination shall be made. As used in this subsection, 'offsite' means away from 'the location' or 'the contract location' as defined in the applicable Commission indemnity agreement, entered into pursuant to section 170.";

Definitions.

(3) by inserting after the subsection redesignated as subsection l. by paragraph (1) of this subsection the following new subsection:

"m. The term 'indemnitor' means (1) any insurer with respect to his obligations under a policy of insurance furnished as proof of financial protection; (2) any licensee, contractor or other person who is obligated under any other form of financial protection, with respect to such obligations; and (3) the Commission with respect to any obligation undertaken by it in an indemnity agreement entered into pursuant to section 170.";

(4) by inserting the phrase "including an extraordinary nuclear occurrence," between the word "occurrence" and the word "within" in the subsection redesignated as subsection q. by paragraph (1) of this section.

(b) Section 109 of such Act is amended by striking out "subsection 11 t. (2) or 11 aa. (2)" and inserting in lieu thereof "subsection 11 v. (2) or 11 cc. (2)".

76 Stat. 411.
42 USC 2139.

SEC. 2. Subsection 170 e. of the Atomic Energy Act of 1954, as amended, is amended by deleting the last sentence.

76 Stat. 410.
42 USC 2210.
71 Stat. 576.

SEC. 3. Section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsections:

"m. The Commission is authorized to enter into agreements with other indemnitors to establish coordinated procedures for the prompt handling, investigation, and settlement of claims for public liability. The Commission and other indemnitors may make payments to, or for the aid of, claimants for the purpose of providing immediate assistance following a nuclear incident. Any funds appropriated to the Commission shall be available for such payments. Such payments may be made without securing releases, shall not constitute an admission of the liability of any person indemnified or of any indemnitor, and shall operate as a satisfaction to the extent thereof of any final settlement or judgment.

Emergency as-
sistance pay-
ments.

Waiver of
defenses.

"n. (1) With respect to any extraordinary nuclear occurrence to which an insurance policy or contract furnished as proof of financial protection or an indemnity agreement applies and which—

"(a.) arises out of or results from or occurs in the course of the construction, possession, or operation of a production or utilization facility, or

"(b) arises out of or results from or occurs in the course of transportation of source material, byproduct material, or special nuclear material to or from a production or utilization facility, or

"(c) during the course of the contract activity arises out of or results from the possession, operation, or use by a Commission contractor or subcontractor of a device utilizing special nuclear material or byproduct material,

the Commission may incorporate provisions in indemnity agreements with licensees and contractors under this section, and may require provisions to be incorporated in insurance policies or contracts furnished as proof of financial protection, which waive (i) any issue or defense as to conduct of the claimant or fault of persons indemnified, (ii) any issue or defense as to charitable or governmental immunity, and (iii) any issue or defense based on any statute of limitations if suit is instituted within three years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof, but in no event more than ten years after the date of the nuclear incident. The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. When so incorporated, such waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified. Such waivers shall not preclude a defense based upon a failure to take reasonable steps to mitigate damages, nor shall such waivers apply to injury or damage to a claimant or to a claimant's property which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant. The waivers authorized in this subsection shall, as to indemnitors, be effective only with respect to those obligations set forth in the insurance policies or the contracts furnished as proof of financial protection and in the indemnity agreements. Such waivers shall not apply to, or prejudice the prosecution or defense of, any claim or portion of claim which is not within the protection afforded under (i) the terms of insurance policies or contracts furnished as proof of financial protection, or indemnity agreements, and (ii) the limit of liability provisions of subsection 170 e.

76 Stat. 410.
42 USC 2210.

"(2) With respect to any public liability action arising out of or resulting from an extraordinary nuclear occurrence, the United States district court in the district where the extraordinary nuclear occurrence takes place, or in the case of an extraordinary nuclear occurrence taking place outside the United States, the United States District Court for the District of Columbia, shall have original jurisdiction without regard to the citizenship of any party or the amount in controversy. Upon motion of the defendant or of the Commission, any such action pending in any State court or United States district court shall be removed or transferred to the United States district court having venue under this subsection. Process of such district court shall be effective throughout the United States.

Allocation of
funds.

"o. Whenever the United States district court in the district where a nuclear incident occurs, or the United States District Court for the District of Columbia in case of a nuclear incident occurring outside the United States, determines upon the petition of any indemnitor or

other interested person that public liability from a single nuclear incident may exceed the limit of liability under subsection 170 e.:

76 Stat. 410.
42 USC 2210.

"(1) Total payments made by or for all indemnitors as a result of such nuclear incident shall not exceed 15 per centum of such limit of liability without the prior approval of such court;

"(2) The court shall not authorize payments in excess of 15 per centum of such limit of liability unless the court determines that such payments are or will be in accordance with a plan of distribution which has been approved by the court or such payments are not likely to prejudice the subsequent adoption and implementation by the court of a plan of distribution pursuant to subparagraph (3) of this subsection (c); and

"(3) The Commission shall, and any other indemnitor or other interested person may, submit to such district court a plan for the disposition of pending claims and for the distribution of remaining funds available. Such a plan shall include an allocation of appropriate amounts for personal injury claims, property damage claims, and possible latent injury claims which may not be discovered until a later time. Such court shall have all power necessary to approve, disapprove, or modify plans proposed, or to adopt another plan; and to determine the proportionate share of funds available for each claimant. The Commission, any other indemnitor, and any person indemnified shall be entitled to such orders as may be appropriate to implement and enforce the provisions of this section, including orders limiting the liability of the persons indemnified, orders approving or modifying the plan, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, and orders permitting partial payments to be made before final determination of the total claims. The orders of such court shall be effective throughout the United States."

Approved October 13, 1966.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 2043 accompanying H.R. 17685 (Joint Comm. on Atomic Energy).
SENATE REPORT No. 1605 (Joint Comm. on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 112 (1966):
Sept. 22: Considered and passed Senate.
Sept. 30: Considered and passed House, in lieu of H.R. 17685.

Public Law 89-648
89th Congress, S. 3807
October 13, 1966

An Act

80 STAT. 895

To amend Public Law 89-428 to authorize the Atomic Energy Commission to enter into a cooperative arrangement for a large-scale combination nuclear power-desalting project, and appropriations therefor, in accordance with section 281 of the Atomic Energy Act of 1954, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 89-428 is hereby amended by adding a new section as follows:

"SEC. 108. LARGE-SCALE COMBINATION NUCLEAR POWER-DESALTING PROJECT.—The Commission is hereby authorized to enter into a cooperative arrangement, in association with the Department of the Interior, with the Metropolitan Water District of Southern California, with privately, publicly, or cooperatively owned utilities, or others, for participation in a large-scale nuclear power-desalting project involving the development, design, construction, and operation of a desalting plant, back pressure turbine, and a nuclear powerplant or plants that will also be utilized for the generation of electric energy, in accordance with the basis for an arrangement described in the program justification data submitted by the Commission in support of this authorization for fiscal year 1967 without regard to the provisions of section 189 of the Atomic Energy Act of 1954, as amended: *Provided further,* That appropriations in the amount of \$15,000,000 are hereby authorized for the Commission's participation in this project; and the Commission's cooperative assistance shall pertain to the dual-purpose aspects of the project; the siting and related design of the plants; and the coupling of the desalting plant with the back pressure turbine and the nuclear powerplants; or to other aspects of the project pertaining to interrelationship of nuclear power and desalting."

Approved October 13, 1966.

Nuclear power-desalting project.

Ante, p. 162.

68 Stat. 952.
42 USC 2209.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 2145 accompanying H. R. 17558 (Joint Committee on Atomic Energy).

SENATE REPORT No. 1662 (Joint Committee on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 112 (1966):

Sept. 29: Considered and passed Senate.

Oct. 3: Considered and passed House, in lieu of H. R. 17558.

Public Law 90-56
90th Congress, H. R. 10918
July 26, 1967

An Act

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

Atomic Energy
Commission.
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.

(a) For "Operating expenses", \$2,164,843,000.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 68-1-a, hot laboratory, New Brunswick, New Jersey, \$1,000,000.

Project 68-1-b, replacement waste storage tanks, Richland, Washington, \$2,500,000.

81 STAT. 124

81 STAT. 125

(2) ATOMIC WEAPONS.—

Project 68-2-a, new weapons production capabilities, various locations, \$100,500,000.

Project 68-2-b, weapons production, development, and test installations, \$10,000,000.

(3) REACTOR DEVELOPMENT.—

Project 68-3-a, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$2,000,000.

Project 68-3-b, isotopic space systems facility, Sandia Base, New Mexico, \$2,250,000.

Project 68-3-c, modifications to reactors, \$1,000,000.

(4) PHYSICAL RESEARCH.—

Project 68-4-a, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$1,095,000.

Project 68-4-b, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$1,900,000.

Project 68-4-c, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$1,740,000.

Project 68-4-d, accelerator improvements, Cambridge and Princeton accelerators, \$400,000.

Project 68-4-e, accelerator improvements, Stanford Linear Accelerator Center, California, \$865,000.

Project 68-4-f, 200 Bev accelerator, Du Page and Kane Counties near Chicago, Illinois, \$7,333,000.

Project 68-4-g, laboratory and energy storage facility, Los Alamos Scientific Laboratory, New Mexico, \$8,500,000.

(5) TRAINING, EDUCATION AND INFORMATION.—

Project 68-5-a, addition to biomedical building, Rio Piedras, Puerto Rico, \$1,400,000.

(6) GENERAL PLANT PROJECTS.—\$39,175,000.

(7) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$156,575,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only

if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start the project set forth in subsection 101(b)(5) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b)(6) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(6) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Construction
design serv-
ices.

81 STAT. 125
81 STAT. 126

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Transfers of
amounts.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

71 Stat. 409;
80 Stat. 163.

SEC. 105. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—Section 111 of Public Law 85-162, as amended, is further amended by striking out the date "June 30, 1967" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1968".

80 Stat. 163.

SEC. 106. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 89-32, as amended, is further amended by (1) striking therefrom the figure "\$2,604,821,000", and substituting therefor the figure "\$2,655,621,000"; (2) striking from subsection (b) thereof the figure "\$344,045,000", and substituting therefor the figure "\$394,845,000"; and (3) striking from subsection (b)(5) thereof "Project 66-5-h, meson physics facility, Los Alamos Scientific Laboratory, New Mexico (AE only), \$4,200,000", and substituting therefor "Project 66-5-h, meson physics facility, Los Alamos Scientific Laboratory, New Mexico, \$55,000,000".

80 Stat. 162.

(b) Section 101 of Public Law 89-428, as amended, is further amended by (1) striking therefrom the figure "\$2,210,658,000", and substituting therefor the figure "\$2,290,658,000"; (2) striking from subsection (b) thereof the figure "\$246,530,000", and substituting therefor the figure "\$326,530,000"; (3) striking from subsection (b)(3) thereof "Project 67-3-a, fast flux test facility (AE only), \$7,500,000", and substituting therefor "Project 67-3-a, fast flux test facility, \$87,500,000"; and (4) striking from subsection (b)(3) thereof "Project 67-3-b, modifications and addition to S1W reactor facility, National Reactor Testing Station, Idaho, \$10,000,000", and substituting therefor "Project 67-3-b, modifications and addition to reactor facilities, West Milton, New York, \$10,000,000".

77 Stat. 85.

SEC. 107. RESCISSIONS.—(a) Public Law 88-72, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 64-e-3, SNAP development and test facilities, Santa Susana, California, \$500,000.

(b) Public Law 89-428, as amended, is further amended by rescinding therefrom authorization for a project as follows:

80 Stat. 162.

Project 67-3-e, heavy water organic cooled reactor (AE only), \$2,000,000.

Approved July 26, 1967, 10:30 p. m.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 369 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 349 accompanying S. 1963 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 113 (1967):

June 28: Considered in House.

June 29: Considered and passed House.

July 12: Considered and passed Senate, in lieu of S. 1963.

Public Law 90-190
90th Congress, S. 2644
December 14, 1967

An Act

81 STAT. 575

To amend the Atomic Energy Community Act of 1955, as amended, the Atomic Energy Act of 1954, as amended, and the EURATOM Cooperation Act of 1958, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 58 of the Atomic Energy Community Act of 1955, as amended, is amended to read as follows:

Atomic Energy
Community Act of
1955, amendment.
76 Stat. 665.
42 USC 2348.

"SEC. 58. PRIORITY SALE OF APARTMENT HOUSES.—

"a. The Commission is authorized at Los Alamos to grant to occupants, project-connected persons, and persons residing in the community both at the time of offering of an apartment house for sale and for the preceding six months, and to any of the foregoing persons acting together, such priority interests and priority rights for the purchase of the apartment house as the Commission determines to be fair and reasonable: *Provided*, That a first priority right to purchase may be granted only to an occupant or a group of occupants or an assignee (whose membership or ownership is composed of occupants, or project-connected persons, or persons residing in the community both at the time of offering of an apartment house for sale and for the preceding six months, or any of the foregoing persons) of the priority interests of such occupants, who or which has obtained the priority interest of at least 60 per centum of the occupants of the apartment house: *Provided further*, That a second priority right to purchase may be granted only to an entity whose membership or ownership consists of occupants, or project-connected persons, or persons residing in the community both at the time of offering of an apartment house for sale and for the preceding six months, or any of the foregoing persons (provided that such entity has obtained the priority interest of at least one occupant), and whose membership or ownership equals in number, and occupies or agrees to occupy, at least 70 per centum of the housing units in the apartment house. The 15 per centum deduction specified by subsection 35 a., the deduction provided by subsection 36 d., the financing provisions of section 62, and the indemnity provided by sections 63, 64, 65, and 66 shall be applicable to such priority sales of apartment houses. Priority interests granted by the Commission under this section shall be transferable as the Commission may by rule or regulation prescribe, but no priority right to purchase shall be transferred except as provided by section 43.

69 Stat. 474, 478.
42 USC 2325, 2326,
2362-66.

42 USC 2333.

"b. Any occupant who does not participate in the purchase of an apartment house with respect to which a priority right to purchase has been granted shall be entitled, at the time of sale by the Commission, to a lease for occupancy of his housing unit for a period not to exceed fifteen months from the date the property was first offered for sale: *Provided*, That the occupant makes application for such a lease within 30 days of the grant of such priority to purchase. In selling any apartment house with respect to which a lease executed under this section is in effect, the Commission is authorized to provide for the purchaser to assume any or all obligations of the lessor. The Commission in such event shall guarantee the lessee's performance of the lease.

"c. Persons who have purchased, either individually or jointly with other persons, a single-family house or duplex house (or a single-family unit in a duplex house) at Los Alamos pursuant to a priority right under this Act shall not be eligible to participate in the priority purchase of an apartment house.

"d. The Commission is authorized to prescribe by rule or regulation such other conditions as it may find necessary or desirable for

81 STAT. 576

qualification of priority interests and rights for the purchase of an apartment house."

Assistance pay-
ments.
69 Stat. 481.
42 USC 2391.

SEC. 2. Section 91 of the Atomic Energy Community Act of 1955, as amended, is amended—

(1) by striking out subsection a. and inserting in lieu thereof:
"a. From the date of transfer of any municipal installations to a governmental or other entity at or for the community, the Commission shall, for a period of ten years, make annual assistance payments of just and reasonable sums to the State, county, or local entity having jurisdiction to collect property taxes or to the entity receiving the installation transferred hereunder: *Provided, however,* with respect to the Cities of Oak Ridge, Tennessee, and Richland, Washington, and the Richland School District, the Commission is authorized to continue to make assistance payments of just and reasonable sums after expiration of such ten-year period. In determining the amount and recipient of such payments the Commission shall consider—

"(1) the approximate real property taxes and assessments for local improvements which would be paid to the governmental entity upon property within the community if such property were not exempt from taxation by reason of Federal ownership;

"(2) the maintaining of municipal services at a level which will not impede the recruitment or retention of personnel essential to the atomic energy program;

"(3) the fiscal problems peculiar to the governmental entity by reason of the construction at the community as a single purpose national defense installation under emergency conditions;

"(4) the municipal services and other burdens imposed on the governmental or other entities at the community by the United States in its operations in the project area; and

"(5) the tax revenues and sources available to the governmental entity, its efforts and diligence in collection of taxes, assessment of property, and the efficiency of its operations.";

(2) by striking out subsection d. and inserting in lieu thereof:

"d. With respect to any entity not less than six months prior to the expiration of the ten-year period referred to in subsection a. (or not less than six months prior to June 30, 1979, in the case of the Cities of Oak Ridge, Tennessee, and Richland, Washington, and the Richland School District), the Commission shall present to the Joint Committee on Atomic Energy its recommendations as to the need for any further assistance payments to such entity."; and

(3) by adding the following new subsection e.:

"e. In exercising the authority of subsection 91 a. the Commission shall assure itself that the governmental or other entities receiving assistance hereunder utilize all reasonable, available means to achieve financial self-sufficiency to the end that assistance payments by the Commission may be reduced or terminated at the earliest practical time."

SEC. 3. Section 94 of the Atomic Energy Community Act of 1955, as amended, is amended to read as follows:

"SEC. 94. COMMISSION CONTRACTS.—The Commission is authorized, without regard to section 3679 of the Revised Statutes, to enter into a contract with any governmental or other entity to which payments are required or authorized to be made pursuant to section 91, obligating the Commission to make to such entity the payments directed or authorized to be made by section 91: *Provided, however,* That the term of such contracts, in the case of the Cities of Oak Ridge, Tennessee, and Richland, Washington, and the Richland School District, shall not extend beyond June 30, 1979."

SEC. 4. Subsection 118 a. of the Atomic Energy Community Act of 1955, as amended, is amended to read as follows:

2 USC 2394.

1 USC 665.

USC 2312.

"a. No appropriation shall be made to carry out the provisions and purposes of this Act unless previously authorized by legislation enacted by Congress."

SEC. 5. Subsection 25 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"a. a Division of Military Application and such other program divisions (not to exceed ten in number) as the Commission may determine to be necessary to the discharge of its responsibilities, including a division or divisions the primary responsibilities of which include the development and application of civilian uses of atomic energy. The Division of Military Application shall be under the direction of an Assistant General Manager for Military Application, who shall be appointed by the Commission and shall be an active commissioned officer of the Armed Forces serving in general or flag officer rank or grade, as appropriate. Each other program division shall be under the direction of a Director who shall be appointed by the Commission. The Commission shall require each such division to exercise such of the Commission's administrative and executive powers as the Commission may determine;"

AEC.
Assistant General Manager for Military Application.
68 Stat. 925.
42 USC 2035.

SEC. 6. Section 28 of the Atomic Energy Act of 1954, as amended, is amended by revising the first two sentences thereof to read as follows: "Notwithstanding the provisions of any other law, the officer of the Army, Navy, or Air Force serving as Assistant General Manager for Military Application shall serve without prejudice to his commissioned status as such officer. Any such officer serving as Assistant General Manager for Military Application shall receive in addition to his pay and allowances, including special and incentive pays, for which pay and allowances the Commission shall reimburse his service, an amount equal to the difference between such pay and allowances, including special and incentive pays, and the compensation established for this position."

42 USC 2038.

SEC. 7. Section 33 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 33. RESEARCH FOR OTHERS.—Where the Commission finds private facilities or laboratories are inadequate to the purpose, it is authorized to conduct for other persons, through its own facilities, such of those activities and studies of the types specified in section 31 as it deems appropriate to the development of atomic energy. To the extent the Commission determines that private facilities or laboratories are inadequate to the purpose, and that the Commission's facilities, or scientific or technical resources have the potential of lending significant assistance to other persons in the fields of protection of public health and safety, the Commission may also assist other persons in these fields by conducting for such persons, through the Commission's own facilities, research and development or training activities and studies. The Commission is authorized to determine and make such charges as in its discretion may be desirable for the conduct of the activities and studies referred to in this section."

Research, additional authority.
42 USC 2053.

68 Stat. 927;
70 Stat. 1069.
42 USC 2051.

SEC. 8. Subsection 41 b. of the Atomic Energy Act of 1954, as amended, is amended by deleting the last sentence.

42 USC 2061.

SEC. 9. Subsection 53 f. of the Atomic Energy Act of 1954, as amended, is amended by revising the first sentence thereof to read as follows: "The Commission is directed to distribute within the United States sufficient special nuclear material to permit the conduct of widespread independent research and development activities to the maximum extent practicable."

68 Stat. 930.
42 USC 2073.

SEC. 10. Subsection 53 c. (1) of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. (1) The Commission may distribute special nuclear material licensed under this section by sale, lease, lease with option to buy,

78 Stat. 603.

grant, or through the provision of production or enrichment services: *Provided, however,* That unless otherwise authorized by law, the Commission shall not after December 31, 1970, distribute special nuclear material except by sale or through the provision of production or enrichment services to any person who possesses or operates a utilization facility under a license issued pursuant to section 103 or 104 b. for use in the course of activities under such license; nor shall the Commission permit any such person after June 30, 1973, to continue leasing for use in the course of such activities special nuclear material previously leased to such person by the Commission."

68 Stat. 936.
42 USC 2133, 2134.

68 Stat. 948;
72 Stat. 337.
42 USC 2201.

42 USC 2273.

Uranium and plu-
tonium.

78 Stat. 376.
42 USC 2294.
42 USC 2074.

SEC. 11. Subsection 161 n. of the Atomic Energy Act of 1954, as amended, is amended by striking out "57 a. (3)" and inserting in lieu thereof "87 b."

SEC. 12. Section 223 of the Atomic Energy Act of 1954, as amended, is amended by striking out the letter "p." appearing after the word "or" and inserting in lieu thereof the letter "o."

SEC. 13. Section 5 of the EURATOM Cooperation Act of 1958, as amended, is amended to read as follows:

"SEC. 5. Pursuant to the provisions of section 54 of the Atomic Energy Act of 1954, as amended, there is hereby authorized for sale or lease to the Community—

"two hundred fifteen thousand kilograms of contained uranium 235;

"one thousand five hundred kilograms of plutonium; and

"thirty kilograms of uranium 233;

in accordance with the provisions of an agreement or agreements for cooperation between the Government of the United States and the Community entered into pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended: *Provided,* That the Government of the United States obtains the equivalent of a first lien on any such material sold to the Community for which payment is not made in full at the time of transfer. The Commission may enter into contracts to provide, after December 31, 1968, for the producing or enriching of all, or part of, the above-mentioned contained uranium 235 pursuant to the provisions of subsection 161 v. (B) of said Act, as amended, in lieu of sale or lease thereof."

SEC. 14. The table of contents of the Atomic Energy Community Act of 1955, as amended, is amended by inserting a new heading entitled

"Sec. 58. Priority sale of apartment houses."

Approved December 14, 1967.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 911 accompanying H. R. 13934 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 743 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 113 (1967):

Nov. 15: Considered and passed Senate.

Nov. 30: Considered and passed House, in lieu of H. R. 13934.

42 USC 2153.

78 Stat. 606.
42 USC 2201.

Public Law 90-289
90th Congress, H. R. 16324
April 19, 1968

An Act

82 STAT. 96

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$2,174,550,000, not to exceed \$119,400,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 69-1-a, powder metallurgy facility, Savannah River, South Carolina, \$700,000.

Project 69-1-b, waste storage tanks, Savannah River, South Carolina, \$3,500,000.

(2) SPECIAL NUCLEAR MATERIALS.—

Project 69-2-u, calcined solids storage facility additions, National Reactor Testing Station, Idaho, \$2,100,000.

(3) ATOMIC WEAPONS.—

Project 69-3-a, rehabilitation of plutonium processing site, Los Alamos Scientific Laboratory, New Mexico, \$3,500,000.

Project 69-3-b, weapons production, development, and test installations, \$10,000,000.

(4) REACTOR DEVELOPMENT.—

Project 69-4-a, hot fuel examination facility, National Reactor Testing Station, Idaho, \$10,200,000.

Project 69-4-b, modifications to EBR-II and related facilities, National Reactor Testing Station, Idaho, \$2,000,000.

Project 69-4-c, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

Project 69-4-d, modifications to reactors, \$1,000,000.

(5) PHYSICAL RESEARCH.—

Project 69-5-a, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$600,000.

Project 69-5-b, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$875,000.

Project 69-5-c, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$750,000.

Project 69-5-d, accelerator improvements, Cambridge and Princeton accelerators, \$145,000.

Project 69-5-e, accelerator improvements, Stanford Linear Accelerator Center, California, \$630,000.

Project 69-5-f, omnitron accelerator, Lawrence Radiation Laboratory, Berkeley, California (AE only), \$1,000.

(6) GENERAL PLANT PROJECTS.—\$37,010,000.

Atomic Energy
Commission.
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.

(7) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$175,040,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (4), and (5) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsection 101(b) (2) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b) (6) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (6) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Construction
design services.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Transfers of
amounts.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

71 Stat. 409;
81 Stat. 126.

SEC. 105. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—Section 111 of Public Law 85-162, as amended, is further amended by striking out the date "June 30, 1968" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1969".

81 Stat. 124,
125.

SEC. 106. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101(b) of Public Law 90-56 is amended by (1) striking from subsection (2) thereof the figure "\$100,500,000" for project 68-2-a; new weapons production capabilities, various locations, and substituting therefor the figure "\$285,000,000"; and (2) striking from subsection (4) thereof the figure "\$7,333,000" for project 68-4-f, 200 Bev accelerator, Du Page and Kane Counties near Chicago, Illinois, and substituting therefor the figure "\$32,333,000".

81 Stat. 126.

(b) Section 101 of Public Law 89-32, as amended, is further amended by (1) striking therefrom the figure "\$2,655,621,000" and substituting therefor the figure "\$2,658,821,000"; (2) striking from subsection (b) thereof the figure "\$394,845,000" and substituting therefor the figure "\$398,045,000"; and (3) striking from subsection (b) (2) thereof the figure "\$2,300,000" for project 66-2-d, environmental test facility, Lawrence Radiation Laboratory, Livermore, California, and substituting therefor the figure "\$5,500,000".

78 Stat. 228.

SEC. 107. RESCISSION.—Public Law 88-332, as amended, is further amended by rescinding therefrom authorization for a project,

except for funds heretofore obligated and such additional funds as may be necessary to close out the project, as follows:

Project 65-5-a, Argonne advanced research reactor, Argonne National Laboratory, Illinois, \$25,000,000.

Approved April 19, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1266 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 1074 accompanying S. 3262 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 114 (1968):

Apr. 4: Considered and passed House.

Apr. 8: Considered and passed Senate, in lieu of S. 3262.

Public Law 91-44
91st Congress, H. R. 12167
July 11, 1969

An Act

83 STAT. 46

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$1,967,050,000, not to exceed \$121,000,000 in operating costs for the High Energy Physics program category:

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 70-1-a, waste storage tanks and tank farm waste handling systems, Richland, Washington, \$10,000,000.

Project 70-1-b, bedrock waste storage (AE and site selection drilling only), Savannah River, South Carolina, \$1,300,000.

Project 70-1-c, waste encapsulation and storage facilities (AE only), Richland, Washington, \$1,200,000.

Project 70-1-d, contaminated water control facilities, Savannah River, South Carolina, \$1,500,000.

Project 70-1-e, equipment test facility, Oak Ridge, Tennessee, \$5,700,000.

(2) SPECIAL NUCLEAR MATERIALS.—

Project 70-2-a, rebuilding of gaseous diffusion plant cooling tower, Portsmouth, Ohio, \$1,000,000.

Project 70-2-b, improvement of gaseous diffusion plant electrical distribution systems, Paducah, Kentucky, \$1,700,000.

(3) ATOMIC WEAPONS.—Project 70-3-a, weapons production, development and test installations, \$10,000,000.

(4) REACTOR DEVELOPMENT.—

Project 70-4-a, high temperature sodium facility, Pacific Northwest Laboratory, Richland, Washington, \$6,300,000.

Project 70-4-b, research and development test plans, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

Project 70-4-c, modifications and alterations to expended core facility, National Reactor Testing Station, Idaho, \$4,400,000.

Project 70-4-d, modifications to reactors, \$1,000,000.

(5) REACTOR DEVELOPMENT.—Project 70-5-a, conversion of heating plant to natural gas, Argonne National Laboratory, Illinois, \$560,000.

(6) PHYSICAL RESEARCH.—

Project 70-6-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$650,000.

Project 70-6-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$700,000.

Project 70-6-c, accelerator improvements, Cambridge and Princeton accelerators, \$200,000.

Atomic Energy
Commission,
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.

Project 70-6-d, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$680,000.

83 STAT. 46 Project 70-6-e, accelerator improvements, Stanford Linear Accelerator Center, California, \$640,000.

83 STAT. 47 Project 70-6-f, accelerator improvements, medium and low energy physics, \$130,000.

Project 70-6-g, modification to Heavy Ion Linear Accelerator, Lawrence Radiation Laboratory, Berkeley, California, \$2,650,000.

(7) ADMINISTRATIVE.—Project 70-7-a, computer building, AEC Headquarters, Germantown, Maryland, \$1,850,000.

(8) GENERAL PLANT PROJECTS.—\$37,650,000.

(9) CAPITAL EQUIPMENT.—Acquisition and fabrication to capital equipment not related to construction, \$172,525,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (4), and (6) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsection 101(b) (2), (5), and (7) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b) (8) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (8) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Construction design services.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Transfers of amounts.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

81 Stat. 125;
82 Stat. 97.

SEC. 105. AMENDMENT OF PRIOR YEAR ACT.—Section 101(b) of Public Law 90-56, as amended, is further amended by striking from subsection (4) thereof the figure "\$32,333,000" for project 68-4-f, 200-Bev accelerator, Du Page and Kane Counties near Chicago, Illinois, and substituting therefor the figure "\$250,000,000."

68 Stat. 952.
42 USC 2209.

SEC. 106. LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROGRAM—PROJECT DEFINITION PHASE.—(a) The Commission is hereby authorized to conduct the Project Definition Phase of a Liquid Metal Fast Breeder Reactor Demonstration Program, under cooperative arrangements with reactor manufacturers and others, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and authorization of appro-

priations therefor in the amount of \$7,000,000 is included in section 101 of this Act.

Sec. 107. The Commission is authorized to appoint persons as employees to positions in the Atomic Energy Commission without regard to the provisions of section 201 of Public Law 90-364, and such positions shall not be taken into consideration in determining numbers of employees under subsection (a) of that section or numbers of vacancies under subsection (b) of that section.

Federal employees
limitation, ex-
ception.
82 Stat. 270.
5 USC 3101 note.

Approved July 11, 1969.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-315 (Joint Comm. on Atomic Energy).
SENATE REPORT No. 91-244 accompanying S. 2416 (Joint Comm. on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 115 (1969):
June 24: Considered and passed House.
June 26: Considered and passed Senate, amended, in lieu of S. 2416.
July 1: House agreed to Senate amendment.

Public Law 91-161
91st Congress, S. 3169
December 24, 1969

An Act

To amend the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection 153h. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"h. The provisions of this section shall apply to any patent the application for which shall have been filed before September 1, 1974."

SEC. 2. Section 222 of the Atomic Energy Act of 1954, as amended, is amended by striking out "imprisonment for not more than five years" and inserting in lieu thereof "imprisonment for not more than ten years".

SEC. 3. (a) Section 222 of the Atomic Energy Act of 1954, as amended, is amended by striking out "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both" and inserting in lieu thereof "imprisonment for life, or by imprisonment for any term of years or a fine of not more than \$20,000 or both".

(b) Sections 224, 225, and 226 of the Atomic Energy Act of 1954, as amended, are each amended by striking out "death or imprisonment for life (but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury), or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both" and inserting in lieu thereof "imprisonment for life, or by imprisonment for any term of years or a fine of not more than \$20,000 or both".

SEC. 4. Chapter 18 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new section:

"SEC. 234. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF LICENSING REQUIREMENTS.—

"a. Any person who (1) violates any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or (2) commits any violation for which a license may be revoked under section 186, shall be subject to a civil penalty, to be imposed by the Commission, of not to exceed \$5,000 for each such violation: *Provided*, That in no event shall the total penalty payable by any person exceed \$25,000 for all violations by such person occurring within any period of thirty consecutive days. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. The Commission shall have the power to compromise, mitigate, or remit such penalties.

"b. Whenever the Commission has reason to believe that a person has become subject to the imposition of a civil penalty under the provisions of this section, it shall notify such person in writing (1) setting forth the date, facts, and nature of each act or omission with which the person is charged, (2) specifically identifying the particular provision or provisions of the section, rule, regulation, order, or license involved in the violation, and (3) advising of each penalty which the Commission proposes to impose and its amount. Such written notice shall be sent by registered or certified mail by the Commission to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within such reasonable period as the

Atomic Energy
Act of 1954,
amendment.
78 Stat. 376.
42 USC 2183.

68 Stat. 958.
42 USC 2272.

Restricted
data.
42 USC 2274-
2276.

Enforcement.
70 Stat. 1070.
42 USC 2271-
2281.

68 Stat. 930.
42 USC 2073,
2077, 2092,
2093, 2111,
2112, 2131,
2133, 2134,
2137, 2139.
42 USC 2236.

83 STAT. 444
83 STAT. 445

Written
notification.

Commission shall by regulation prescribe, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Commission, if any, the penalty may be collected by civil action.

Civil action.

"c. On the request of the Commission, the Attorney General is authorized to institute a civil action to collect a penalty imposed pursuant to this section. The Attorney General shall have the exclusive power to compromise, mitigate, or remit such civil penalties as are referred to him for collection."

68 Stat. 958,
42 USC 2271.

SEC. 5. Subsection 221 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. No action shall be brought against any individual or person for any violation under this Act unless and until the Attorney General of the United States has advised the Commission with respect to such action and no such action shall be commenced except by the Attorney General of the United States: *Provided, however,* That no action shall be brought under section 222, 223, 224, 225, or 226 except by the express direction of the Attorney General: *And provided further,* That nothing in this subsection shall be construed as applying to administrative action taken by the Commission."

42 USC 2272-
2276.

SEC. 6. Section 223 of the Atomic Energy Act of 1954, as amended, is amended by adding the word "criminal" before the word "penalty".

SEC. 7. The amendments contained in sections 2 and 3 of this Act shall apply only to offenses under sections 222, 224, 225, and 226 which are committed on or after the date of enactment of this Act. Nothing in section 2 or 3 of this Act shall affect penalties authorized under existing law for offenses under section 222, 224, 225, or 226 of the Atomic Energy Act of 1954, as amended, committed prior to the date of enactment of this Act.

Approved December 24, 1969.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-691 accompanying H. R. 14925 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 91-553 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 115 (1969):

Dec. 1: Considered and passed Senate.

Dec. 15: Considered and passed House, in lieu of H. R. 14925.

Public Law 91-273
91st Congress, S. 3818
June 2, 1970

An Act

84 STAT. 299

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

Atomic Energy
Commission.
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.

(a) For "Operating expenses", \$2,013,307,000, not to exceed \$119,450,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 71-1-a, contaminated storm water runoff control facilities, Savannah River, South Carolina, \$900,000.

Project 71-1-b, in-tank waste solidification systems, Richland, Washington, \$6,300,000.

Project 71-1-c, storage and waste transfer facilities, Richland, Washington, \$1,700,000.

Project 71-1-d, radioactive contamination control improvements, National Reactor Testing Station, Idaho, \$1,400,000.

Project 71-1-e, gaseous diffusion production support facilities, \$14,700,000.

Project 71-1-f, process equipment modifications, gaseous diffusion plants, \$6,400,000.

(2) ATOMIC WEAPONS.—

Project 71-2-a, weapons production, development and test installations, \$10,000,000.

(3) REACTOR DEVELOPMENT.—

Project 71-3-a, modifications to reactors, \$2,000,000.

Project 71-3-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

Project 71-3-c, modifications to EBR-II and related facilities, National Reactor Testing Station, Idaho, \$2,000,000.

(4) PHYSICAL RESEARCH.—

Project 71-4-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$900,000.

Project 71-4-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$925,000.

Project 71-4-c, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$825,000.

Project 71-4-d, accelerator improvements, Stanford Linear Accelerator Center, California, \$950,000.

Project 71-4-e, accelerator improvements, medium and low energy physics, \$400,000.

(5) BIOLOGY AND MEDICINE.—

Project 71-5-a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, \$2,000,000.

(6) TRAINING, EDUCATION AND INFORMATION.—

Project 71-6-a, National Nuclear Science Information Center (AE only), Oak Ridge, Tennessee, \$600,000.

(7) GENERAL PLANT PROJECTS.—\$42,000,000.

(8) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$173,050,000.

Ante, p. 299.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (5) and (6) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Construction design services.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Transfer of amounts.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

73 Stat. 84.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 110 of Public Law 86-50, as amended, is further amended by adding the following at the end of the present text of subsection (f) of said section: "*And provided further, That waiver of use charges by the Commission may not extend beyond ten years after initial criticality of the reactor.*"

79 Stat. 120.

(b) Section 101 f Public Law 89-32, as amended, is further amended by adding to subsection (b) (4) for project 86-4-a, sodium pump test facility, the words "for design and Phase I construction."

83 Stat. 46.

(c) Section 101 of Public Law 91-44 is amended by striking from subsection (b) (1), project 70-1-c, waste encapsulation and storage facilities, Richland, Washington, the words "(AE only)" and further striking the figure "\$1,200,000" and substituting therefor the figure "\$10,750,000".

Cooperative arrangement for research and development.

SEC. 106. LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROGRAM—FOURTH ROUND.—(a) The Commission is hereby authorized to enter into a cooperative arrangement with a reactor manufacturer and others for participation in the research and development, design, construction, and operation of a Liquid Metal Fast Breeder Reactor powerplant, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy and referred to in section 106 of Public Law 91-44, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and the Commission is further authorized to continue to conduct the Project Definition Phase subsequent to the aforementioned cooperative arrangement. Appropriations totalling \$50,000,000 are hereby authorized for the aforementioned cooperative arrangement and for the Project Definition Phase authorized by section 106 of Public Law

83 Stat. 47.

68 Stat. 952.

42 USC 2209.

Appropriations.

91-44 and this section, said total amount to include the sum authorized by section 106 of Public Law 91-44. The Commission is also authorized hereby, without regard to the provisions of section 3679 of the Revised Statutes, as amended, to agree under said cooperative arrangement to provide assistance up to a total amount of \$50,000,000 less the sums available to the Commission and utilized for the Project Definition Phase contracts authorized pursuant to section 106 of Public Law 91-44 and this section; and, in addition to said total amount, in the Commission's discretion, to provide assistance up to a total amount of \$20,000,000 in the form of Commission-furnished services, facilities or equipment otherwise available to or planned by the Commission under its civilian base program: *Provided*, That said ceiling amounts shall not be deemed to include assistance in the form of waiver of use charges during the term of the cooperative arrangement and the Commission may agree to provide such assistance without regard to the provisions of section 53 of the Atomic Energy Act, as amended, by waiving use charges in an amount not to exceed \$10,000,000.

(b) Before the Commission enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed participating party or parties with whom the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by the Commission and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee on Atomic Energy, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five day period: *Provided further*, That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein: *And provided further*, That no basis for arrangement need be resubmitted to the Joint Committee for the sole reason that the estimated amount of the cost to be incurred by the Commission exceeds the estimated cost previously submitted to the Joint Committee by not more than 15 per centum.

Approved June 2, 1970.

83 Stat. 47.
Additional
assistance.
31 USC 665.

Waiver;
charges
limitation.

68 Stat. 930;
78 Stat. 603;
81 Stat. 577.
42 USC 2073.
Arrangement;
submission to
Joint Committee
on Atomic
Energy.

Waiver.

Cost limita-
tion.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1035 accompanying H.R. 17405 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 91-852 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 116 (1970):

May 13, considered and passed Senate.

May 19, considered and passed House, in lieu of H.R. 17405.

Public Law 91-461
91st Congress, S. 1628
October 16, 1970

An Act

84 STAT. 979

Granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the national policy to encourage and recognize the performance of functions by the States with respect to the peaceful use of nuclear energy in its several forms. The Federal Government recognizes that many programs in nuclear fields can benefit from cooperation among the States, as well as between the Federal Government and the States. The importance of the interstate compact as one means for promoting such cooperation is hereby declared as part of the intention of Congress, already expressed in part in Public Law 86-373 and 87-563, to facilitate the use of State jurisdiction in and over portions of the development and regulatory nuclear field.

Western Inter-
state Nuclear
Compact.
Consent of
Congress.

73 Stat. 688.
42 USC 2021.
76 Stat. 249.

SEC. 2. The Congress hereby consents to the Western Interstate Nuclear Compact, which compact is as follows:

“ARTICLE I. POLICY AND PURPOSE

“The party states recognize that the proper employment of scientific and technological discoveries and advances in nuclear and related fields and direct and collateral application and adaptation of processes and techniques developed in connection therewith, properly correlated with the other resources of the region, can assist substantially in the industrial progress of the West and the further development of the economy of the region. They also recognize that optimum benefit from nuclear and related scientific or technological resources, facilities and skills requires systematic encouragement, guidance, assistance, and promotion from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis. It is the purpose of this compact to provide the instruments and framework for such a cooperative effort in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

“ARTICLE II. THE BOARD

“(a) There is hereby created an agency of the party states to be known as the ‘Western Interstate Nuclear Board’ (hereinafter called the Board). The Board shall be composed of one member from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

“(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

“(c) The Board shall have a seal.

"(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint and fix the compensation of an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, and such other personnel as the Board may direct, shall be bonded in such amounts as the Board may require.

"(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

"(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, or its institutions or subdivisions, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

"(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

"(h) The Board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this paragraph or upon any borrowing pursuant to paragraph (g) of this Article, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Board.

"(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

"(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

"(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said state. The Board may issue such additional reports as it may deem desirable.

"ARTICLE III. FINANCES

"(a) The Board shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

"(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Each of the Board's requests

for appropriations pursuant to a budget of estimated expenditures shall be apportioned equally among the party states. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

“(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II (h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II (h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to the meet the same.

“(d) Any expenses and any other costs for each member of the Board in attending Board meetings shall be met by the Board.

“(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Board.

“(f) The Accounts of the Board shall be open at any reasonable time for inspection to persons authorized by the Board, and duly designated representatives of governments contributing to the Board's support.

“ARTICLE IV. ADVISORY COMMITTEES

“The Board may establish such advisory and technical committees as it may deem necessary, membership on which may include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, State and Federal Government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

“ARTICLE V. POWERS

“The Board shall have power to—

“(a) Encourage and promote cooperation among the party states in the development and utilization of nuclear and related technologies and their application to industry and other fields.

“(b) Ascertain and analyze on a continuing basis the position of the West with respect to the employment in industry of nuclear and related scientific findings and technologies.

“(c) Encourage the development and use of scientific advances and discoveries in nuclear facilities, energy, materials, products, by-products, and all other appropriate adaptations of scientific and technological advances and discoveries.

“(d) Collect, correlate, and disseminate information relating to the peaceful uses of nuclear energy, materials, and products, and other products and processes resulting from the application of related science and technology.

“(e) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

“(f) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspects of:

“1. Nuclear industry, medicine, or education, or the promotion or regulation thereof.

“2. Applying nuclear scientific advances or discoveries, and any industrial commercial or other processes resulting therefrom.

“3. The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, by-products, installations, or wastes, or to safety in the production, use and disposal of any other substances peculiarly related thereto.

“(g) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations or research in any of the scientific, technological or industrial fields to which this compact relates.

“(h) Undertake such nonregulatory functions with respect to non-nuclear sources of radiation as may promote the economic development and general welfare of the West.

“(i) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

“(j) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or local laws or ordinances of the party states of their subdivisions in nuclear and related fields, as in its judgment may be appropriate. Any such recommendations shall be made through the appropriate state agency, with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

“(k) Consider and make recommendations designed to facilitate the transportation of nuclear equipment, materials, products, by-products, wastes, and any other nuclear or related substances, in such manner and under such conditions as will make their availability or disposal practicable on an economic and efficient basis.

“(l) Consider and make recommendations with respect to the assumption of and protection against liability actually or potentially incurred in any phase of operations in nuclear and related fields.

“(m) Advise and consult with the federal government concerning the common position of the party states or assist party states with regard to individual problems where appropriate in respect to nuclear and related fields.

“(n) Cooperate with the Atomic Energy Commission, the National Aeronautics and Space Administration, the Office of Science and Technology, or any agencies successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

“(o) Act as licensee, contractor or sub-contractor of the United States Government or any party state with respect to the conduct of any research activity requiring such license or contract and operate such research facility or undertake any program pursuant thereto, provided that this power shall be exercised only in connection with the implementation of one or more other powers conferred upon the Board by this compact.

“(p) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

“(q) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control

of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents.

"The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

"Any nuclear incident plan in force pursuant to this paragraph shall designate the official or agency in each party state covered by the plan who shall coordinate requests for aid pursuant to Article VI of this compact and the furnishing of aid in response thereto.

"Unless the party states concerned expressly otherwise agree, the Board shall not administer the summoning and dispatching of aid, but this function shall be undertaken directly by the designated agencies and officers of the party states.

"However, the plan or plans of the Board in force pursuant to this paragraph shall provide for reports to the Board concerning the occurrence of nuclear incidents and the requests for aid on account thereof, together with summaries of the actual working and effectiveness of mutual aid in particular instances.

"From time to time, the Board shall analyze the information gathered from reports of aid pursuant to Article VI and such other instances of mutual aid as may have come to its attention, so that experience in the rendering of such aid may be available.

"(r) Prepare, maintain, and implement a regional plan or regional plans for carrying out the duties, powers, or functions conferred upon the Board by this compact.

"(s) Undertake responsibilities imposed or necessarily involved with regional participation pursuant to such cooperative programs of the federal government as are useful in connection with the fields covered by this compact.

"ARTICLE VI. MUTUAL AID

"(a) Whenever a party state, or any state or local governmental authorities therein, request aid from any other party state pursuant to this compact in coping with a nuclear incident, it shall be the duty of the requested state to render all possible aid to the requesting state which is consonant with the maintenance of protection of its own people.

"(b) Whenever the officers or employees of any party state are rendering outside aid pursuant to the request of another party state under this compact, the officers or employees of such state shall, under the direction of the authorities of the state to which they are rendering aid, have the same powers, duties, rights, privileges and immunities as comparable officers and employees of the state to which they are rendering aid.

"(c) No party state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on their part while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

"(d) All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

"(e) Any party state rendering outside aid pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such requests: provided that nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving party state without charge or cost.

"(f) Each party state shall provide for the payment of compensation and death benefits to injured officers and employees and the representatives of deceased officers and employees in case officers or employees sustain injuries or death while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer or employee was regularly employed.

"ARTICLE VII. SUPPLEMENTARY AGREEMENTS

"(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify the purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate.

"No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

"(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

"(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

"(d) The provisions to this Article shall apply to supplementary agreements and activities thereunder, but shall not be construed to repeal or impair any authority which officers or agencies of party states may have pursuant to other laws to undertake cooperative arrangements or projects.

"ARTICLE VIII. OTHER LAWS AND RELATIONS

"Nothing in this compact shall be construed to—

"(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

"(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress; nor limit, diminish, affect, or otherwise impair jurisdiction exercised by any officer or agency of a party state, except to the extent that the provisions of this compact may provide therefor.

"(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

"(d) Permit or authorize the Board to own or operate any facility, reactor, or installation for industrial or commercial purposes.

"ARTICLE IX. ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

"(a) Any or all of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

"(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law: *Provided*, That it shall not become initially effective until enacted into law by five states.

"(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

"(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by the Board and the duly constituted authorities of Guam or American Samoa, as the case may be. However, such participation shall not include the furnishing or receipt of mutual aid pursuant to Article VI, unless that Article has been enacted or otherwise adopted so as to have the full force and effect of law in the jurisdiction affected. Neither Guam nor American Samoa shall be entitled to voting participation on the Board, unless it has become a full party to the compact.

"ARTICLE X. SEVERABILITY AND CONSTRUCTION

"The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant thereto shall be liberally construed to effectuate the purposes thereof."

SEC. 3. Pursuant to Article II(a) of the Western Interstate Nuclear Compact, there shall be one representative of the Federal Government on the Western Interstate Nuclear Board. The representative

Federal representative, appointment.

- shall be appointed by the President and he shall report to the President either directly or through such agency or official as the President may specify. His compensation shall be in such amount as the President shall specify: *Provided*, That if the representative be an employee of the United States, he shall serve without additional compensation. The compensation, travel expenses, office space, stenographic, and administrative services of the representative shall be paid from any available appropriations selected by the head of such agency or agencies as may be designated by the President to provide such expenses.
- Compensation.**
- Agency cooperation.**
- Reports to President and congressional committee.**
- Consent, extension.**
- Congressional right to disclosure and information.**
- SEC. 4.** The Atomic Energy Commission; the National Aeronautics and Space Administration; the Secretary of Health, Education, and Welfare; the Secretary of Commerce; the Secretary of Labor; the Secretary of Agriculture; and the heads of other departments and agencies of the Federal Government are authorized, within available appropriations and pursuant to law, to cooperate with the Western Interstate Nuclear Board.
- SEC. 5.** Copies of the annual reports made by the Western Interstate Nuclear Board pursuant to article II (k) of the Western Interstate Nuclear Compact shall be transmitted to the President and to the Joint Committee on Atomic Energy of the Congress.
- SEC. 6.** The consent to the Western Nuclear Compact given by this Act shall extend to any and all supplementary agreements entered into pursuant to article VII of such Compact: *Provided*, That any such supplementary agreement is only for the exercise of one or more of the powers conferred upon the Western Interstate Nuclear Board by article V of such compact.
- SEC. 7.** The right to alter, amend, or repeal this Act is expressly reserved.
- SEC. 8.** The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information or data by the Western Interstate Nuclear Board as is deemed appropriate by the Congress or any such Committee.

Approved October 16, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1519 (Comm. on the Judiciary).
 SENATE REPORT No. 91-966 (Comm. on the Judiciary).
 CONGRESSIONAL RECORD, Vol. 116 (1970):
 June 26, considered and passed Senate.
 Oct. 5, considered and passed House.

Public Law 91-560
91st Congress, H. R. 18679
December 19, 1970

An Act

84 STAT. 1472

To amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of subsection 31 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Atomic Energy Act of 1954, amendments. 68 Stat. 927. 42 USC 2051.

"(4) utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial or commercial uses, the generation of usable energy, and the demonstration of advances in the commercial or industrial application of atomic energy; and".

SEC. 2. The second sentence of section 56 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "The Commission shall also establish for such periods of time as it may deem necessary, but not to exceed ten years as to any such period, guaranteed purchase prices for uranium enriched in the isotope 233 produced in a nuclear reactor by a person licensed under section 103 or section 104 and delivered to the Commission within the period of the guarantee."

Uranium, guaranteed purchase price. 78 Stat. 605. 42 USC 2076.

SEC. 3. Section 102 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Infra.

68 Stat. 936. 42 USC 2132.

"SEC. 102. UTILIZATION AND PRODUCTION FACILITIES FOR INDUSTRIAL OR COMMERCIAL PURPOSES.—

"a. Except as provided in subsections b. and c., or otherwise specifically authorized by law, any license hereafter issued for a utilization or production facility for industrial or commercial purposes shall be issued pursuant to section 103.

"b. Any license hereafter issued for a utilization or production facility for industrial or commercial purposes, the construction or operation of which was licensed pursuant to subsection 104 b. prior to enactment into law of this subsection, shall be issued under subsection 104 b.

Infra.

"c. Any license for a utilization or production facility for industrial or commercial purposes constructed or operated under an arrangement with the Commission entered into under the Cooperative Power Reactor Demonstration Program shall, except as otherwise specifically required by applicable law, be issued under subsection 104 b."

SEC. 4. The first sentence of subsection 103 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "The Commission is authorized to issue licenses to persons applying therefor to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, utilization or production facilities for industrial or commercial purposes."

Commercial licenses, conditions. 42 USC 2133.

42 USC 2153.

SEC. 5. Subsection 104 b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

42 USC 2134.

"b. As provided in subsection 102 b. or 102 c., or where specifically authorized by law, the Commission is authorized to issue licenses under this subsection to persons applying therefor for utilization and production facilities for industrial and commercial purposes. In issuing licenses under this subsection, the Commission shall impose the minimum amount of such regulations and terms of license as will permit the Commission to fulfill its obligations under this Act."

Supra.

Licenses, anti-trust provisions.
68 Stat. 938.
42 USC 2135.

SEC. 6. Subsection 105 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. (1) The Commission shall promptly transmit to the Attorney General a copy of any license application provided for in paragraph (2) of this subsection, and a copy of any written request provided for in paragraph (3) of this subsection; and the Attorney General shall, within a reasonable time, but in no event to exceed 180 days after receiving a copy of such application or written request, render such advice to the Commission as he determines to be appropriate in regard to the finding to be made by the Commission pursuant to paragraph (5) of this subsection. Such advice shall include an explanatory statement as to the reasons or basis therefor.

Ante, p. 1472.

"(2) Paragraph (1) of this subsection shall apply to an application for a license to construct or operate a utilization or production facility under section 103: *Provided, however*, That paragraph (1) shall not apply to an application for a license to operate a utilization or production facility for which a construction permit was issued under section 103 unless the Commission determines such review is advisable on the ground that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous review by the Attorney General and the Commission under this subsection in connection with the construction permit for the facility.

Construction permit.

"(3) With respect to any Commission permit for the construction of a utilization or production facility issued pursuant to subsection 104 b. prior to the enactment into law of this subsection, any person who intervened or who sought by timely written notice to the Commission to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination shall have the right, upon a written request to the Commission, to obtain an antitrust review under this section of the application for an operating license. Such written request shall be made within 25 days after the date of initial Commission publication in the Federal Register of notice of the filing of an application for an operating license for the facility or the date of enactment into law of this subsection, whichever is later.

Review.

Publication in Federal Register.

"(4) Upon the request of the Attorney General, the Commission shall furnish or cause to be furnished such information as the Attorney General determines to be appropriate for the advice called for in paragraph (1) of this subsection.

Publication in Federal Register.
Hearing.

"(5) Promptly upon receipt of the Attorney General's advice, the Commission shall publish the advice in the Federal Register. Where the Attorney General advises that there may be adverse antitrust aspects and recommends that there be a hearing, the Attorney General or his designee may participate as a party in the proceedings thereafter held by the Commission on such licensing matter in connection with the subject matter of his advice. The Commission shall give due consideration to the advice received from the Attorney General and to such evidence as may be provided during the proceedings in connection with such subject matter, and shall make a finding as to whether the activities under the license would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105 a.

68 Stat. 938;
78 Stat. 606.

"(6) In the event the Commission's finding under paragraph (5) is in the affirmative, the Commission shall also consider, in determining whether the license should be issued or continued, such other factors, including the need for power in the affected area, as the Commission in its judgment deems necessary to protect the public interest. On the basis of its findings, the Commission shall have the authority to

issue or continue a license as applied for, to refuse to issue a license, to rescind a license or amend it, and to issue a license with such conditions as it deems appropriate.

"(7) The Commission, with the approval of the Attorney General, may except from any of the requirements of this subsection such classes or types of licenses as the Commission may determine would not significantly affect the applicant's activities under the antitrust laws as specified in subsection 105 a.

"(8) With respect to any application for a construction permit on file at the time of enactment into law of this subsection, which permit would be for issuance under section 103, and with respect to any application for an operating license in connection with which a written request for an antitrust review is made as provided for in paragraph (3), the Commission, after consultation with the Attorney General, may, upon determination that such action is necessary in the public interest to avoid unnecessary delay, establish by rule or order periods for Commission notification and receipt of advice differing from those set forth above and may issue a construction permit or operating license in advance of consideration of and findings with respect to the matters covered in this subsection: *Provided*, That any construction permit or operating license so issued shall contain such conditions as the Commission deems appropriate to assure that any subsequent findings and orders of the Commission with respect to such matters will be given full force and effect."

SEC. 7. Subsection 161 n. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"n. delegate to the General Manager or other officers of the Commission any of those functions assigned to it under this Act except those specified in section 51, 57 b., 61, 108, 123, 145 b. (with respect to the determination of those persons to whom the Commission may reveal Restricted Data in the national interest), 145 f., and 161 a.;"

SEC. 8. The first proviso in subsection 161 v. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "*Provided*, That (i) prices for services under paragraph (A) of this subsection shall be established on a nondiscriminatory basis; (ii) prices for services under paragraph (B) of this subsection shall be no less than prices under paragraph (A) of this subsection; and (iii) any prices established under this subsection shall be on a basis of recovery of the Government's costs over a reasonable period of time:"

SEC. 9. Subsection 182 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. The Commission shall not issue any license under section 103 for a utilization or production facility for the generation of commercial power until it has given notice in writing to such regulatory agency as may have jurisdiction over the rates and services incident to the proposed activity; until it has published notice of the application in such trade or news publications as the Commission deems appropriate to give reasonable notice to municipalities, private utilities, public bodies, and cooperatives which might have a potential interest in such utilization or production facility; and until it has published notice of such application once each week for four consecutive weeks in the Federal Register, and until four weeks after the last notice."

SEC. 10. The first sentence of subsection 191 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "Notwithstanding the provisions of 7(a) and 8(a) of the Administrative Procedure Act, the Commission is authorized to establish one or more atomic safety and licensing boards, each comprised of three members, one of whom shall be qualified in the conduct of administrative pro-

Exemptions.

68 Stat. 938;

78 Stat. 606.

42 USC 2135.

Licensing,
advance permits,
conditions.

42 USC 2133.

AEC, functions,
delegation.

68 Stat. 950;

72 Stat. 337.

42 USC 2201.

42 USC 2071,

2077, 2091,

2138, 2153,

2165.

Contract

authority.

78 Stat. 606.

42 USC 2201.

License, com-
mercial power.

68 Stat. 954;

71 Stat. 579.

42 USC 2232.

Notice.

Publication
in Federal
Register.

Atomic safety
and licensing
boards.

76 Stat. 409.

42 USC 2241.

60 Stat. 241.

5 USC 556,557.

ceedings and two of whom shall have such technical or other qualifications as the Commission deems appropriate to the issues to be decided, to conduct such hearings as the Commission may direct and make such intermediate or final decisions as the Commission may authorize with respect to the granting, suspending, revoking or amending of any license or authorization under the provisions of this Act, any other provision of law, or any regulation of the Commission issued thereunder."

Approved December 19, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1470 (Joint Comm. on Atomic Energy).
SENATE REPORT No. 91-1247 (Joint Comm. on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 116 (1970):
Sept. 30, considered and passed House.
Dec. 2, considered and passed Senate, amended.
Dec. 3, House agreed to Senate amendment.

Public Law 91-580
91st Congress, S. 4557
December 24, 1970

An Act

84 STAT. 1565

To amend Public Law 91-273 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 (b) of Public Law 91-273 is hereby amended by adding at the end thereof: Atomic Energy Commission.
Ante, p. 299.

"(9) Project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, \$25,500,000."

Sec. 2. Section 102(a) of Public Law 91-273 is amended by striking "and" after "(3)," and by inserting ", and (9)" after "(4)".

Approved December 24, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1677 accompanying H.R. 19908 (Joint Committee on Atomic Energy).

SENATE REPORT No. 91-1414 (Joint Committee on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 116 (1970):

Dec. 9, considered and passed Senate.

Dec. 10, considered and passed House.

Public Law 92-84
92nd Congress, H. R. 9388
August 11, 1971

An Act

85 STAT. 304

To authorize appropriations to the Atomic Energy Commission in accordance with section 201 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

Atomic Energy
Commission.
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.

(a) For "Operating expenses", \$2,029,571,000, of which not less than \$31,000,000 shall be available for controlled thermonuclear fusion research and development, and of which not more than \$116,400,000 shall be available for operating costs for the high energy physics program category.

(b) For "Plant and capital equipment," including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Project 72-1-a, electrical system modifications for higher power operation of gaseous diffusion plant, Paducah, Kentucky, \$2,000,000.

Project 72-1-b, cooling water system modifications for higher power operation of gaseous diffusion plant, Paducah, Kentucky, \$2,800,000.

Project 72-1-c, replacement of direct buried radioactive waste transfer lines, Richland, Washington, \$2,300,000.

Project 72-1-d, irradiated fuel storage facility, National Reactor Testing Station, Idaho, \$2,500,000.

Project 72-1-e, improvements in radioactive waste management and supporting facilities, multiple sites, \$5,000,000.

Project 72-1-f, component preparation laboratories, multiple sites, \$3,000,000.

Project 72-1-g, facilities for integrated operation of chemical separations plants, Richland, Washington, \$1,500,000.

Project 72-1-h, air filter for laboratory facilities, Savannah River, South Carolina, \$2,500,000.

(2) ATOMIC WEAPONS.—

Project 72-2-a, weapons production, development, and test installations, \$10,000,000.

Project 72-2-b, weapons neutron research facility (AE only), Los Alamos Scientific Laboratory, New Mexico, \$585,000.

(3) REACTOR DEVELOPMENT.—

Project 72-3-a, liquid metal engineering center facility modifications, Santa Susana, California, \$1,000,000.

Project 72-3-b, national radioactive waste repository, Lyons, Kansas, \$3,500,000: *Provided, That—*

(A) Except as provided in subparagraph (E), no funds shall be obligated or expended (i) for the acquisition of a fee simple interest in land or for the acquisition of any other interest in land which exceeds three years from the date of enactment of this Act, or (ii) for or in connection with the burial of radioactive materials at the proposed site other than for experimental purposes, including demonstrations, and then only when and if such materials are fully retrievable throughout such three year period.

(B) The President of the United States shall appoint an advisory council which shall be composed of nine members at least three of whom shall be from Kansas. The advisory council may report to the Congress from time to time.

Advisory Coun-
cil.
Report to Con-
gress.

(C) The Atomic Energy Commission (acting directly or by contract) shall conduct laboratory and other tests and research (whether onsite or elsewhere) relating to the safety of the project, the protection of public health, and the preservation of the quality of the environment before any high level radioactive waste material is placed in salt mines at the proposed site except as provided in subparagraph (A).

Report to Con-
gress.

(D) No high level radioactive materials shall be buried or used, other than as provided by clause (ii) of subparagraph (A), at the proposed site until the advisory council reports to the Congress that construction and operation of such project and the transportation of waste materials to the project can be carried out in a manner which assures the safety of the project, the protection of public health, and the preservation of the quality of the environment of the region.

(E) The limitations provided by subparagraph (A) shall not apply after the expiration of sixty calendar days of continuous session of the Congress after the date on which the advisory council submits its report under subparagraph (D). For purposes of the preceding sentence, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

Project 72-3-c, analytical support facility, Mound Laboratory, Miamisburg, Ohio, \$850,000.

Project 72-3-d, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

(4) PHYSICAL RESEARCH.—

Project 72-4-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$225,000.

Project 72-4-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$280,000.

Project 72-4-c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, \$75,000.

Project 72-4-d, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$180,000.

Project 72-4-e, accelerator and reactor improvements, medium and low energy physics, \$400,000.

(5) BIOLOGY AND MEDICINE.—

Project 72-5-a, radiobiology and therapy research facility (AE only), Los Alamos Scientific Laboratory, New Mexico, \$345,000.

(6) GENERAL PLANT PROJECTS.—\$41,080,000.

(7) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$153,296,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), (4), and (5) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsection 101(b)(6) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(6) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction. Construction design services.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act. Transfer authority.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 89-32, as amended, is further amended by (1) striking therefrom the figure "\$2,658,821,000", and substituting therefor the figure "\$2,664,521,000"; (2) striking from subsection (b) thereof the figure "\$398,045,000", and substituting therefor the figure "\$403,745,000"; and (3) striking from subsection (b)(4) for project 66-4-a, sodium pump test facility, the words "for design and Phase I construction," and further striking the figure "\$6,800,000" and substituting therefor the figure "\$12,500,000". 79 Stat. 120; 82 Stat. 97. 84 Stat. 300.

(b) Section 101 of Public Law 91-44, as amended, is further amended by striking from subsection (b)(5) thereof the figure "\$560,000" for project 70-5-a, conversion of heating plant to natural gas, Argonne National Laboratory, Illinois, and substituting therefor the figure "\$860,000". 83 Stat. 46.

(c) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking from subsection (b)(1) thereof the figure "\$14,700,000" for project 71-1-e, gaseous diffusion production support facilities, and substituting therefor the figure "\$45,700,000"; (2) striking from subsection (b)(1) thereof the figure "\$6,400,000" for project 71-1-f, process equipment modifications, gaseous diffusion plants, and substituting therefor the figure "\$10,400,000"; and (3) striking from subsection (b)(9) thereof the figure "\$25,500,000" for project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, and substituting therefor the figure "\$45,700,000." 84 Stat. 299. 84 Stat. 1565.

(d) Section 106 of Public Law 91-273, as amended, is amended by (1) striking from subsection (a) thereof the figure "\$50,000,000", wherever it appears therein, and substituting therefor the figure "\$100,000,000"; (2) striking from subsection (a) thereof the phrase "up to a total amount of "\$20,000,000"; and (3) adding the following after the words "civilian base program:" "*Provided*, That such assistance shall not include the furnishing of end capital items of this demonstration plant excluding items which the Commission may deem necessary for research, development or testing in light of its liquid metal fast breeder reactor base program: *And provided further*, That such assistance which the Commission undertakes specifically for this demonstration plant shall not exceed 50 per centum of the estimated capital cost of such plant: *And*."

SEC. 106. RESCISSION.—Public Law 90-56, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows: 81 Stat. 124.

Project 68-3-b, isotopic space systems facility, Sandia Base, New Mexico, \$2,250,000.

SEC. 107. LIQUID METAL FAST BREEDER REACTOR BASE PROGRAM PROJECT.—As part of the Commission's liquid metal fast breeder reactor base program, the Commission is hereby authorized to enter

into a definitive arrangement, for a term not exceeding seven years, for the conduct in the Enrico Fermi Atomic Power Plant of a program of plant operation, and research and development of programmatic interest to the Commission; and the Commission is further authorized as part of such arrangement, and without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, to waive use charges for special nuclear material, up to a total amount of \$9,100,000, and to distribute special nuclear material by lease during the term of the arrangement.

68 Stat. 952.
42 USC 2209.

TITLE II

Research.
68 Stat. 927;
84 Stat. 1472.
42 USC 2051.

SEC. 201. (a) Subsection a. of section 31 of the Atomic Energy Act of 1954, as amended, is amended by (1) striking the word "and" from the end of paragraph (4) thereof; (2) striking from the end of paragraph (5) thereof the period and substituting therefor "; and" and (3) by adding thereto a new paragraph (6) to read as follows:

"(6) the preservation and enhancement of a viable environment by developing more efficient methods to meet the Nation's energy needs."

(b) The first sentence of section 33 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "Where the Commission finds private facilities or laboratories are inadequate for the purpose, it is authorized to conduct for other persons, through its own facilities, such of those activities and studies of the types specified in section 31 as it deems appropriate to the development of energy."

81 Stat. 577.
42 USC 2053.

Approved August 11, 1971.

LEGISLATIVE HISTORY:

HOUSE REPORT: No. 92-325 (Joint Comm. on Atomic Energy).

SENATE REPORT: No. 92-249 accompanying S. 2150 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 117 (1971):

July 15, considered and passed House.

July 20, considered and passed Senate, amended.

July 27, House concurred in Senate amendments with amendment.

July 31, Senate concurred in House amendment.

An Act

To amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby added to the Atomic Energy Act a new section 192 to read as follows:

"SEC. 192. TEMPORARY OPERATING LICENSE.—

"a. In any proceeding upon an application for an operating license for a nuclear power reactor, in which a hearing is otherwise required pursuant to section 189 a., the applicant may petition the Commission for a temporary operating license authorizing operation of the facility pending final action by the Commission on the application. Such petition may be filed at any time after filing of: (1) the report of the Advisory Committee on Reactor Safeguards required by subsection 182 b.; (2) the safety evaluation of the application by the Commission's regulatory staff; and (3) the regulatory staff's final detailed statement on the environmental impact of the facility prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 853) or, in the case of an application for operating license filed on or before September 9, 1971, if the regulatory staff's final detailed statement required under section 102(2)(C) is not completed, the Commission must satisfy the applicable requirements of the National Environmental Policy Act prior to issuing any temporary operating license under this section 192. The petition shall be accompanied by an affidavit or affidavits setting forth the facts upon which the petitioner relies to justify issuance of the temporary operating license. Any party to the proceeding may file affidavits in support of, or opposition to, the petition within fourteen days after the filing of such petition, or within such additional time not to exceed ten days as may be fixed by the Commission. The Commission shall hold a hearing after ten days' notice and publication once in the Federal Register on any such petition and supporting material filed under this section and the decision of the Commission with respect to the issuance of a temporary operating license, following such hearing, shall be on the basis of findings on the matters specified in subsection b. of this section. The hearing required by this section and the decision of the Commission on the petition shall be conducted with expedited procedures as the Commission may by rule, regulation, or order deem appropriate for a full disclosure of material facts on all substantial issues raised in connection with the proposed temporary operating license.

"b. With respect to any petition filed pursuant to subsection a. of this section, the Commission shall issue a temporary operating license upon finding that:

"(1) the provisions of section 185 have been met with respect to the temporary operating license;

"(2) operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection of the environment during the period of the temporary operating license; and

"(3) operation of the facility in accordance with the terms and conditions of the temporary operating license is essential toward insuring that the power generating capacity of a utility system or power pool is at, or is restored to, the levels required to assure the adequacy and reliability of the power supply, taking into consideration factors which include, but need not be limited to, alternative available sources of supply, historical reserve

Nuclear power reactors.
Temporary licensing authority.
68 Stat. 921.
42 USC 2011.
76 Stat. 409.
42 USC 2239.

42 USC 4332.

42 USC 4321 note.

Hearing; publication in Federal Register.

86 STAT. 191
86 STAT. 192
Requirements.

42 USC 2235.

requirements for the systems involved to function reliably, the possible endangerment to the public health and safety in the event of power shortages, and data from appropriate Federal and State governmental bodies which have official responsibility to assure an adequate and reliable power supply.

The temporary license shall contain such terms and conditions as the Commission may deem necessary, including the duration of the license and any provision for the extension thereof, and the requirement that the licensee not retire or dismantle any of its existing generating capacity on the ground of the availability of the capacity from the facility which is operating under the temporary license. Any decision or other document authorizing the issuance of any temporary license pursuant to this section shall recite with specificity the reasons justifying the issuance. The decision of the Commission with respect to the issuance of a temporary operating license shall be subject to judicial review pursuant to the Act of December 29, 1950, as amended (ch. 1189, 64 Stat. 1129).

Judicial review.

68 Stat. 955;
76 Stat. 409,
42 USC 2239.

"c. The hearing on the application for the final operating license otherwise required pursuant to section 189 a, shall be concluded as promptly as practicable. The Commission shall vacate the temporary operating license if it finds that the applicant is not prosecuting the application for the final operating license with due diligence. Issuance of a temporary operating license pursuant to subsection b. of this section shall be without prejudice to the position of any party to the proceeding in which a hearing is otherwise required pursuant to section 189 a.; and failure to assert any ground for denial or limitation of a temporary operating license shall not bar the assertion of such ground in connection with the issuance of a subsequent final operating license.

Expiration of
authority.

"d. The authority under this section shall expire on October 30, 1973."

Approved June 2, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-1027 (Joint Committee on Atomic Energy) and No. 92-991 accompanying H. R. 13752 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 92-787 accompanying S. 3543 (Joint Committee on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 118 (1972):
Apr. 17, May 3, considered and passed House.
May 17, considered and passed Senate.

Public Law 92-314
92nd Congress, S. 3607
June 16, 1972

An Act

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$2,110,480,000 not to exceed \$126,400,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIAL.—

Project 73-1-a, in-tank solidification systems auxiliaries, Richland, Washington, \$2,500,000.

Project 73-1-b, waste management effluent diversion control facilities, separations areas, Richland, Washington, \$1,000,000.

Project 73-1-c, expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio, \$1,400,000.

Project 73-1-d, component test facility, Oak Ridge, Tennessee, \$20,475,000.

Project 73-1-e, radioactive waste management improvements, Savannah River, South Carolina, \$1,300,000.

Project 73-1-f, safety improvements, reactor areas, Savannah River, South Carolina, \$2,000,000.

Project 73-1-g, contaminated soil removal facility, Richland, Washington, \$1,400,000.

Project 73-1-h, Rover fuels processing facilities, National Reactor Testing Station, Idaho, \$3,250,000.

Project 73-1-i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, \$750,000.

(2) NUCLEAR MATERIAL.—

Project 73-2-a, atmospheric pollution control facilities, heavy water plant, Savannah River, South Carolina, \$4,300,000.

Project 73-2-b, improved sanitary waste treatment facilities, Savannah River, South Carolina, \$1,100,000.

(3) ATOMIC WEAPONS.—

Project 73-3-a, weapons production, development, and test installations, \$10,000,000.

Project 73-3-b, laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico, \$5,200,000.

Project 73-3-c, laser fusion laboratory, Lawrence Livermore Laboratory, California, \$6,800,000.

Project 73-3-d, classified facilities, sites undesignated, \$15,000,000.

(4) ATOMIC WEAPONS.—

Project 73-4-a, new sewage disposal plant, Mound Laboratory, Miamisburg, Ohio, \$700,000.

Project 73-4-b, land acquisition, Rocky Flats, Colorado, \$8,000,000.

(5) REACTOR DEVELOPMENT.—

Project 73-5-a, Liquid Metal Engineering Center facility modifications, Santa Susana, California, \$3,000,000.

Atomic Energy
Commission.
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.

86 STAT. 222
86 STAT. 223

Project 73-5-b, modifications to EBR-II, National Reactor Testing Station, Idaho, \$4,000,000.

Project 73-5-c, modifications to Power Burst Facility, National Reactor Testing Station, Idaho, \$1,500,000.

Project 73-5-d, modifications to TREAT facility, National Reactor Testing Station, Idaho, \$1,500,000.

86 STAT. 223

86 STAT. 224

Project 73-5-e, research building safety modifications, Mound Laboratory, Miamisburg, Ohio, \$3,000,000.

Project 73-5-f, Pu-238 fuel form fabrication facility, Savannah River, South Carolina, \$8,000,000.

Project 73-5-g, modifications to reactors, \$3,000,000.

Project 73-5-h, S8G prototype nuclear propulsion plant, West Milton, New York, \$56,000,000.

(6) PHYSICAL RESEARCH.—

Project 73-6-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$400,000.

Project 73-6-b, accelerator and reactor improvements, Brookhaven National Laboratory, New York, \$475,000.

Project 73-6-c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, \$75,000.

Project 73-6-d, accelerator improvements, Lawrence Berkeley Laboratory, California, \$525,000.

Project 73-6-e, accelerator improvements, Stanford Linear Accelerator Center, California, \$1,025,000.

Project 73-6-f, accelerator and reactor improvements, medium and low-energy physics, \$600,000.

(7) BIOLOGY AND MEDICINE.—

Project 73-7-a, high-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California, \$2,000,000.

(8) BIOLOGY AND MEDICINE.—

Project 73-8-a, replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee, \$1,200,000.

(9) ADMINISTRATIVE.—

Project 73-9-a, addition to headquarters building (AE only), Germantown, Maryland, \$1,500,000.

(10) GENERAL PLANT PROJECTS.—\$49,050,000.

(11) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$164,080,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (5), (6), and (7) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (2), (4), (8), and (9) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (10) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (10) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction. Construction design services.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act. Transfer of amounts.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91-44, as amended, is further amended by striking from subsection (b) (1), project 70-1-b, bedrock waste storage, the figure "\$1,300,000" and substituting therefor the figure "\$4,300,000". 83 Stat. 46.

(b) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking from subsection (b) (1), project 71-1-, gaseous diffusion production support facilities, the figure "\$45,700,000" and substituting therefor the figure "\$72,020,000", (2) striking from subsection (b) (1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "\$10,400,000" and substituting therefor the figure "\$34,400,000", (3) striking from subsection (b) (6), project 71-6-a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "\$600,000" and substituting therefor the figure "\$3,500,000", and (4) striking from subsection (b) (9), project 71-9, fire, safety, and adequacy of operating conditions projects, the figure "\$45,700,000" and substituting therefor the figure "\$69,000,000". 84 Stat. 299;
85 Stat. 306.

(c) Section 101 of Public Law 92-84, as amended, is further amended by (1) striking from subsection (b) (1), project 72-1-f, component preparation laboratories, the figure "\$3,000,000" and substituting therefor the figure "\$25,300,000", (2) striking from subsection (b) (2), project 72-2-b, weapons neutron research facility, the words "(AE only)" and further striking the figure "\$585,000" and substituting therefor the figure "\$4,400,000", (3) striking from subsection (b) (3), project 72-3-b, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined" and further adding after the words "Provided, That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b) (5), project 72-5-a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "\$345,000" and substituting therefor the figure "\$1,600,000". 85 Stat. 304.

SEC. 106. RESCISSION.—(a) Public Law 91-44, as amended, is further amended by rescinding therefrom authorization for the following projects, except for funds heretofore obligated:

Project 70-2-a, rebuilding of gaseous diffusion plant cooling tower, Portsmouth, Ohio, \$1,000,000.

Project 70-4-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

(b) Public Law 91-273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71-3-b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

TITLE II

Radiation
exposure,
remedial
action.

SEC. 201. The Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

Federal-
State cooper-
ation.

SEC. 202. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of, and appropriate remedial action to limit the exposure of individuals to, radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) that the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) that the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner of record to the State of Colorado within four years of the date of enactment of this Act and recommendation by and consultation with the State and others as deemed appropriate;

(c) that any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) that the United States shall be released from any mill tailings related liability or claim thereof upon completion of remedial action or waiver thereof by the property owner of record on behalf of himself, his heirs, successors, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) that the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) that the law of the State of Colorado shall be applied to determine all questions of title, rights of heirs, trespass, and so forth; and

(g) that the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspection as the Commission deems appropriate:

Cooperative
arrangement,
submittal
to congress-
sional com-
mittee.

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty-day period.

Rules and
regulations.

SEC. 203. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this title II. Notwithstanding the provisions of subsection (a) (2) of section 553 of title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

SEC. 204. For the purpose of carrying out the provisions of this title II, there is included in subsection 101(a) of this Act authorization of appropriations in the amount of \$5,000,000. Appropriation.

TITLE III

SEC. 301. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses."

68 Stat. 948;
78 Stat. 606.
42 USC 2201.
Nuclear power
reactors,
licensing fees.
42 USC 2133,
2134.
65 Stat. 290.

Approved June 16, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 92-1066 accompanying H. R. 14990 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 92-802 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 118 (1972):

May 25, considered and passed Senate.

June 7, considered and passed House, in lieu of H. R. 14990.

Public Law 92-440
92nd Congress, H. R. 14974
September 29, 1972

An Act

To amend certain provisions of law relating to the compensation of the Federal representatives on the Southern and Western Interstate Nuclear Boards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 3 of the Act entitled "An Act granting the consent of Congress to the Southern Interstate Nuclear Compact, and for related purposes", approved July 31, 1962 (76 Stat. 249), is amended to read as follows: "He shall be compensated for each day of service rendered in such capacity in an amount fixed by the President not to exceed the daily equivalent of the maximum rate for grade GS-18 of the General Schedule prescribed in section 5332 of title 5, United States Code: *Provided*, That if the representative be an employee of the United States, he shall serve without such additional compensation."

Southern and
Western Inter-
state Nuclear
Boards.
Federal repre-
sentatives, com-
pensation.

Sec. 2. The third sentence of section 3 of the Act entitled "An Act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes", approved October 16, 1970 (84 Stat. 979), is amended to read as follows: "He shall be compensated for each day of service rendered in such capacity in an amount fixed by the President not to exceed the daily equivalent of the maximum rate for grade GS-18 of the General Schedule prescribed in section 5332 of title 5, United States Code: *Provided*, That if the representative be an employee of the United States, he shall serve without such additional compensation."

86 STAT. 742
86 STAT. 743

Approved September 29, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 92-1124 (Comm. on the Judiciary).
SENATE REPORT No. 92-1146 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 118 (1972):
June 19, considered and passed House.
Sept. 19, considered and passed Senate.

An Act

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$1,740,750,000 not to exceed \$128,800,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Project 74-1-a, additional facilities, high level waste storage, Savannah River, South Carolina, \$14,000,000.

Project 74-1-b, replacement ventilation, air filter, F chemical separations area, Savannah River, South Carolina, \$5,200,000.

Project 74-1-c, calcined solids storage and plant safety improvements, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, \$3,000,000.

Project 74-1-d, cooling tower fire protection, gaseous diffusion plants, \$3,300,000.

Project 74-1-e, new purge cascade, gaseous diffusion plant, Oak Ridge, Tennessee, \$5,900,000.

Project 74-1-f, plant liquid effluent pollution control, gaseous diffusion plants, \$8,000,000.

Project 74-1-g, cascade uprating program, gaseous diffusion plants (partial AE and limited component procurement only), \$6,000,000.

Project 74-1-h, transuranium contaminated solid waste treatment development facility, Los Alamos Scientific Laboratory, New Mexico, \$1,650,000.

(2) ATOMIC WEAPONS.—

Project 74-2-a, weapons production, development, and test installations, \$10,000,000.

Project 74-2-b, acid waste neutralization and recycle facilities, Y-12 Plant, Oak Ridge, Tennessee, \$1,700,000.

Project 74-2-c, high energy laser facility, Lawrence Livermore Laboratory, California, \$20,000,000.

Project 74-2-d, national security and resources study center (AE only), site undesignated, \$350,000.

(3) REACTOR DEVELOPMENT.—

Project 74-3-a, Liquid Metal Engineering Center (LMEC) facility modifications, Santa Susana, California, \$3,000,000.

Project 74-3-b, modifications to EBR-II, National Reactor Testing Station, Idaho, \$2,000,000.

Project 74-3-c, emergency process waste treatment facility, Oak Ridge National Laboratory, Tennessee, \$1,300,000.

Project 74-3-d, modifications to reactors, \$2,000,000.

Project 74-3-e, modifications to TREAT facility, National Reactor Testing Station, Idaho, \$2,500,000.

(4) PHYSICAL RESEARCH.—

Project 74-4-a, accelerator and reactor improvements, high energy physics, \$1,700,000.

Atomic Energy
Commission.
Appropriation
authorization,
77 Stat. 88.
42 USC 2017.

87 STAT. 144

Project 74-4-b, accelerator and reactor improvements, medium and low energy physics, \$600,000.

(5) PHYSICAL RESEARCH.—

Project 74-5-a, computation building, Stanford Linear Accelerator Center, California, \$2,900,000.

(6) BIOMEDICAL AND ENVIRONMENTAL RESEARCH.—

Project 74-6-a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, \$1,300,000.

(7) GENERAL PLANT PROJECTS.—\$47,825,000.

(8) CONSTRUCTION PLANNING AND DESIGN.—\$1,000,000.

(9) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$172,300,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b), (5), (6), and (8) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

(d) The total cost of any project authorized under subsections 101(b) (1), (2), (3), and (4) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

(e) The total cost of any project authorized under subsections 101(b) (5), (6), (7), and (8) shall not exceed the estimated cost set forth for that project by 10 per centum unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

77 Stat. 88,
42 USC 2017.

Construction
design
services.

Transfer of
amounts.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking from subsection (b) (1), project 71-1-e, gaseous diffusion production support facilities, the figure "\$72,020,000" and substituting therefor the figure "\$105,900,000"; (2) striking from subsection (b) (1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "\$34,400,000" and substituting therefor the figure "\$172,100,000"; and (3) striking from subsection (b) (9), project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, the figure "\$69,000,000" and substituting therefor the figure "\$193,000,000".

86 Stat. 225.

84 Stat. 1565;

86 Stat. 225.

(b) Section 106 of Public Law 91-273, as amended, is further amended by adding the following sentence at the end of the present text of subsection (a) thereof:

84 Stat. 300;

85 Stat. 306.

"Notwithstanding the foregoing, authorization of additional appropriations for the conduct of Project Definition Phase activities subsequent to the execution of the aforementioned cooperative arrangement, in the amount of \$2,000,000, is hereby authorized."

(c) Section 101 of Public Law 92-314 is amended by (1) striking from subsection (b) (1), project 73-1-d, component test facility, Oak Ridge, Tennessee, the figure "\$20,475,000" and substituting therefor the figure "\$26,675,000", and (2) striking from subsection (b) (5), project 73-5-h, S8G prototype nuclear propulsion plant, West Milton, New York, the figure "\$56,000,000" and substituting therefor the figure "\$125,000,000".

86 Stat. 223.

SEC. 106. RESCISSION.—(a) Public Law 91-273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71-5-a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, \$2,000,000.

(b) Public Law 92-314 is amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73-1-i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, \$750,000.

Approved July 6, 1973.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-280 accompanying H.R. 8662 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 93-224 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 119 (1973):

June 21, 22, considered and passed Senate.

June 25, considered and passed House, in lieu of H.R. 8662.

Public Law 93-88
93rd Congress, S. 1993
August 14, 1973

An Act

87 STAT. 296

To amend the EURATOM Cooperation Act of 1958, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the EURATOM Cooperation Act of 1958, as amended, is amended by deleting the words "two hundred fifteen thousand kilograms of contained uranium 235" and substituting therefor the words "an amount of contained uranium 235 which does not exceed that necessary to support the fuel cycle of power reactors located within the Community having a total installed capacity of thirty-five thousand megawatts of electric energy, together with twenty-five thousand kilograms of contained uranium 235 for other purposes".

EURATOM
Cooperation
Act of 1958,
amendment,
81 Stat. 578.
42 USC 2294.

Approved August 14, 1973.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-385 accompanying H.R.8867 (Joint Committee on Atomic Energy).
SENATE REPORT No. 93-341 (Joint Committee on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 119 (1973):
July 26, considered and passed Senate.
July 30, considered and passed House, in lieu of H.R.8867.

(278)

Public Law 93-158
93rd Congress, S. 2645
November 26, 1973

An Act

87 STAT. 627

To amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 201 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 101 (a) of Public Law 93-60 is hereby amended by striking therefrom the figure "\$1,740,750,000" and substituting the figure "\$1,751,450,000".

SEC. 2. Section 101 (b) of Public Law 93-60 is hereby amended by adding to subsection (b) (1) the following words: "Project 74-1-1, additional waste concentration and salt cake storage facilities, Richland, Washington, \$30,000,000."

Atomic Energy
Commission.
Appropriation
authorization
increase.
Ante, p. 143.

Approved November 26, 1973.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-619 accompanying H.R. 11216 (Joint Comm. on Atomic Energy).
SENATE REPORT No. 93-487 (Joint Comm. on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 119 (1973):
Nov. 9, considered and passed Senate.
Nov. 13, considered and passed House, in lieu of
H.R. 11216.

An Act

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$2,551,533,000 not to exceed \$132,200,000 in operating costs for the high-energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Project 75-1-a, additional facilities, high-level waste handling and storage, Savannah River, South Carolina, \$30,000,000.

Project 75-1-b, replacement ventilation air filter, H chemical separations area, Savannah River, South Carolina, \$6,000,000.

Project 75-1-c, new waste calcining facility, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, \$20,000,000.

Project 75-1-d, waste management effluent control, Richland, Washington, \$3,500,000.

Project 75-1-e, retooling of component preparation laboratories, multiple sites, \$4,500,000.

Project 75-1-f, atmospheric pollution control facilities, stoker fired boilers, Savannah River, South Carolina, \$7,500,000.

(2) NUCLEAR MATERIALS.—

Project 75-2-a, additional cooling tower capacity, gaseous diffusion plant, Portsmouth, Ohio, \$2,200,000.

(3) WEAPONS.—

Project 75-3-a, weapons production, development, and test installations, \$10,000,000.

Project 75-3-b, high energy laser facility, Los Alamos Scientific Laboratory, New Mexico, \$22,600,000.

Project 75-3-c, TRIDENT production facilities, various locations, \$22,200,000.

Project 75-3-d, consolidation of final assembly plants, Pantex, Amarillo, Texas, \$4,500,000.

Project 75-3-e, addition to building 350 for safeguards analytical laboratory, Argonne National Laboratory, Illinois, \$3,500,000.

(4) WEAPONS.—

Project 75-4-a, technical support relocation, Los Alamos Scientific Laboratory, New Mexico, \$2,800,000.

(5) CIVILIAN REACTOR RESEARCH AND DEVELOPMENT.—

Project 75-5-a, transient test facility, Santa Susana, California, \$4,000,000.

Project 75-5-b, advanced test reactor control system upgrading, National Reactor Testing Station, Idaho, \$2,400,000.

Project 75-5-c, test reactor area water recycle and pollution control facilities, National Reactor Testing Station, Idaho, \$1,000,000.

Project 75-5-d, modifications to reactors, \$4,000,000.

Project 75-5-e, high temperature gas reactor fuel reprocessing facility, National Reactor Testing Station, Idaho, \$10,100,000.

Atomic Energy
Commission.
Appropriation
authorization.
77 Stat. 88.
42 USC 2017.
88 STAT. 115
88 STAT. 116

Project 75-5-f, high temperature gas reactor fuel refabrication pilot plant, Oak Ridge National Laboratory, Tennessee, \$3,000,000.

88 STAT. 116
88 STAT. 117

Project 75-5-g, molten salt breeder reactor (preliminary planning preparatory to possible future demonstration project), \$1,500,000.

(6) PHYSICAL RESEARCH.—

Project 75-6-a, accelerator and reactor improvements and modifications, \$3,000,000.

Project 75-6-b, heavy ion research facilities, various locations, \$19,200,000.

Project 75-6-c, positron-electron joint project, Lawrence Berkeley Laboratory and Stanford Linear Accelerator Center, \$900,000.

(7) BIOMEDICAL AND ENVIRONMENTAL RESEARCH AND SAFETY.—

Project 75-7-a, upgrading of laboratory facilities, Oak Ridge National Laboratory, Tennessee, \$2,100,000.

Project 75-7-b, environmental research laboratory, Savannah River, South Carolina, \$2,000,000.

Project 75-7-c, intermediate-level waste management facilities, Oak Ridge National Laboratory, Tennessee, \$9,500,000.

Project 75-7-d, modifications and additions to biomedical and environmental research facilities, \$2,850,000.

(8) BIOMEDICAL AND ENVIRONMENTAL RESEARCH AND SAFETY.—

Project 75-8-a, environmental sciences laboratory, Oak Ridge National Laboratory, Tennessee, \$8,800,000.

(9) GENERAL PLANT PROJECTS.—\$55,650,000.

(10) CONSTRUCTION PLANNING AND DESIGN.—\$2,000,000.

(11) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$208,850,000.

(12) REACTOR SAFETY RESEARCH.—

Project 75-12-a, reactor safety facilities modifications, \$1,000,000.

(13) APPLIED ENERGY TECHNOLOGY.—

Project 75-13-a, hydrothermal pilot plant, \$1,000,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsection 101(b) (1), (3), (5), (6), (7), (12), and (13) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsection 101(b) (2), (4), (8), and (10) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (9) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000: *Provided*, That the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (9) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

(d) The total cost of any project undertaken under subsection 101(b) (1), (3), (5), (6), (7), (12), and (13) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended, provided that this subsection will not apply to any project with an estimated cost less than \$1,000,000.

(e) The total cost of any project undertaken under subsection 101(b) (2), (4), (8), (9), and (10) shall not exceed the estimated cost set forth for that project by more than 10 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended, provided that this subsection will not apply to any project with an estimated cost less than \$5,000,000.

77 Stat. 88.
42 USC 2017.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission, and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Construction
design serv-
ices.

SEC. 104. Any moneys received by the Commission (except sums received from the disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)), may be retained by the Commission and credited to its "Operating expenses" appropriation notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484).

69 Stat. 471.

SEC. 105. Transfers of sums from the "Operating expenses" appropriation may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

Transfer of
sums.

SEC. 106. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Transfer of
amounts.

SEC. 107. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 89-428, as amended, is further amended by striking from subsection (b) (3) project 67-3-a, fast flux test facility, the figure "\$87,500,000", and substituting therefor the figure "\$120,000,000".

30 Stat. 162;
81 Stat. 126.

(b) Section 101 of Public Law 91-273, as amended, is further amended by striking from subsection (b) (1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "\$172,100,000" and substituting therefor the figure "\$295,100,000".

87 Stat. 145.

(c) Section 106 of Public Law 91-273, as amended, is further amended by striking from subsection (a) the figure "\$2,000,000" and substituting therefor the figure "\$3,000,000," and by adding thereto the following new subsection (c):

84 Stat. 300;
87 Stat. 145.

"(c) The Commission is hereby authorized to agree, by modification to the definitive cooperative arrangement reflecting such changes therein as it deems appropriate for such purpose, to the following: (1) to execute and deliver to the other parties to the AEC definitive contract, the special undertakings of indemnification specified in said contract, which undertakings shall be subject to availability of appropriations to the Atomic Energy Commission (or any other Federal agency to which the Commission's pertinent functions might be transferred at some future time) and to the provisions of section 3679 of the Revised Statutes, as amended; and (2) to acquire ownership and custody of the property constituting the Liquid Metal Fast Breeder Reactor powerplant or parts thereof, and to use, decommission, and dispose of said property, as provided for in the AEC definitive contract."

31 USC 665.

(d) Section 101 of Public Law 92-314, as amended, is amended by striking from subsection (b) (4), project 73-1-b, land acquisition, Rocky Flats, Colorado, the figure "\$8,000,000" and substituting therefor the figure "\$11,400,000".

86 Stat. 223.

88 STAT. 119

87 Stat. 143.

(c) Section 101 of Public Law 93-60 is amended by (1) striking from subsection (b) (1), project 74-1-a, additional facilities, high level waste storage, Savannah River, South Carolina, the figure "\$14,000,000" and substituting therefor the figure "\$17,500,000"; (2) striking from subsection (b) (1), project 74-1-g, cascade uprating program, gaseous diffusion plants, the words "(partial AE and limited component procurement only)" and further striking the figure "\$6,000,000" and substituting therefor the figure "\$183,100,000", and (3) striking from subsection (b) (2), project 74-2-d, national security and resources study center, the words "(AE only), site undesignated" and substituting therefor the words "Los Alamos Scientific Laboratory, New Mexico" and further striking the figure "\$350,000" and substituting therefor the figure "\$4,600,000".

83 Stat. 46;

86 Stat. 225.

SEC. 108. RESCISSION.—(a) Public Law 91-44, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 70-1-b, bedrock waste storage (AE and site selection drilling only), Savannah River, South Carolina, \$4,300,000.

85 Stat. 304.

(b) Public Law 92-84, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 72-3-b, national radioactive waste repository, site undetermined, \$3,500,000.

86 Stat. 224.

(c) Public Law 92-314, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73-6-c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, \$75,000.

TITLE II

69 Stat. 947.

42 USC 2187.

SEC. 201. Section 157b. (3) of the Atomic Energy Act of 1954, as amended, is amended by striking out "upon the recommendation of" and inserting in lieu thereof "after consultation with".

Approved May 10, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-969 accompanying H. R. 13919 (Joint Committee on Atomic Energy).

SENATE REPORT No. 93-773 (Joint Committee on Atomic Energy).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Apr. 11, considered and passed Senate.

Apr. 23, considered and passed House, amended, in lieu of H. R. 13919.

Apr. 24, Senate concurred in House amendment.

Public Law 93-377
93rd Congress, S. 3669
August 17, 1974

An Act

To amend the Atomic Energy Act of 1954, as amended, and the Atomic Weapons Rewards Act of 1955, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Weapons Rewards Act of 1955 is amended as follows:

(a) The initial section of the Act is amended by striking out the words "Atomic Weapons Rewards Act of 1955" and by substituting in lieu thereof "Atomic Weapons and Special Nuclear Materials Rewards Act."

(b) Sections 2, 3, and 5 of the Act are amended to read as follows:
"Sec. 2. Any person who furnishes original information to the United States—

Atomic Energy Act of 1954,
Atomic Weapons Rewards Act of 1955, amendments,
69 Stat. 365.
50 USC 47a
note.
50 USC 47a, 47b, 47d.

"(a) leading to the finding or other acquisition by the United States of special nuclear material or an atomic weapon which has been introduced into the United States or manufactured or acquired therein contrary to the laws of the United States, or

"(b) with respect to the introduction or attempted introduction into the United States or the manufacture or acquisition or attempted manufacture or acquisition of, or a conspiracy to introduce into the United States or to manufacture or acquire, special nuclear material or an atomic weapon contrary to the laws of the United States, or

"(c) with respect to the export or attempted export, or a conspiracy to export, special nuclear material or an atomic weapon from the United States contrary to the laws of the United States,

88 STAT. 472
88 STAT. 473

shall be rewarded by the payment of an amount not to exceed \$500,000.

"Sec. 3. The Attorney General shall determine whether a person furnishing information to the United States is entitled to a reward and the amount to be paid pursuant to section 2. Before making a reward under this section the Attorney General shall advise and consult with the Atomic Energy Commission. A reward of \$50,000 or more may not be made without the approval of the President."

Reward.

"Sec. 5. (a) The Attorney General is authorized to hold such hearings and make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act.

Presidential approval.

"(b) A determination made by the Attorney General under section 3 of this Act shall be final and conclusive and no court shall have power or jurisdiction to review it."

Hearings, rules and regulations.

"(c) Section 6 of the Act is amended by deleting the words "Awards Board" and by substituting in lieu thereof the words "Attorney General".

50 USC 47e.

SEC. 2. Section 54 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

68 Stat. 931;
78 Stat. 604.
42 USC 2074.

"SEC. 54. FOREIGN DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.—a.

The Commission is authorized to cooperate with any nation or group of nations by distributing special nuclear material and to distribute such special nuclear material, pursuant to the terms of an agreement for cooperation to which such nation or group of nations is a party and which is made in accordance with section 123. Unless hereafter otherwise authorized by law the Commission shall be compensated for special nuclear material so distributed at not less than the Commission's published charges applicable to the domestic distribution of such material, except that the Commission to assist and encourage research on peaceful uses or for medical therapy may so distribute

72 Stat. 277,
632.
42 USC 2153.

without charge during any calendar year only a quantity of such material which at the time of transfer does not exceed in value \$10,000 in the case of one nation or \$50,000 in the case of any group of nations. The Commission may distribute to the International Atomic Energy Agency, or to any group of nations, only such amounts of special nuclear materials and for such period of time as are authorized by Congress: *Provided, however, That, (i) notwithstanding this provision, the Commission is hereby authorized, subject to the provisions of section 123, to distribute to the Agency five thousand kilograms of contained uranium-235, five hundred grams of uranium-233, and three kilograms of plutonium, together with the amounts of special nuclear material which will match in amount the sum of all quantities of special nuclear materials made available by all other members of the Agency to June 1, 1960; and (ii) notwithstanding the foregoing provisions of this subsection, the Commission may distribute to the International Atomic Energy Agency, or to any group of nations, such other amounts of special nuclear materials and for such other periods of time as are established in writing by the Commission: *Provided, however, That before they are established by the Commission pursuant to this subdivision (ii), such proposed amounts and periods shall be submitted to the Congress and referred to the Joint Committee and a period of sixty days shall elapse while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days): And provided further, That any such proposed amounts and periods shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed action: And provided further, That prior to the elapse of the first thirty days of any such sixty-day period the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed amounts and periods and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed amounts or periods. The Commission may agree to repurchase any special nuclear material distributed under a sale arrangement pursuant to this subsection which is not consumed in the course of the activities conducted in accordance with the agreement for cooperation, or any uranium remaining after irradiation of such special nuclear material, at a repurchase price not to exceed the Commission's sale price for comparable special nuclear material or uranium in effect at the time of delivery of such material to the Commission. The Commission may also agree to purchase, consistent with and within the period of the agreement for cooperation, special nuclear material produced in a nuclear reactor located outside the United States through the use of special nuclear material which was leased or sold pursuant to this subsection. Under any such agreement the Commission shall purchase only such material as is delivered to the Commission during any period when there is in effect a guaranteed purchase price for the same material produced in a nuclear reactor by a person licensed under section 104, established by the Commission pursuant to section 56, and the price to be paid shall be the price so established by the Commission and in effect for the same material delivered to the Commission.**

68 Stat. 940;
72 Stat. 277,
632.
42 USC 2153.

88 STAT. 473
88 STAT. 474

Nuclear materials, proposed amounts and periods, submittal to Congress.

Report to Congress.

Special materials, repurchase.

68 Stat. 937;
84 Stat. 1472.
42 USC 2134.
78 Stat. 605;
84 Stat. 1472.
42 USC 2076.

"b. Notwithstanding the provisions of sections 123, 124, and 125, the Commission is authorized to distribute to any person outside the United States (1) plutonium containing 80 per centum or more by weight of plutonium-238, and (2) other special nuclear material when it has, in accordance with subsection 57 d., exempted certain classes or quantities of such other special nuclear material or kinds of uses or users thereof from the requirements for a license set forth in this chapter. Unless hereafter otherwise authorized by law, the Commission shall be compensated for special nuclear material so distributed at not less than the Commission's published charges applicable to the domestic distribution of such material. The Commission shall not distribute any plutonium containing 80 per centum or more by weight of plutonium-238 to any person under this subsection if, in its opinion, such distribution would be inimical to the common defense and security. The Commission may require such reports regarding the use of material distributed pursuant to the provisions of this subsection as it deems necessary.

Infra.Infra.88 STAT. 474
88 STAT. 475

"c. The Commission is authorized to license or otherwise permit others to distribute special nuclear material to any person outside the United States under the same conditions, except as to charges, as would be applicable if the material were distributed by the Commission."

Sec. 3. Section 57 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

Nuclear materials, classes, license exemptions.
78 Stat. 605.
42 USC 2077.

"d. The Commission is authorized to establish classes of special nuclear material and to exempt certain classes or quantities of special nuclear material or kinds of uses or users from the requirements for a license set forth in this section when it makes a finding that the exemption of such classes or quantities of special nuclear material or such kinds of uses or users would not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public."

Sec. 4. Section 81 of the Atomic Energy Act of 1954, as amended, is amended by deleting the word "licensees" and inserting in lieu thereof the words "qualified applicants" in the third sentence of such section and by deleting the fifth sentence of such section.

68 Stat. 935.
42 USC 2111.

Sec. 5. Sections 123, 124, and 125 of the Atomic Energy Act of 1954, as amended, are amended by substituting the term "54 a." for the term "54."

68 Stat. 940.
71 Stat. 11.
42 USC 2153 and note, 2154.
83 Stat. 444.
42 USC 2183.

Sec. 6. Subsection 153 h. of the Atomic Energy Act of 1954, as amended, is amended by striking the figure "1974" and substituting therefor the figure "1979".

Sec. 7. Subsection 161 i. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Regulations.
68 Stat. 949.
42 USC 2201.

"i. prescribe such regulations or orders as it may deem necessary (1) to protect Restricted Data received by any person in connection with any activity authorized pursuant to this Act, (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to section 53 or produced by any person in connection with any activity authorized pursuant to this Act, to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security, including regulations or orders designating activities, involving quantities of special nuclear material which in the

68 Stat. 930;
78 Stat. 603.
42 USC 2073.

opinion of the Commission are important to the common defense and security, that may be conducted only by persons whose character, associations, and loyalty shall have been investigated under standards and specifications established by the Commission and as to whom the Commission shall have determined that permitting each such person to conduct the activity will not be inimical to the common defense and security, and (3) to govern any activity authorized pursuant to this Act, including standards and restrictions governing the design, location, and operation of facilities used in the conduct of such activity, in order to protect health and to minimize danger to life or property;"

Approved August 17, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1155 accompanying H.R. 15416
(Joint Comm. on Atomic Energy).

SENATE REPORT No. 93-989 (Joint Comm. on Atomic
Energy).

CONGRESSIONAL RECORD, Vol. 120 (1974):
July 11, considered and passed Senate.
Aug. 1, considered and passed House,
in lieu of H.R. 15416.

An Act

To reorganize and consolidate certain functions of the Federal Government in a new Energy Research and Development Administration and in a new Nuclear Regulatory Commission in order to promote more efficient management of such functions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Energy Reorganization Act of 1974.

SHORT TITLE

SECTION 1. This Act may be cited as the "Energy Reorganization Act of 1974".

42 USC 5801 note.

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby declares that the general welfare and the common defense and security require effective action to develop, and increase the efficiency and reliability of use of, all energy sources to meet the needs of present and future generations, to increase the productivity of the national economy and strengthen its position in regard to international trade, to make the Nation self-sufficient in energy, to advance the goals of restoring, protecting, and enhancing environmental quality, and to assure public health and safety.

42 USC 5801.

(b) The Congress finds that, to best achieve these objectives, improve Government operations, and assure the coordinated and effective development of all energy sources, it is necessary to establish an Energy Research and Development Administration to bring together and direct Federal activities relating to research and development on the various sources of energy, to increase the efficiency and reliability in the use of energy, and to carry out the performance of other functions, including but not limited to the Atomic Energy Commission's military and production activities and its general basic research activities. In establishing an Energy Research and Development Administration to achieve these objectives, the Congress intends that all possible sources of energy be developed consistent with warranted priorities.

Energy Research and Development Administration, establishment.

(c) The Congress finds that it is in the public interest that the licensing and related regulatory functions of the Atomic Energy Commission be separated from the performance of the other functions of the Commission, and that this separation be effected in an orderly manner, pursuant to this Act, assuring adequacy of technical and other resources necessary for the performance of each.

Separation of AEC licensing and regulatory functions.

(d) The Congress declares that it is in the public interest and the policy of Congress that small business concerns be given a reasonable opportunity to participate, insofar as is possible, fairly and equitably in grants, contracts, purchases, and other Federal activities relating to research, development, and demonstration of sources of energy efficiency, and utilization and conservation of energy. In carrying out this policy, to the extent practicable, the Administrator shall consult with the Administrator of the Small Business Administration.

Small business participation.

(e) Determination of priorities which are warranted should be based on such considerations as power-related values of an energy source, preservation of material resources, reduction of pollutants, export market potential (including reduction of imports), among others. On such a basis, energy sources warranting priority might include, but not be limited to, the various methods of utilizing solar energy.

Priorities.

TITLE I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

ESTABLISHMENT

42 USC 5811.

SEC. 101. There is hereby established an independent executive agency to be known as the Energy Research and Development Administration (hereinafter in this Act referred to as the "Administration").

OFFICERS

Administrator.
42 USC 5812.

SEC. 102. (a) There shall be at the head of the Administration an Administrator of Energy Research and Development (hereinafter in this Act referred to as the "Administrator"), who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. A person may not be appointed as Administrator within two years after release from active duty as a commissioned officer of a regular component of an Armed Force. The Administration shall be administered under the supervision and direction of the Administrator, who shall be responsible for the efficient and coordinated management of the Administration.

Deputy
Administrator.
88 STAT. 1234
88 STAT. 1235

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) The President shall appoint the Administrator and Deputy Administrator from among individuals who, by reason of their general background and experience are specially qualified to manage a full range of energy research and development programs.

Assistant
Administrators.

(d) There shall be in the Administration six Assistant Administrators, one of whom shall be responsible for fossil energy, another for nuclear energy, another for environment and safety, another for conservation, another for solar, geothermal, and advanced energy systems, and another for national security. The Assistant Administrators shall be appointed by the President, by and with the advice and consent of the Senate. The President shall appoint each Assistant Administrator from among individuals who, by reason of general background and experience, are specially qualified to manage the energy technology area assigned to such Assistant Administrator.

General Counsel.

(e) There shall be in the Administration a General Counsel who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator.

Additional
officers.

(f) There shall be in the Administration not more than eight additional officers appointed by the Administrator. The positions of such officers shall be considered career positions and be subject to subsection 161 d. of the Atomic Energy Act.

Director of
Military
Application.

(g) The Division of Military Application transferred to and established in the Administration by section 104(d) of this Act shall be under the direction of a Director of Military Application, who shall be appointed by the Administrator and who shall serve at the pleasure of and be removable by the Administrator and shall be an active commissioned officer of the Armed Forces serving in general or flag officer rank or grade. The functions, qualifications, and compensation of the Director of Military Application shall be the same as those provided under the Atomic Energy Act of 1954, as amended, for the Assistant General Manager for Military Application.

42 USC 2011
note.

(h) Officers appointed pursuant to this section shall perform such functions as the Administrator shall specify from time to time. The Administrator shall delegate to one such officer the special responsibility for international cooperation in all energy and related environmental research and development.

International
cooperation.

(i) The Deputy Administrator (or in the absence or disability of the Deputy Administrator, or in the event of a vacancy in the office of the Deputy Administrator, an Assistant Administrator, the General Counsel or such other official, determined according to such order as the Administrator shall prescribe) shall act for and perform the functions of the Administrator during any absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

Order of
succession.

RESPONSIBILITIES OF THE ADMINISTRATOR

SEC. 103. The responsibilities of the Administrator shall include, but not be limited to—

42 USC 5813.

(1) exercising central responsibility for policy planning, coordination, support, and management of research and development programs respecting all energy sources, including assessing the requirements for research and development in regard to various energy sources in relation to near-term and long-range needs, policy planning in regard to meeting those requirements, undertaking programs for the optimal development of the various forms of energy sources, managing such programs, and disseminating information resulting therefrom;

88 STAT. 1235
88 STAT. 1236

(2) encouraging and conducting research and development, including demonstration of commercial feasibility and practical applications of the extraction, conversion, storage, transmission, and utilization phases related to the development and use of energy from fossil, nuclear, solar, geothermal, and other energy sources;

(3) engaging in and supporting environmental, biomedical, physical, and safety research related to the development of energy sources and utilization technologies;

(4) taking into account the existence, progress, and results of other public and private research and development activities, including those activities of the Federal Energy Administration relating to the development of energy resources using currently available technology in promoting increased utilization of energy resources, relevant to the Administration's mission in formulating its own research and development programs;

(5) participating in and supporting cooperative research and development projects which may involve contributions by public or private persons or agencies, of financial or other resources to the performance of the work;

(6) developing, collecting, distributing, and making available for distribution, scientific and technical information concerning the manufacture or development of energy and its efficient extraction, conversion, transmission, and utilization;

(7) creating and encouraging the development of general information to the public on all energy conservation technologies and energy sources as they become available for general use, and the Administrator, in conjunction with the Administrator of the Federal Energy Administration shall, to the extent practicable, disseminate such information through the use of mass communications;

(8) encouraging and conducting research and development in energy conservation, which shall be directed toward the goals of reducing total energy consumption to the maximum extent practicable, and toward maximum possible improvement in the efficiency of energy use. Development of new and improved con-

servation measures shall be conducted with the goal of the most expeditious possible application of these measures;

(9) encouraging and participating in international cooperation in energy and related environmental research and development;

88 STAT. 1236
88 STAT. 1237

(10) helping to assure an adequate supply of manpower for the accomplishment of energy research and development programs, by sponsoring and assisting in education and training activities in institutions of higher education, vocational schools, and other institutions, and by assuring the collection, analysis, and dissemination of necessary manpower supply and demand data;

(11) encouraging and conducting research and development in clean and renewable energy sources.

ABOLITION AND TRANSFERS

Atomic Energy
Commission.
42 USC 5814.

SEC. 104. (a) The Atomic Energy Commission is hereby abolished. Sections 21 and 22 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2031 and 2032) are repealed.

(b) All other functions of the Commission, the Chairman and members of the Commission, and the officers and components of the Commission are hereby transferred or allowed to lapse pursuant to the provisions of this Act.

(c) There are hereby transferred to and vested in the Administrator all functions of the Atomic Energy Commission, the Chairman and members of the Commission, and the officers and components of the Commission, except as otherwise provided in this Act.

(d) The General Advisory Committee established pursuant to section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the Patent Compensation Board established pursuant to section 157 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2187), and the Divisions of Military Application and Naval Reactors established pursuant to section 25 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2035), are transferred to the Energy Research and Development Administration and the functions of the Commission with respect thereto, and with respect to relations with the Military Liaison Committee established by section 27 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2037), are transferred to the Administrator.

Interior
Department
functions.

(e) There are hereby transferred to and vested in the Administrator such functions of the Secretary of the Interior, the Department of the Interior, and officers and components of such department—

(1) as relate to or are utilized by the Office of Coal Research established pursuant to the Act of July 1, 1960 (74 Stat. 336; 30 U.S.C. 661-668);

(2) as relate to or are utilized in connection with fossil fuel energy research and development programs and related activities conducted by the Bureau of Mines "energy centers" and synthane plant to provide greater efficiency in the extraction, processing, and utilization of energy resources for the purpose of conserving those resources, developing alternative energy resources, such as oil and gas secondary and tertiary recovery, oil shale and synthetic fuels, improving methods of managing energy-related wastes and pollutants, and providing technical guidance needed to establish and administer national energy policies; and

(3) as relate to or are utilized for underground electric power transmission research.

Helium applica-
tions study.

The Administrator shall conduct a study of the potential energy applications of helium and, within six months from the date of the

enactment of this Act, report to the President and Congress his recommendations concerning the management of the Federal helium programs, as they relate to energy.

(f) There are hereby transferred to and vested in the Administrator such functions of the National Science Foundation as relate to or are utilized in connection with—

- (1) solar heating and cooling development; and
- (2) geothermal power development.

(g) There are hereby transferred to and vested in the Administrator such functions of the Environmental Protection Agency and the officers and components thereof as relate to or are utilized in connection with research, development, and demonstration, but not assessment or monitoring for regulatory purposes, of alternative automotive power systems.

(h) To the extent necessary or appropriate to perform functions and carry out programs transferred by this Act, the Administrator and Commission may exercise, in relation to the functions so transferred, any authority or part thereof available by law, including appropriation Acts, to the official or agency from which such functions were transferred.

(i) In the exercise of his responsibilities under section 103, the Administrator shall utilize, with their consent, to the fullest extent he determines advisable the technical and management capabilities of other executive agencies having facilities, personnel, or other resources which can assist or advantageously be expanded to assist in carrying out such responsibilities. The Administrator shall consult with the head of each agency with respect to such facilities, personnel, or other resources, and may assign, with their consent, specific programs or projects in energy research and development as appropriate. In making such assignments under this subsection, the head of each such agency shall insure that—

- (1) such assignments shall be in addition to and not detract from the basic mission responsibilities of the agency, and
- (2) such assignments shall be carried out under such guidance as the Administrator deems appropriate.

ADMINISTRATIVE PROVISIONS

SEC. 105. (a) The Administrator is authorized to prescribe such policies, standards, criteria, procedures, rules, and regulations as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

(b) The Administrator shall engage in such policy planning, and perform such program evaluation analyses and other studies, as may be necessary to promote the efficient and coordinated administration of the Administration and properly assess progress toward the achievement of its missions.

(c) Except as otherwise expressly provided by law, the Administrator may delegate any of his functions to such officers and employees of the Administration as he may designate, and may authorize such successive redelegations of such functions as he may deem to be necessary or appropriate.

(d) Except as provided in section 102 and in section 104(d), the Administrator may organize the Administration as he may deem to be necessary or appropriate.

(e) The Administrator is authorized to establish, maintain, alter, or discontinue such State, regional, district, local, or other field offices as he may deem to be necessary or appropriate to perform functions now or hereafter vested in him.

Report to President and Congress.

National Science Foundation functions.

Environmental Protection Agency functions.

Use of other agencies' capabilities.

Regulations.
42 USC 5815.

Policy planning and evaluation.

Delegation of functions.

Organization.

Field offices.

88 STAT. 1239

Seal.

(f) The Administrator shall cause a seal of office to be made for the Administration of such device as he shall approve, and judicial notice shall be taken of such seal.

Working capital fund.

(g) The Administrator is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he shall find to be desirable in the interests of economy and efficiency. There shall be transferred to the fund the stocks of supplies, equipment, assets other than real property, liabilities, and unpaid obligations relating to the services which he determines will be performed through the fund. Appropriations to the fund, in such amounts as may be necessary to provide additional working capital, are authorized. The working capital fund shall recover, from the appropriations and funds for which services are performed, either in advance or by way of reimbursement, amounts which will approximate the costs incurred, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from the sale or exchange of its property, and receipts in payment for loss or damage to property owned by the fund.

Information from other agencies.

(h) Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Administrator, upon his request, any information or other data which the Administrator deems necessary to carry out his duties under this title.

PERSONNEL AND SERVICES

Appointment and pay.

42 USC 5816.

SEC. 106. (a) The Administrator is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including attorneys, pursuant to section 161 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201 (d)) as are necessary to perform the functions now or hereafter vested in him and to prescribe their functions.

Experts and consultants.
Military personnel.

(b) The Administrator is authorized to obtain services as provided by section 3109 of title 5 of the United States Code.

(c) The Administrator is authorized to provide for participation of military personnel in the performance of his functions. Members of the Army, the Navy, the Air Force, or the Marine Corps may be detailed for service in the Administration by the appropriate military Secretary, pursuant to cooperative agreements with the Secretary, for service in the Administration in positions other than a position the occupant of which must be approved by and with the advice and consent of the Senate.

(d) Appointment, detail, or assignment to, acceptance of, and service in, any appointive or other position in the Administration under this section shall in no way affect the status, office, rank, or grade which such officers or enlisted men may occupy or hold, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A member so appointed, detailed, or assigned shall not be subject to direction or control by his Armed Force, or any officer thereof, directly or indirectly, with respect to the responsibilities exercised in the position to which appointed, detailed, or assigned.

Transportation and per diem.

(e) The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5 of the United States Code for travel between places of recruitment and duty, and while at places of duty, of persons appointed for emergency, temporary, or seasonal services in the field service of the Administration.

(f) The Administrator is authorized to utilize, on a reimbursable basis, the services of any personnel made available by any department, agency, or instrumentality, including any independent agency of the Government.

(g) The Administrator is authorized to establish advisory boards, in accordance with the provisions of the Federal Advisory Committee Act (Public Law 92-463), to advise with and make recommendations to the Administrator on legislation, policies, administration, research, and other matters.

(h) The Administrator is authorized to employ persons who are not citizens of the United States in expert, scientific, technical, or professional capacities whenever he deems it in the public interest.

POWERS

SEC. 107. (a) The Administrator is authorized to exercise his powers in such manner as to insure the continued conduct of research and development and related activities in areas or fields deemed by the Administrator to be pertinent to the acquisition of an expanded fund of scientific, technical, and practical knowledge in energy matters. To this end, the Administrator is authorized to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities with private or public institutions or persons, including participation in joint or cooperative projects of a research, developmental, or experimental nature; to make payments (in lump sum or installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments); and generally to take such steps as he may deem necessary or appropriate to perform functions now or hereafter vested in him. Such functions of the Administrator under this Act as are applicable to the nuclear activities transferred pursuant to this title shall be subject to the provisions of the Atomic Energy Act of 1954, as amended, and to other authority applicable to such nuclear activities. The nonnuclear responsibilities and functions of the Administrator referred to in sections 103 and 104 of this Act shall be carried out pursuant to the provisions of this Act, applicable authority existing immediately before the effective date of this Act, or in accordance with the provisions of chapter 4 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2051-2053).

(b) Except for public buildings as defined in the Public Buildings Act of 1959, as amended, and with respect to leased space subject to the provisions of Reorganization Plan Numbered 18 of 1950, the Administrator is authorized to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain facilities and real property as the Administrator deems to be necessary in and outside of the District of Columbia. Such authority shall apply only to facilities required for the maintenance and operation of laboratories, research and testing sites and facilities, quarters, and related accommodations for employees and dependents of employees of the Administration, and such other special-purpose real property as the Administrator deems to be necessary in and outside the District of Columbia. Title to any property or interest therein, real, personal, or mixed, acquired pursuant to this section, shall be in the United States.

(c) (1) The Administrator is authorized to provide, construct, or maintain, as necessary and when not otherwise available, the following for employees and their dependents stationed at remote locations:

- (A) Emergency medical services and supplies.
- (B) Food and other subsistence supplies.

Personnel of other agencies.

Advisory boards.

5 USC app. I.

Noncitizens.

Research and development.
42 USC 5817.

Contracts, etc.

42 USC 2011
note.

Facilities and real property.
40 USC 601 note.
5 USC app. II.

Services for employees at remote locations.

- (C) Messing facilities.
- (D) Audiovisual equipment, accessories, and supplies for recreation and training.
- (E) Reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons.
- (F) Living and working quarters and facilities.
- (G) Transportation for school-age dependents of employees to the nearest appropriate educational facilities.

(2) The furnishing of medical treatment under subparagraph (A) of paragraph (1) and the furnishing of services and supplies under paragraphs (B) and (C) of paragraph (1) shall be at prices reflecting reasonable value as determined by the Administrator.

(3) Proceeds from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Administrator to pay directly the cost of such work or services, to repay or make advances to appropriations or funds which do or will bear all or a part of such cost, or to refund excess sums when necessary; except that such payments may be credited to a service or working capital fund otherwise established by law, and used under the law governing such funds, if the fund is available for use by the Administrator for performing the work or services for which payment is received.

Acquisition of
copyrights,
patents, etc.

(d) The Administrator is authorized to acquire any of the following described rights if the property acquired thereby is for use in, or is useful to, the performance of functions vested in him:

- (1) Copyrights, patents, and applications for patents, designs, processes, specifications, and data.
- (2) Licenses under copyrights, patents, and applications for patents.

(3) Releases, before suit is brought, for past infringement of patents or copyrights.

Dissemination of
information.

(e) Subject to the provisions of chapter 12 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2161-2166), and other applicable law, the Administrator shall disseminate scientific, technical and practical information acquired pursuant to this title through information programs and other appropriate means, and shall encourage the dissemination of scientific, technical, and practical information relating to energy so as to enlarge the fund of such information and to provide that free interchange of ideas and criticism which is essential to scientific and industrial progress and public understanding.

Gifts and
bequests.

(f) The Administrator is authorized to accept, hold, administer, and utilize gifts, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Administration. Gifts and bequests of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Administrator. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift or bequest to the United States.

INTERIM COORDINATION

Energy Resources
Council,
establishment.
42 USC 5818.

SEC. 108. (a) There is established in the Executive Office of the President an Energy Resources Council. The Council shall be composed of the Secretary of the Interior, the Administrator of the Federal Energy Administration, the Administrator of the Energy Research and Development Administration, the Secretary of State, the Director, Office of Management and Budget, and such other officials of the Federal Government as the President may designate. The President shall designate one of the members of the Council to serve as Chairman.

(b) It shall be the duty and function of the Council to—

(1) insure communication and coordination among the agencies of the Federal Government which have responsibilities for the development and implementation of energy policy or for the management of energy resources;

(2) make recommendations to the President and to the Congress for measures to improve the implementation of Federal energy policies or the management of energy resources with particular emphasis upon policies and activities involving two or more Departments or independent agencies; and

(3) advise the President in the preparation of the reorganization recommendations required by section 110 of this Act.

Testimony before Congress.

(c) The Chairman of the Council may not refuse to testify before the Congress or any duly authorized committee thereof regarding the duties of the Council or other matters concerning interagency coordination of energy policy and activities.

Effective date. Publication in Federal Register.

(d) This section shall be effective no later than sixty days after the enactment of this Act or such earlier date as the President shall prescribe and publish in the Federal Register, and shall terminate upon enactment of a permanent department responsible for energy and natural resources or two years after such effective date, whichever shall occur first.

FUTURE REORGANIZATION

SEC. 109. (a) The President shall transmit to the Congress as promptly as possible, but not later than June 30, 1975, such additional recommendations as he deems advisable for organization of energy and related functions in the Federal Government, including, but not limited to, whether or not there shall be established (1) a Department of Energy and Natural Resources, (2) an Energy Policy Council, and (3) a consolidation in whole or in part of regulatory functions concerning energy.

Report to Congress. 42 USC 5819.

(b) This report shall replace and serve the purposes of the report required by section 15(a)(4) of the Federal Energy Administration Act.

Ante, p. 109.

COORDINATION WITH ENVIRONMENTAL EFFORTS

SEC. 110. The Administrator is authorized to establish programs to utilize research and development performed by other Federal agencies to minimize the adverse environmental effects of energy projects. The Administrator of the Environmental Protection Agency, as well as other affected agencies and departments, shall cooperate fully with the Administrator in establishing and maintaining such programs, and in establishing appropriate interagency agreements to develop cooperative programs and to avoid unnecessary duplication.

42 USC 5820.

TITLE II—NUCLEAR REGULATORY COMMISSION

ESTABLISHMENT AND TRANSFERS

SEC. 201. (a) There is established an independent regulatory commission to be known as the Nuclear Regulatory Commission which shall be composed of five members, each of whom shall be a citizen of the United States. The President shall designate one member

Members and Chairman. 42 USC 5841.

of the Commission as Chairman thereof to serve as such during the pleasure of the President. The Chairman may from time to time designate any other member of the Commission as Acting Chairman to act in the place and stead of the Chairman during his absence. The Chairman (or the Acting Chairman in the absence of the Chairman) shall preside at all meetings of the Commission and a quorum for the transaction of business shall consist of at least three members present. Each member of the Commission, including the Chairman, shall have equal responsibility and authority in all decisions and actions of the Commission, shall have full access to all information relating to the performance of his duties or responsibilities, and shall have one vote. Action of the Commission shall be determined by a majority vote of the members present. The Chairman (or Acting Chairman in the absence of the Chairman) shall be the official spokesman of the Commission in its relations with the Congress, Government agencies, persons, or the public, and, on behalf of the Commission, shall see to the faithful execution of the policies and decisions of the Commission, and shall report thereon to the Commission from time to time or as the Commission may direct. The Commission shall have an official seal which shall be judicially noticed.

Seal.

(b) (1) Members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Appointments of members pursuant to this subsection shall be made in such a manner that not more than three members of the Commission shall be members of the same political party.

(c) Each member shall serve for a term of five years, each such term to commence on July 1, except that of the five members first appointed to the Commission, one shall serve for one year, one for two years, one for three years, one for four years, and one for five years, to be designated by the President at the time of appointment.

Submission of appointments to Senate.

(d) Such initial appointments shall be submitted to the Senate within sixty days of the signing of this Act. Any individual who is serving as a member of the Atomic Energy Commission at the time of the enactment of this Act, and who may be appointed by the President to the Commission, shall be appointed for a term designated by the President, but which term shall terminate not later than the end of his present term as a member of the Atomic Energy Commission, without regard to the requirements of subsection (b) (2) of this section. Any subsequent appointment of such individuals shall be subject to the provisions of this section.

(e) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. No member of the Commission shall engage in any business, vocation, or employment other than that of serving as a member of the Commission.

Transfer of AEC functions and personnel.

(f) There are hereby transferred to the Commission all the licensing and related regulatory functions of the Atomic Energy Commission, the Chairman and members of the Commission, the General Counsel, and other officers and components of the Commission—which functions officers, components, and personnel are excepted from the transfer to the Administrator by section 104 (c) of this Act.

Additional transfers.

(g) In addition to other functions and personnel transferred to the Commission, there are also transferred to the Commission—

(1) the functions of the Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Board;

(2) such personnel as the Director of the Office of Management and Budget determines are necessary for exercising responsibili-

ties under section 205, relating to, research, for the purpose of confirmatory assessment relating to licensing and other regulation under the provisions of the Atomic Energy Act of 1954, as amended, and of this Act.

42 USC 2011
note.

LICENSING AND RELATED REGULATORY FUNCTIONS RESPECTING SELECTED
ADMINISTRATION FACILITIES

SEC. 202. Notwithstanding the exclusions provided for in section 110 a. or any other provisions of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(a)), the Nuclear Regulatory Commission shall, except as otherwise specifically provided by section 110 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2140(b)), or other law, have licensing and related regulatory authority pursuant to chapters 6, 7, 8, and 10 of the Atomic Energy Act of 1954, as amended, as to the following facilities of the Administration:

42 USC 5842.

(1) Demonstration Liquid Metal Fast Breeder reactors when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

42 USC 2071-
2112, 2131-
2140.

(2) Other demonstration nuclear reactors—except those in existence on the effective date of this Act—when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

(3) Facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from activities licensed under such Act.

(4) Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive waste generated by the Administration, which are not used for, or are part of, research and development activities.

OFFICE OF NUCLEAR REACTOR REGULATION

SEC. 203. (a) There is hereby established in the Commission an Office of Nuclear Reactor Regulation under the direction of a Director of Nuclear Reactor Regulation, who shall be appointed by the Commission, who may report directly to the Commission, as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

Establishment.
42 USC 5843.
Director.

(b) Subject to the provisions of this Act, the Director of Nuclear Reactor Regulation shall perform such functions as the Commission shall delegate including:

Functions.

(1) Principal licensing and regulation involving all facilities, and materials licensed under the Atomic Energy Act of 1954, as amended, associated with the construction and operation of nuclear reactors licensed under the Atomic Energy Act of 1954, as amended;

42 USC 2011
note.

(2) Review the safety and safeguards of all such facilities, materials, and activities, and such review functions shall include, but not be limited to—

(A) monitoring, testing and recommending upgrading of systems designed to prevent substantial health or safety hazards; and

(B) evaluating methods of transporting special nuclear and other nuclear materials and of transporting and storing high-level radioactive wastes to prevent radiation hazards to employees and the general public.

(3) Recommend research necessary for the discharge of the functions of the Commission.

(c) Nothing in this section shall be construed to limit in any way the functions of the Administration relating to the safe operation of all facilities resulting from all activities within the jurisdiction of the Administration pursuant to this Act.

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

Establishment.
42 USC 5844.
Director.

SEC. 204. (a) There is hereby established in the Commission an Office of Nuclear Material Safety and Safeguards under the direction of a Director of Nuclear Material Safety and Safeguards, who shall be appointed by the Commission, who may report directly to the Commission as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

Functions.

(b) Subject to the provisions of this Act, the Director of Nuclear Material Safety and Safeguards shall perform such functions as the Commission shall delegate including:

42 USC 2011
note.

(1) Principal licensing and regulation involving all facilities and materials, licensed under the Atomic Energy Act of 1954, as amended, associated with the processing, transport, and handling of nuclear materials, including the provision and maintenance of safeguards against threats, thefts, and sabotage of such licensed facilities, and materials.

(2) Review safety and safeguards of all such facilities and materials licensed under the Atomic Energy Act of 1954, as amended, and such review shall include, but not be limited to—

(A) monitoring, testing, and recommending upgrading of internal accounting systems for special nuclear and other nuclear materials licensed under the Atomic Energy Act of 1954, as amended;

(B) developing, in consultation and coordination with the Administration, contingency plans for dealing with threats, thefts, and sabotage relating to special nuclear materials, high-level radioactive wastes and nuclear facilities resulting from all activities licensed under the Atomic Energy Act of 1954, as amended;

(C) assessing the need for, and the feasibility of, establishing a security agency within the office for the performance of the safeguards functions, and a report with recommendations on this matter shall be prepared within one year of the effective date of this Act and promptly transmitted to the Congress by the Commission.

Report to
Congress.

(3) Recommending research to enable the Commission to more effectively perform its functions.

(c) Nothing in this section shall be construed to limit in any way the functions of the Administration relating to the safeguarding of special nuclear materials, high-level radioactive wastes and nuclear

facilities resulting from all activities within the jurisdiction of the Administration pursuant to this Act.

OFFICE OF NUCLEAR REGULATORY RESEARCH

SEC. 205. (a) There is hereby established in the Commission an Office of Nuclear Regulatory Research under the direction of a Director of Nuclear Regulatory Research, who shall be appointed by the Commission, who may report directly to the Commission as provided in section 209, and who shall serve at the pleasure of and be removable by the Commission.

Establishment.
42 USC 5845.
Director.

(b) Subject to the provisions of this Act, the Director of Nuclear Regulatory Research shall perform such functions as the Commission shall delegate including:

Functions.

(1) Developing recommendations for research deemed necessary for performance by the Commission of its licensing and related regulatory functions.

(2) Engaging in or contracting for research which the Commission deems necessary for the performance of its licensing and related regulatory functions.

(c) The Administrator of the Administration and the head of every other Federal agency shall—

Cooperation of
Federal agencies.

(1) cooperate with respect to the establishment of priorities for the furnishing of such research services as requested by the Commission for the conduct of its functions;

(2) furnish to the Commission, on a reimbursable basis, through their own facilities or by contract or other arrangement, such research services as the Commission deems necessary and requests for the performance of its functions; and

(3) consult and cooperate with the Commission on research and development matters of mutual interest and provide such information and physical access to its facilities as will assist the Commission in acquiring the expertise necessary to perform its licensing and related regulatory functions.

(d) Nothing in subsections (a) and (b) of this section or section 201 of this Act shall be construed to limit in any way the functions of the Administration relating to the safety of activities within the jurisdiction of the Administration.

(e) Each Federal agency, subject to the provisions of existing law, shall cooperate with the Commission and provide such information and research services, on a reimbursable basis, as it may have or be reasonably able to acquire.

Information and
research ser-
vices.

NONCOMPLIANCE

SEC. 206. (a) Any individual director, or responsible officer of a firm constructing, owning, operating, or supplying the components of any facility or activity which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954 as amended, or pursuant to this Act, who obtains information reasonably indicating that such facility or activity or basic components supplied to such facility or activity—

42 USC 5846.

(1) fails to comply with the Atomic Energy Act of 1954, as amended, or any applicable rule, regulation, order, or license of the Commission relating to substantial safety hazards, or

(2) contains a defect which could create a substantial safety hazard, as defined by regulations which the Commission shall promulgate,

42 USC 2011
note.

88 STAT. 1247

shall immediately notify the Commission of such failure to comply, or of such defect, unless such person has actual knowledge that the Commission has been adequately informed of such defect or failure to comply.

Penalty.

(b) Any person who knowingly and consciously fails to provide the notice required by subsection (a) of this section shall be subject to a civil penalty in an amount equal to the amount provided by section 234 of the Atomic Energy Act of 1954, as amended.

42 USC 2282.

Posting of requirements.

(c) The requirements of this section shall be prominently posted on the premises of any facility licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended.

42 USC 2011 note.

Enforcement.

(d) The Commission is authorized to conduct such reasonable inspections and other enforcement activities as needed to insure compliance with the provisions of this section.

NUCLEAR ENERGY CENTER SITE SURVEY

42 USC 5847.

Federal-State-local cooperation.

Solicitation of views.

Definition.

SEC. 207. (a) (1) The Commission is authorized and directed to make or cause to be made under its direction, a national survey, which shall include consideration of each of the existing or future electric reliability regions, or other appropriate regional areas, to locate and identify possible nuclear energy center sites. This survey shall be conducted in cooperation with other interested Federal, State, and local agencies, and the views of interested persons, including electric utilities, citizens' groups, and others, shall be solicited and considered.

(2) For purposes of this section, the term "nuclear energy center site" means any site, including a site not restricted to land, large enough to support utility operations or other elements of the total nuclear fuel cycle, or both including, if appropriate, nuclear fuel reprocessing facilities, nuclear fuel fabrication plants, retrievable nuclear waste storage facilities, and uranium enrichment facilities.

(3) The survey shall include—

(a) a regional evaluation of natural resources, including land, air, and water resources, available for use in connection with nuclear energy center sites; estimates of future electric power requirements that can be served by each nuclear energy center site; an assessment of the economic impact of each nuclear energy site; and consideration of any other relevant factors, including but not limited to population distribution, proximity to electric load centers and to other elements of the fuel cycle, transmission line rights-of-way, and the availability of other fuel resources;

(b) an evaluation of the environmental impact likely to result from construction and operation of such nuclear energy centers, including an evaluation whether such nuclear energy centers will result in greater or lesser environmental impact than separate siting of the reactors and/or fuel cycle facilities; and

(c) consideration of the use of federally owned property and other property designated for public use, but excluding national parks, national forests, national wilderness areas, and national historic monuments.

Report to Congress and Council on Environmental Quality; public availability.

(4) A report of the results of the survey shall be published and transmitted to the Congress and the Council on Environmental Quality not later than one year from the date of the enactment of this Act and shall be made available to the public, and shall be updated from time to time thereafter as the Commission, in its discretion, deems advisable. The report shall include the Commission's evaluation of the results of the survey and any conclusions and recommendations, including recommendations for legislation, which the Commission may have concerning the feasibility and practicality of locating nuclear power reactors and/or other elements of the nuclear fuel cycle

on nuclear energy center sites. The Commission is authorized to adopt policies which will encourage the location of nuclear power reactors and related fuel cycle facilities on nuclear energy center sites insofar as practicable.

ABNORMAL OCCURRENCE REPORTS

SEC. 208. The Commission shall submit to the Congress each quarter a report listing for that period any abnormal occurrences at or associated with any facility which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954 as amended, or pursuant to this Act. For the purposes of this section an abnormal occurrence is an unscheduled incident or event which the Commission determines is significant from the standpoint of public health or safety. Nothing in the preceding sentence shall limit the authority of a court to review the determination of the Commission. Each such report shall contain—

- (1) the date and place of each occurrence;
- (2) the nature and probable consequence of each occurrence;
- (3) the cause or causes of each; and
- (4) any action taken to prevent reoccurrence;

the Commission shall also provide as wide dissemination to the public of the information specified in clauses (1) and (2) of this section as reasonably possible within fifteen days of its receiving information of each abnormal occurrence and shall provide as wide dissemination to the public as reasonably possible of the information specified in clauses (3) and (4) as soon as such information becomes available to it.

Reports to
Congress.
42 USC 5848.

42 USC 2011
note.

Public dissemi-
nation of
information.

OTHER OFFICERS

SEC. 209. (a) The Commission shall appoint an Executive Director for Operations, who shall serve at the pleasure of and be removable by the Commission.

(b) The Executive Director shall perform such functions as the Commission may direct, except that the Executive Director shall not limit the authority of the director of any component organization provided in this Act to communicate with or report directly to the Commission when such director of a component organization deems it necessary to carry out his responsibilities.

(c) There shall be in the Commission not more than five additional officers appointed by the Commission. The positions of such officers shall be considered career positions and be subject to subsection 161 d. of the Atomic Energy Act.

Executive
Director.
42 USC 5849.

Functions.

Other officers.

42 USC 2201.

TITLE III—MISCELLANEOUS AND TRANSITIONAL PROVISIONS

TRANSITIONAL PROVISIONS

SEC. 301. (a) Except as otherwise provided in this Act, whenever all of the functions or programs of an agency, or other body, or any component thereof, affected by this Act, have been transferred from that agency, or other body, or any component thereof by this Act, the agency, or other body, or component thereof shall lapse. If an agency, or other body, or any component thereof, lapses pursuant to the preceding sentence, each position and office therein which was expressly authorized by law, or the incumbent of which was authorized to receive compensation at the rate prescribed for an office or position at level II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313-5316), shall lapse.

Lapses of agen-
cies and posi-
tions.
42 USC 5871.

Savings clauses. (b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Administrator, the Commission, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(c) The provisions of this Act shall not affect any proceeding pending, at the time this section takes effect, before the Atomic Energy Commission or any department or agency (or component thereof) functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued if this Act had not been enacted.

(d) Except as provided in subsection (f)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or such official as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter any order which will give effect to the provisions of this section.

(f) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Administrator or Commission, or any other official, then such suit shall be continued as if this Act had not been enacted, with the Administrator or Commission, or other official, as the case may be, substituted.

(g) Final orders and actions of any official or component in the performance of functions transferred by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders or actions had been made or taken by the officer, department, agency, or instrumentality in the performance of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notices, hearings, action upon the record, or administrative review that apply to any function transferred by

this Act shall apply to the performance of those functions by the Administrator or Commission, or any officer or component.

(h) With respect to any function transferred by this Act and performed after the effective date of this Act, reference in any other law to any department or agency, or any officer or office, the functions of which are so transferred, shall be deemed to refer to the Administration, the Administrator or Commission, or other office or official in which this Act vests such functions.

(i) Nothing contained in this Act shall be construed to limit, curtail, abolish, or terminate any function of the President which he had immediately before the effective date of this Act; or to limit, curtail, abolish, or terminate his authority to perform such function; or to limit, curtail, abolish, or terminate his authority to delegate, redelegate, or terminate any delegation of functions.

(j) Any reference in this Act to any provision of law shall be deemed to include, as appropriate, references thereto as now or hereafter amended or supplemented.

(k) Except as may be otherwise expressly provided in this Act, all functions expressly conferred by this Act shall be in addition to and not in substitution for functions existing immediately before the effective date of this Act and transferred by this Act.

TRANSFER OF PERSONNEL AND OTHER MATTERS

SEC. 302. (a) Except as provided in the next sentence, the personnel employed in connection with, and the personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and programs transferred by this Act, are, subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), correspondingly transferred for appropriate allocation. Personnel positions expressly created by law, personnel occupying those positions on the effective date of this Act, and personnel authorized to receive compensation at the rate prescribed for offices and positions at levels II, III, IV, or V of the Executive Schedule (5 U.S.C. 5313-5316) on the effective date of this Act shall be subject to the provisions of subsection (c) of this section and section 301 of this Act. 42 USC 5872.

(b) Except as provided in subsection (c), transfer of nontemporary personnel pursuant to this Act shall not cause any such employee to be separated or reduced in grade or compensation for one year after such transfer.

(c) Any person who, on the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5 of the United States Code, and who, without a break in service, is appointed in the Administration to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position.

INCIDENTAL DISPOSITIONS

SEC. 303. The Director of the Office of Management and Budget is authorized to make such additional incidental dispositions of personnel, personnel positions, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be 42 USC 5873.

made available in connection with functions transferred by this Act, as he may deem necessary or appropriate to accomplish the intent and purpose of this Act.

DEFINITIONS

42 USC 5874.

SEC. 304. As used in this Act—

(1) any reference to "function" or "functions" shall be deemed to include references to duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and

(2) any reference to "perform" or "performance", when used in relation to functions, shall be deemed to include the exercise of power, authority, rights, and privileges.

AUTHORIZATION OF APPROPRIATIONS

42 USC 5875.

SEC. 305. (a) Except as otherwise provided by law, appropriations made under this Act shall be subject to annual authorization.

(b) Authorization of appropriations to the Commission shall reflect the need for effective licensing and other regulation of the nuclear power industry in relation to the growth of such industry.

COMPTROLLER GENERAL AUDIT

42 USC 5876.

42 USC 2206.

Ante, pp. 1234,
1242.

SEC. 306. (a) Section 166. "Comptroller General Audit" of the Atomic Energy Act of 1954, as amended, shall be deemed to be applicable, respectively, to the nuclear and nonnuclear activities under title I and to the activities under title II.

(b) The Comptroller General of the United States shall audit, review, and evaluate the implementation of the provisions of title II of this Act by the Nuclear Safety and Licensing Commission not later than sixty months after the effective date of this Act, the Comptroller General shall prepare and submit to the Congress a report on his audit, which shall contain, but not be limited to—

Report to
Congress.

(1) an evaluation of the effectiveness of the licensing and related regulatory activities of the Commission and the operations of the Office of Nuclear Safety Research and the Bureau of Nuclear Materials Security;

(2) an evaluation of the effect of such Commission activities on the efficiency, effectiveness, and safety with which the activities licensed under the Atomic Energy Act of 1954, as amended, are carried out;

(3) recommendations concerning any legislation he deems necessary, and the reasons therefor, for improving the implementation of title II.

REPORTS

Reports to the
President and
Congress.42 USC 5877.
Administration
activities and
progress.

SEC. 307. (a) The Administrator shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the Administration during the preceding fiscal year. Such report shall include a statement of the short-range and long-range goals, priorities, and plans of the Administration together with an assessment of the progress made toward the attainment of those objectives and toward the more effective and efficient management of the Administration and the coordination of its functions.

Feasibility of
transferring
military
application
functions.

(b) During the first year of operation of the Administration, the Administrator, in collaboration with the Secretary of Defense, shall conduct a thorough review of the desirability and feasibility of trans-

ferring to the Department of Defense or other Federal agencies the functions of the Administrator respecting military application and restricted data, and within one year after the Administrator first takes office the Administrator shall make a report to the President, for submission to the Congress, setting forth his comprehensive analysis, the principal alternatives, and the specific recommendations of the Administrator and the Secretary of Defense.

(c) The Commission shall, as soon as practicable after the end of each fiscal year, make a report to the President for submission to the Congress on the activities of the Commission during the preceding fiscal year. Such report shall include a clear statement of the short-range and long-range goals, priorities, and plans of the Commission as they relate to the benefits, costs, and risks of commercial nuclear power. Such report shall also include a clear description of the Commission's activities and findings in the following areas—

Commission
activities and
findings.

(1) insuring the safe design of nuclear powerplants and other licensed facilities;

(2) investigating abnormal occurrences and defects in nuclear powerplants and other licensed facilities;

(3) safeguarding special nuclear materials at all stages of the nuclear fuel cycle;

(4) investigating suspected, attempted, or actual thefts of special nuclear materials in the licensed sector and developing contingency plans for dealing with such incidents;

(5) insuring the safe, permanent disposal of high-level radioactive wastes through the licensing of nuclear activities and facilities;

(6) protecting the public against the hazards of low-level radioactive emissions from licensed nuclear activities and facilities.

INFORMATION TO COMMITTEES

SEC. 308. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Administration's activities.

42 USC 5978.

TRANSFER OF FUNDS

SEC. 309. The Administrator, when authorized in an appropriation Act, may, in any fiscal year, transfer funds from one appropriation to another within the Administration; except, that no appropriation shall be either increased or decreased pursuant to this section by more than 5 per centum of the appropriation for such fiscal year.

42 USC 5879.

CONFORMING AMENDMENTS TO CERTAIN OTHER LAWS

SEC. 310. Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5, United States Code, is amended as follows:

(1) Section 5313 is amended by striking out "(8) Chairman, Atomic Energy Commission." and inserting in lieu thereof "(8) Chairman, Nuclear Regulatory Commission.", and by adding at the end thereof the following:

"(22) Administrator of Energy Research and Development Administration."

(2) Section 5314 is amended by striking out "(42) Members, Atomic Energy Commission." and inserting in lieu thereof "(42) Members, Nuclear Regulatory Commission.", and by adding at the end thereof the following:

"(60) Deputy Administrator, Energy Research and Development Administration."

(3) Section 5315 is amended by striking out paragraph (50), and by adding at the end thereof the following:

"(100) Assistant Administrators, Energy Research and Development Administration (6).

"(101) Director of Nuclear Reactor Regulation, Nuclear Regulatory Commission.

"(102) Director of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission.

"(103) Director of Nuclear Regulatory Research, Nuclear Regulatory Commission.

"(104) Executive Director for Operations, Nuclear Regulatory Commission."

(4) Section 5316 is amended by striking out paragraphs (29), (62), (69), and (102), by striking out "(81) General Counsel of the Atomic Energy Commission," and inserting in lieu thereof "(81) General Counsel of the Nuclear Regulatory Commission," and by adding at the end thereof the following:

"(134) General Counsel, Energy Research and Development Administration.

"(135) Additional officers, Energy Research and Development Administration (8).

"(136) Additional officers, Nuclear Regulatory Commission (5)."

SEPARABILITY

42 USC 5801
note.

SEC. 311. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

EFFECTIVE DATE AND INTERIM APPOINTMENTS

42 USC 5801
note.
Publication in
Federal
Register.

SEC. 312. (a) This Act shall take effect one hundred and twenty days after the date of its enactment, or on such earlier date as the President may prescribe and publish in the Federal Register; except that any of the officers provided for in title I of this Act may be nominated and appointed, as provided by this Act, at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), any functions of which are transferred to the Administrator and the Commission by this Act, may, with the approval of the President, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

(b) In the event that any officer required by this Act to be appointed by and with the advice and consent of the Senate shall not have entered upon office on the effective date of this Act, the President may designate any officer, whose appointment was required to be made by and with the advice and consent of the Senate and who was such an officer immediately prior to the effective date of this Act, to act in such office until the office is filled as provided in this Act. While so acting, such persons shall receive compensation at the rates provided by this Act for the respective offices in which they act.

TITLE IV—SEX DISCRIMINATION

SEX DISCRIMINATION PROHIBITED

Sec. 401. No person shall on the ground of sex be excluded from participation in, be denied a license under, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under any title of this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

42 USC 5891.

42 USC 2000d.

Approved October 11, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-707 (Comm. on Government Operations) and No. 93-1445 (Comm. of Conference).

SENATE REPORT No. 93-980 accompanying S. 2744 (Comm. on Government Operations).

CONGRESSIONAL RECORD:

Vol. 119 (1973): Dec. 19, considered and passed House.

Vol. 120 (1974): Aug. 15, considered and passed Senate, amended, in lieu of S. 2744.

Oct. 9, House agreed to conference report.

Oct. 10, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 10, No. 41 (1974): Oct. 11, Presidential statement.

An Act

88 STAT. 1431

To authorize a vigorous Federal program of research, development, and demonstration to assure the utilization of solar energy as a viable source for our national energy needs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Energy Research, Development, and Demonstration Act of 1974".

Solar Energy
Research, De-
velopment, and
Demonstration
Act of 1974.
42 USC 5551
note.
42 USC 5551.

DECLARATION OF FINDINGS AND POLICY

SEC. 2. (a) The Congress hereby finds that—

(1) the needs of a viable society depend on an ample supply of energy;

(2) the current imbalance between domestic supply and demand for fuels and energy is likely to persist for some time;

(3) dependence on nonrenewable energy resources cannot be continued indefinitely, particularly at current rates of consumption;

(4) it is in the Nation's interest to expedite the long-term development of renewable and nonpolluting energy resources, such as solar energy;

(5) the various solar energy technologies are today at widely differing stages of development, with some already near the stage of commercial application and others still requiring basic research;

(6) the early development and export of viable equipment utilizing solar energy, consistent with the established preeminence of the United States in the field of high technology products, can make a valuable contribution to our balance of trade;

(7) the mass production and use of equipment utilizing solar energy will help to eliminate the dependence of the United States upon foreign energy sources and promote the national defense;

(8) to date, the national effort in research, development, and demonstration activities relating to the utilization of solar energy has been extremely limited; therefore

(9) the urgency of the Nation's critical energy shortages and the need to make clean and renewable energy alternatives commercially viable require that the Nation undertake an intensive research, development, and demonstration program with an estimated Federal investment which may reach or exceed \$1,000,000,000.

(b) The Congress declares that it is the policy of the Federal Government to—

(1) pursue a vigorous and viable program of research and resource assessment of solar energy as a major source of energy for our national needs; and

(2) provide for the development and demonstration of practicable means to employ solar energy on a commercial scale.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) the term "solar energy" means energy which has recently originated in the Sun, including direct and indirect solar radiation and intermediate solar energy forms such as wind, sea thermal gradients, products of photosynthetic processes, organic wastes, and others;

42 USC 5552.

(2) the term "byproducts" includes, with respect to any solar energy technology or process, any solar energy products (including energy forms) other than those associated with or constituting the primary product of such technology or process;

(3) the term "insolation" means the rate at which solar energy is received at the surface of the Earth;

(4) the term "Project" means the Solar Energy Coordination and Management Project; and

(5) the term "Chairman" means the Chairman of the Project.

SOLAR ENERGY COORDINATION AND MANAGEMENT PROJECT

Establishment,
42 USC 5553.

SEC. 4. (a) There is hereby established the Solar Energy Coordination and Management Project.

(b) (1) The Project shall be composed of six members as follows:

(A) an Assistant Director of the National Science Foundation;

(B) an Assistant Secretary of Housing and Urban Development;

(C) a member of the Federal Power Commission;

(D) an Associate Administrator of the National Aeronautics and Space Administration;

(E) the General Manager of the Atomic Energy Commission;

and

(F) a member to be designated by the President.

(2) The President shall designate one member of the Project to serve as Chairman of the Project.

(3) If the individual designated under paragraph (1)(F) is an officer or employee of the Federal Government, he shall receive no additional pay on account of his service as a member of the Project. If such individual is not an officer or employee of the Federal Government, he shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315) for each day (including traveltime) during which he is engaged in the actual performance of duties vested in the Project.

(c) The Project shall have overall responsibility for the provision of effective management and coordination with respect to a national solar energy research, development, and demonstration program, including—

(1) the determination and evaluation of the resource base, including its temporal and geographic characteristics;

(2) research and development on solar energy technologies; and

(3) the demonstration of appropriate solar energy technologies.

(d) (1) The Project shall carry out its responsibilities under this section in cooperation with the following Federal agencies:

(A) the National Science Foundation, the responsibilities of which shall include research;

(B) the National Aeronautics and Space Administration, the responsibilities of which shall include the provision of management capability and the development of technologies;

(C) the Atomic Energy Commission, the responsibilities of which shall include the development of technologies;

(D) the Department of Housing and Urban Development, the responsibilities of which shall include fostering the utilization of solar energy for the heating and cooling of buildings, pursuant to the Solar Heating and Cooling Demonstration Act of 1974 (P.L. 93-409; 88 Stat. 1069); and

(E) the Federal Power Commission, the responsibilities of which shall include fostering the utilization of solar energy for

the generation of electricity and for the production of synthetic fuels.

(2) Upon request of the Chairman, the head of any such agency is authorized to detail or assign, on a reimbursable basis or otherwise, any of the personnel of such agency to the Project to assist it in carrying out its responsibilities under this Act.

(e) The Project shall have exclusive authority with respect to the establishment or approval of programs or projects initiated under this Act, but the agency involved in any particular program or project shall be responsible for the operation and administration of such program or project.

(f) The National Aeronautics and Space Administration is authorized to undertake and carry out those programs assigned to it by the Project.

RESOURCE DETERMINATION AND ASSESSMENT

SEC. 5. (a) The Chairman shall initiate a solar energy resource determination and assessment program with the objective of making a regional and national appraisal of all solar energy resources, including data on insolation, wind, sea thermal gradients, and potentials for photosynthetic conversion. The program shall emphasize identification of promising areas for commercial exploitation and development. The specific goals shall include—

42 USC 5554.

(1) the development of better methods for predicting the availability of all solar energy resources, over long time periods and by geographic location;

(2) the development of advanced meteorological, oceanographic, and other instruments, methodology, and procedures necessary to measure the quality and quantity of all solar resources on periodic bases;

(3) the development of activities, arrangements, and procedures for the collection, evaluation, and dissemination of information and data relating to solar energy resource assessment.

(b) The Chairman, acting through the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and other appropriate agencies, shall—

(1) develop and carry out a general plan for inventorying all forms of solar energy resources associated with Federal lands and (where consistent with property rights) non-Federal lands;

Solar energy resources inventory plan.

(2) conduct regional surveys based upon such general plan, using innovative meteorological, oceanographic, and space-related techniques, in sufficient numbers to lead to a national inventory of solar energy resources in the United States;

(3) publish and make available maps, reports, and other documents developed from such surveys to encourage and facilitate the commercial development of solar energy resources; and

Maps and reports, publication.

(4) make such recommendations for legislation as may appear to be necessary to establish policies for solar resources involving Federal lands and waters, consistent with known inventories of various resource types, with the state of technologies for solar energy development, and with evaluation of the environmental impacts of such development.

RESEARCH AND DEVELOPMENT

SEC. 6. (a) The Chairman shall initiate a research and development program for the purpose of resolving the major technical problems inhibiting commercial utilization of solar energy in the United States.

42 USC 5555.

(b) In connection with or as a part of such program, the Chairman shall—

(1) conduct, encourage, and promote scientific research and studies to develop effective and economical processes and equipment for the purpose of utilizing solar energy in an acceptable manner for beneficial uses;

(2) carry out systems, economic, social, and environmental studies to provide a basis for research, development and demonstration planning and phasing; and

(3) perform or cause to be performed technology assessments relevant to the utilization of solar energy.

(c) The specific solar energy technologies to be addressed or dealt with in the program shall include—

(1) direct solar heat as a source for industrial processes, including the utilization of low-level heat for process and other industrial purposes;

(2) thermal energy conversion, and other methods, for the generation of electricity and the production of chemical fuels;

(3) the conversion of cellulose and other organic materials (including wastes) to useful energy or fuels;

(4) photovoltaic and other direct conversion processes;

(5) sea thermal gradient conversion;

(6) windpower conversion;

(7) solar heating and cooling of housing and of commercial and public buildings; and

(8) energy storage.

DEMONSTRATION

42 USC 5556.

SEC. 7. (a) The Chairman is authorized to initiate a program to design and construct, in specific solar energy technologies (including, but not limited to, those listed in section (6) (c), facilities or powerplants of sufficient size to demonstrate the technical and economic feasibility of utilizing the various forms of solar energy. The specific goals of such programs shall include—

(1) production of electricity from a number of powerplants, on the order of one to ten megawatts each;

(2) production of synthetic fuels in commercial quantities;

(3) large-scale utilization of solar energy in the form of direct heat;

(4) utilization of thermal and all other byproducts of the solar facilities;

(5) design and development of hybrid systems involving the concomitant utilization of solar and other energy sources; and

(6) the continuous operation of such plants and facilities for a period of time.

(b) For each of the technologies for which a successful and appropriate development program is completed, the Chairman shall make a determination to proceed to demonstration based on criteria including, but not necessarily limited to, the following:

(1) the technological feasibility of the project;

(2) the costs and benefits of the project, as determined by an economic assessment;

(3) the immediate and the potential uses of the solar energy utilized in the project;

(4) long-term national need for the technology;

(5) environmental impact;

(6) potential for technology transfer to other applications;
and

(7) the nature and extent of Federal participation, if any, in the project.

(c) In carrying out his responsibilities under this section, the Chairman, acting through the appropriate Federal agencies, may provide for the establishment of one or more demonstration projects utilizing each form of solar energy, which shall include, as appropriate, the specific research, development, pilot plant construction and operation, demonstration plant construction and operation, and other facilities and activities which may be necessary to show commercial viability of the specific solar technology.

(d) The Chairman, acting through the appropriate Federal agencies, is authorized to investigate and enter into agreements for the cooperative development of facilities to demonstrate solar technologies. The responsible Federal agency may consider—

(1) cooperative agreements with non-Federal entities for construction of facilities and equipment to demonstrate solar energy technologies; and

(2) cooperative agreements with other Federal agencies for the construction of facilities and equipment and operation of facilities to produce energy for direct Federal utilization.

(e) The Chairman, acting through appropriate Federal agencies is authorized to construct and operate demonstration projects without entering into cooperative agreements with respect to such projects, if the Chairman finds that—

(1) the nature of the resource, the geographical location, the scale and engineering design of the facilities, the techniques of production, or any other significant factor of the specific demonstration project offers opportunities to make important contributions to the general knowledge of solar resources, the techniques of its development, or public confidence in the technology; and

(2) there is no opportunity for cooperative agreements with any non-Federal entity willing and able to cooperate in the demonstration project under subsection (d)(1), and there is no opportunity for cooperative agreements with other Federal agencies under subsection (d)(2).

(f) If the estimate of the Federal investment with respect to construction and operation costs of any demonstration project proposed to be established under this section exceeds \$20,000,000, no amount may be appropriated for such project except as specifically authorized by legislation hereafter enacted by the Congress.

(g) (1) At the conclusion of any demonstration project established under this section, or as soon thereafter as may be practicable, the responsible Federal agencies shall, by sale, lease, or otherwise, dispose of all Federal property interests which they have acquired pursuant to this section in accordance with existing law and the terms of the cooperative agreements involved.

(2) The agency involved shall, under appropriate agreements or other arrangements, provide for the disposition of electricity, synthetic fuels, and other byproducts of the project administered by such agency.

SOLAR ENERGY TECHNOLOGY UTILIZATION

SEC. 8. (a)(1) In carrying out his functions under this Act the Chairman, utilizing the capabilities of the National Science Foundation, the National Aeronautics and Space Administration, the Department of Commerce, the Atomic Energy Commission, and other appropriate Federal agencies to the maximum extent possible, shall

establish and operate a Solar Energy Information Data Bank (hereinafter in this subsection referred to as the "bank") for the purpose of collecting, reviewing, processing, and disseminating information and data in all of the solar energy technologies referred to in section 7(c) in a timely and accurate manner in support of the objectives of this Act.

(2) Information and data compiled in the bank shall include—

(A) technical information (including reports, journal articles, dissertations, monographs, and project descriptions) on solar energy research, development, and applications;

(B) similar technical information on the design, construction, and maintenance of equipment utilizing solar energy;

(C) general information on solar energy applications to be disseminated for popular consumption;

(D) physical and chemical properties of materials required for solar energy activities and equipment; and

(E) engineering performance data on equipment and devices utilizing solar energy.

(3) In accordance with regulations prescribed under section 12, the Chairman shall provide retrieval and dissemination services with respect to the information described under paragraph (2) for—

(A) Federal, State, and local government organizations that are active in the area of energy resources (and their contractors);

(B) universities and colleges in their related research and consulting activities; and

(C) the private sector upon request in appropriate cases.

(4) In carrying out his functions under this subsection, the Chairman shall utilize, when feasible, the existing data base of scientific and technical information in Federal agencies, adding to such data base any information described in paragraph (2) which does not already reside in such base. He shall coordinate or merge this data bank with other Federal energy information data banks as necessary to assure efficient and effective operation.

(b) In carrying out his functions under this Act the Chairman shall perform or cause to be performed studies and research on incentives to promote broader utilization and consumer acceptance of solar energy technologies.

(c) The Chairman shall enter into such arrangements and take such other steps as may be necessary or appropriate to provide for the effective coordination of solar energy technology utilization with all other technology utilization programs within the Federal Government.

SCIENTIFIC AND TECHNICAL EDUCATION

42 USC 5558.

SEC. 9. The Chairman, acting through the National Science Foundation, is authorized and directed to support programs of education in the sciences and engineering to provide the necessary trained personnel to perform the solar energy research, development, and demonstration activities required under this Act. Such support may include fellowships, traineeships, technical training programs, technologist training programs, and summer institute programs.

SOLAR ENERGY RESEARCH INSTITUTE

Establishment.
42 USC 5559.

SEC. 10. (a) There is established a Solar Energy Research Institute, which shall perform such research, development, and related functions as the Chairman may determine to be necessary or appropriate in connection with the Project's activities under this Act or to be otherwise in furtherance of the purpose and objectives of this Act.

(b) The Institute may be located (as designated by the Chairman)

at any new or existing Federal laboratory (including a non-Federal laboratory performing functions under a contract entered into with the Project or with any of the agencies represented in the Project as well as a laboratory whose personnel are Federal employees).

INTERNATIONAL COOPERATION

SEC. 11. (a) The Chairman, in furtherance of the objectives of this Act, is authorized to cooperate and participate jointly with other nations, especially those with agreements for scientific cooperation with the United States, in the following activities: 42 USC 5560.

(1) interinstitutional, bilateral, or multilateral research projects in the field of solar energy; and

(2) agreements and programs which will facilitate the exchange of information and data relating to solar energy resource assessment and solar energy technologies.

(b) The National Science Foundation is authorized to encourage, to the maximum extent practicable and consistent with the other objectives of this Act, international participation and cooperation in the development and maintenance of programs of education to carry out the policy set forth in section 9.

REGULATIONS

SEC. 12. The Chairman, in consultation with the heads of the Federal agencies having functions under this Act and with other appropriate officers and agencies, shall prescribe such regulations as may be necessary or appropriate to carry out this Act promptly and efficiently. Each such officer or agency, in consultation with the Chairman, may prescribe such regulations as may be necessary or appropriate to carry out his or its particular functions under this Act promptly and efficiently. 42 USC 5561.

ANNUAL REPORTS

SEC. 13. The Chairman shall report, on an annual basis, to the President and the Congress all actions taken under the provisions of this Act, all action planned for the ensuing year, and, to the extent practical, a projection of activities and funding requirements, for the ensuing five years. The Chairman also shall recommend, as he deems appropriate, any legislation or reorganization which might further the purposes of this Act. Report to President and Congress. 42 USC 5562.

INFORMATION TO CONGRESS

SEC. 14. Notwithstanding any other provision of law, the Chairman (or the head of any agency which assumes the functions of the Project pursuant to section 16) shall keep the appropriate committees of the House of Representatives and the Senate fully and currently informed with respect to all activities under this Act. 42 USC 5563.

COMPREHENSIVE PROGRAM DEFINITION

SEC. 15. (a) The Chairman is authorized and directed to prepare a comprehensive program definition of an integrated effort and commitment for effectively developing solar energy resources. The Chairman, in preparing such program definition, shall utilize and consult with the appropriate Federal agencies, State and local government agencies, and private organizations. 42 USC 5564.

(b) The Chairman shall transmit such comprehensive program definition to the President and to each House of the Congress. An Transmittal to President and Congress.

interim report shall be transmitted not later than March 1, 1975. The comprehensive program definition shall be transmitted as soon as possible thereafter, but in any case not later than June 30, 1975.

TRANSFER OF FUNCTIONS

42 USC 5565.

SEC. 16. Within sixty days after the effective date of the law creating a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States (or within sixty days after the date of the enactment of this Act if the effective date of such law occurs prior to the date of the enactment of this Act), all of the authorities of the Project and all of the research and development functions (and other functions except those related to scientific and technical education) vested in Federal agencies under this Act along with related records, documents, personnel, obligations, and other items, to the extent necessary or appropriate, shall, in accordance with regulations prescribed by the Office of Management and Budget, be transferred to and vested in such organization or agency.

AUTHORIZATION OF APPROPRIATIONS

42 USC 5566.

SEC. 17. To carry out the provisions of this Act, there are authorized to be appropriated—

- (1) for the fiscal year ending June 30, 1976, \$75,000,000;
- (2) for subsequent fiscal years, only such sums as the Congress hereafter may authorize by law;
- (3) such amounts as may be authorized for the construction of demonstrations pursuant to section 7(f) of this Act; and
- (4) to the National Science Foundation for the fiscal year ending June 30, 1975, not to exceed \$2,000,000 to be made available for use in the preparation of the comprehensive program definition under section 15.

Approved October 26, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1346 accompanying H.R. 16371 (Comm. on Science and Astronautics) and No. 93-1428 (Comm. of Conference).
 SENATE REPORT No. 93-1151 (Comm. on Interior and Insular Affairs).
 CONGRESSIONAL RECORD, Vol. 120 (1974):
 Sept. 17, considered and passed Senate.
 Sept. 19, considered and passed House, amended, in lieu of H.R. 16371.
 Oct. 9, House agreed to conference report.
 Oct. 11, Senate agreed to conference report.

An Act

88 STAT. 1460

To amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 123 d. of the Atomic Energy Act of 1954, as amended, is revised to read as follows:

"d. The proposed agreement for cooperation, together with the approval and determination of the President, if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of sections 53, 54, 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith, has been submitted to the Congress and referred to the Joint Committee and a period of sixty days has elapsed while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days), but any such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation: *Provided*, That prior to the elapse of the first thirty days of any such sixty-day period the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed agreement and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed agreement for cooperation. Any such concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) within twenty-five days and shall be voted on within five calendar days thereafter, unless such House shall otherwise determine."

SEC. 2. This Act shall apply to proposed agreements for cooperation and to proposed amendments to agreements for cooperation hereafter submitted to the Congress.

Approved October 26, 1974.

Atomic Energy
Act of 1954,
amendment,
42 USC 2153
Agreement for
cooperation,
42 USC 2121,
2164.
42 USC 2073,
2074, 2133,
2134.

Report to
Congress.

42 USC 2153
note.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1149 accompanying H.R. 15582 (Joint Comm. on Atomic Energy) and No. 93-1299 (Comm. of Conference).

SENATE REPORT No. 93-964 (Joint Comm. on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 120 (1974):

July 10, considered and passed Senate.

July 31, considered and passed House, amended, in lieu of H.R. 15582.

Oct. 10, House and Senate agreed to conference report.

Joint Resolution

Assuring compensation for damages caused by nuclear incidents involving the nuclear reactor of a United States warship.

Whereas it is vital to the national security to facilitate the ready acceptability of United States nuclear powered warships into friendly foreign ports and harbors; and

Whereas the advent of nuclear reactors has led to various efforts throughout the world to develop an appropriate legal regime for compensating those who sustain damages in the event there should be an incident involving the operation of nuclear reactors; and

Whereas the United States has been exercising leadership in developing legislative measures designed to assure prompt and equitable compensation in the event a nuclear incident should arise out of the operation of a nuclear reactor by the United States as is evidenced in particular by section 170 of the Atomic Energy Act of 1954, as amended; and

Whereas some form of assurance as to the prompt availability of compensation for damage in the unlikely event of a nuclear incident involving the nuclear reactor of a United States warship would, in conjunction with the unparalleled safety record that has been achieved by United States nuclear powered warships in their operation throughout the world, further the effectiveness of such warships: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 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.

Approved December 6, 1974.

42 USC 2210.
88 STAT. 1610
88 STAT. 1611

Certain nuclear incidents. Payment of claims or judgments.
42 USC 2211.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1467 accompanying H. J. Res. 1161 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 93-1281 (Joint Comm. on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Nov. 21, considered and passed Senate.

Nov. 25, considered and passed House, in lieu of H. J. Res. 1161.

Public Law 93-514
93rd Congress, S. 3802
December 6, 1974

An Act

88 STAT. 1511

To provide available nuclear information to committees and Members
of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Atomic Energy Act of 1954 is amended by designating the present text subsection "a." and by adding the following as subsection "b.":

"b. The members of the Joint Committee who are Members of the Senate and the members of the Joint Committee who are Members of the House of Representatives shall, on or before June 30 of each year, report to their respective Houses on the development, use, and control of nuclear energy for the common defense and security and for peaceful purposes. Each report shall provide facts and information available to the Joint Committee concerning nuclear energy which will assist the appropriate committees of the Congress and individual members in the exercise of informed judgment on matters of weaponry; foreign policy; defense; international trade; and in respect to the expenditure and appropriation of Government revenues. Each report shall be presented formally under circumstances which provide for clarification and discussion by the Senate and the House of Representatives. In recognition of the need for public understanding, presentations of the reports shall be made to the maximum extent possible in open sessions and by means of unclassified written materials."

Nuclear information.
Report to Congress.
42 USC 2252.

Approved December 6, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1114 accompanying H.R. 16074 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 93-1228 (Joint Comm. on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Oct. 9, considered and passed Senate.

Nov. 25, considered and passed House, in lieu of H.R. 16074.

Public Law 93-576
93rd Congress, H. R. 16609
December 31, 1974

An Act

88 STAT. 1878

To amend Public Law 93-276 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of Public Law 93-276 is hereby amended by striking therefrom the figure "\$2,551,533,000" and substituting the figure "\$2,580,733,000".

SEC. 2. Section 101(b) of Public Law 93-276 is hereby amended by striking from subsection (11) capital equipment the figure "\$208,850,000" and substituting the figure "\$224,900,000".

SEC. 3. From the increase of the sums authorized to be appropriated by this Act \$23,000,000 shall be allotted to, and made available only for the Safeguards Program, with regard to the safeguarding of special nuclear materials from diversion from its intended uses, and for research and development of safeguards techniques and related activities involved in handling nuclear material.

Approved December 31, 1974.

Atomic Energy
Commission.
Appropriations in-
crease.
Ante, p. 116.

Safeguards
Program.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1434 (Joint Comm. on Atomic Energy).

SENATE REPORT No. 93-1246 accompanying S. 4033 (Joint Comm. on Atomic Energy).

CONGRESSIONAL RECORD, Vol 120 (1974):

Nov. 25, considered and passed House.

Dec. 10, considered and passed Senate, amended, in lieu of S. 4033.

Dec. 17, House concurred in Senate amendment.

Public Law 93-616
93rd Congress, H. R. 17628
January 2, 1975

An Act

88 STAT. 1977

To designate a national laboratory as the "Holifield National Laboratory".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Oak Ridge National Laboratory at Oak Ridge, Tennessee, shall hereafter be known and designated as the "Holifield National Laboratory". Any reference in any law, map, regulation, document, record, or other paper of the United States to the Oak Ridge National Laboratory shall be held to be reference to the Holifield National Laboratory.

Oak Ridge
National
Laboratory,
Tenn.
Name change.

Approved January 2, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1612 (Joint Comm. on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 120 (1974):

Dec. 18, considered and passed House.

Dec. 19, considered and passed Senate.

(321)

