which indemnification under the provi-
sions of section 170d. of the Atomic En-
ergy Act of 1954, as amended, has been
extended or under any subcontract,
purchase order, or other agreement, or
any tier under any such contract or
project.

Public liability means any legal lia-
ability arising out of or resulting from a
nuclear incident or precautionary evacu-
ation (including all reasonable addi-
tional costs incurred by a State, or
a political subdivision of a State, in
the course of responding to a nuclear incident or precautionary evacuation),
except: (1) Claims under State or Fed-
eral workmen’s compensation acts of
employees of persons indemnified who
are employed at the site of and in con-
nection with the activity where the nu-
clear incident occurs; (2) claims arising
out of an act of war; and (3) whenever
used in subsections a., c., and k. of sec-
tion 170 of the Atomic Energy Act of
1954, as amended, 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 activity where the nu-
uclear incident occurs.

§ 950.7003 Nuclear hazards indemnity.

(a) Section 170d. of the Atomic En-
ergy Act, as amended, requires DOE
“to enter into agreements of indem-
nification with any person who may
conduct activities under a contract
with DOE that involve the risk of pub-
llic liability * * *.” However, DOE con-
tractors whose activities are already
subject to indemnification by the Nu-
clear Regulatory Commission are not
eligible for such statutory indemnity.
See 950.7006 below.

(b) The Heads of Contracting Activi-
ties shall assure that contracts subject
to this requirement contain the appro-
 priate nuclear hazards indemnity pro-
visions.

§ 950.7004–950.7005 [Reserved]

§ 950.7006 Statutory nuclear hazards in-
demnity agreement.

(a) The contract clause contained in
952.250–70 shall be incorporated in all
contracts in which the contractor is
under risk of public liability for a nu-
clear incident or precautionary evacu-
atation arising out of or in connection
with the contract work, including such
events caused by a product delivered to
a DOE-owned facility for use by DOE or
its contractors. The clause at 952.250–70
shall be included in contracts with ar-
chitect-engineer contractors for the de-
sign of a DOE facility, the construction
or operation of which may involve the
risk of public liability for a nuclear in-
cident or a precautionary evacuation.

(b) However, this clause shall not be
included in contracts in which the con-
tractor is subject to Nuclear Regu-
latory Commission (NRC) financial
protection requirements under section
170b. of the Act or NRC agreements of
indemnification under section 170c. or
k. of the Act for activities to be per-
formed under the contract.

§ 950.7007–950.7008 [Reserved]

§ 950.7009 Fees.

No fee will be charged a DOE con-
tractor for a statutory nuclear hazards
indemnity agreement.

§ 950.7010 Financial protection re-
quirements.

DOE contractors with whom statu-
tory nuclear hazards indemnity agree-
ments under the authority of section
170d. of the Atomic Energy Act of 1954,
as amended, are executed will not nor-
manly be required or permitted to fur-
nish financial protection by purchase
of insurance to cover public liability