

entity that has submitted to the Commission a licensing project plan for the purposes of submitting a future application for a license for an advanced nuclear reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

[(5) Agency support.—The term ‘agency support’ has the meaning given the term ‘agency support (corporate support and the IG)’ in section 170.3 of title 10, Code of Federal Regulations (or any successor regulation).

[(6) Agreement state.—The term ‘Agreement State’ means any State with which the Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2021(b)).

[(7) Appropriate congressional committees.—The term ‘appropriate congressional committees’ means the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives.

[(8) Commission.—The term ‘Commission’ means the Nuclear Regulatory Commission.

[(9) Conceptual design assessment.—The term ‘conceptual design assessment’ means an early-stage review by the Commission that—

[(A) assesses preliminary design information for consistency with applicable regulatory requirements of the Commission;

[(B) is performed on a set of topic areas agreed to in the licensing project plan; and

[(C) is performed at a cost and schedule agreed to in the licensing project plan.

[(10) Corporate support costs.—

[(A) In general.—The term ‘corporate support costs’ means expenditures for acquisitions, administrative services, financial management, human resource management, information management, information technology, policy support, outreach, and training, as those categories are described and calculated in Appendix A of the Congressional Budget Justification for Fiscal Year 2018 of the Commission.

[(B) Exclusions.—The term ‘corporate support costs’ does not include—

[(i) costs for rent and utilities relating to any and all space in the Three White Flint North building that is not occupied by the Commission; or

[(ii) costs for salaries, travel, and other support for the Office of the Commission.

[(11) Fusion machine.—The term ‘fusion machine’ has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

[(12) Hourly rate for mission-direct program salaries and benefits.—The term ‘hourly rate for mission-direct program salaries and benefits’ means the quotient obtained by dividing—

[(A) the full-time equivalent rate (within the meaning of the document of the Commission entitled ‘FY 2023 Final Fee Rule Work Papers’ (or a successor document)) for mission-direct program salaries and benefits for a fiscal year; by

[(B) the productive hours assumption for that fiscal year, determined in accordance with the formula established in the document referred to in subparagraph (A) (or a successor document).

[(13) Licensing project plan.—The term ‘licensing project plan’ means a plan that describes—

[(A) the interactions between an applicant and the Commission; and

[(B) project schedules and deliverables in specific detail to support long-range resource planning undertaken by the Commission and an applicant.

[(14) Mission-direct program salaries and benefits.—The term ‘mission-direct program salaries and benefits’ means the resources of the Commission that are allocated to the Nuclear Reactor Safety Program (as determined by the Commission) to perform core work activities committed to fulfilling the mission of the Commission, as described in the document of the Commission entitled ‘FY 2023 Final Fee Rule Work Papers’ (or a successor document).

[(15) Mission-indirect program support.—The term ‘mission-indirect program support’ has the meaning given

the term in section 170.3 of title 10, Code of Federal Regulations (or any successor regulation).

[(16) Regulatory framework.—The term ‘regulatory framework’ means the framework for reviewing requests for certifications, permits, approvals, and licenses for nuclear reactors.

[(17) Requested activity of the commission.—The term ‘requested activity of the Commission’ means—

[(A) the processing of applications for—

[(i) design certifications or approvals;

[(ii) licenses;

[(iii) permits;

[(iv) license amendments;

[(v) license renewals;

[(vi) certificates of compliance; and

[(vii) power uprates; and

[(B) any other activity requested by a licensee or applicant.

[(18) Research and test reactor.—

[(A) In general.—The term ‘research and test reactor’ means a reactor that—

[(i) falls within the licensing and related regulatory authority of the Commission under section 202 of the Energy Reorganization Act of 1974 (42 U.S.C. 5842); and

[(ii) is useful in the conduct of research and development activities as licensed under section 104 c. of the Atomic Energy Act [of 1954] (42 U.S.C. 2134(c)).

[(B) Exclusion.—The term ‘research and test reactor’ does not include a commercial nuclear reactor.

[(19) Secretary.—The term ‘Secretary’ means the Secretary of Energy.

[(20) Standard design approval.—The term ‘standard design approval’ means the approval of a final standard design or a major portion of a final design standard as described in subpart E of part 52 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

[(21) Technology-inclusive regulatory framework.—The term ‘technology-inclusive regulatory framework’ means a regulatory framework developed using methods of evaluation that are flexible and practicable for application to a variety of reactor technologies, including, where appropriate, the use of risk-informed and performance-based techniques and other tools and methods.

[(22) Topical report.—The term ‘topical report’ means a document submitted to the Commission that addresses a technical topic related to nuclear reactor safety or design.”]

SUBCHAPTER XIV—COMPENSATION FOR PRIVATE PROPERTY ACQUIRED

§ 2221. Just compensation for requisitioned property

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

(Aug. 1, 1946, ch. 724, title I, §171, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 952; amended Pub. L. 88-489, §17, Aug. 26, 1964, 78 Stat. 606; Pub. L. 97-164, title I, §160(a)(16), Apr. 2, 1982, 96 Stat. 48;

renumbered title I, Pub. L. 102-486, title IX, §902(a)(8), Oct. 24, 1992, 106 Stat. 2944; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

Editorial Notes

PRIOR PROVISIONS

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

AMENDMENTS

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

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

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

RETROCESSION OF LAND TO NEW MEXICO

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

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

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

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

§ 2222. Condemnation of real property

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

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

Editorial Notes

CODIFICATION

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

PRIOR PROVISIONS

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

§ 2223. 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 United States Court of Federal Claims or in any district court of the United States for the district in which such claimant is a resident in a manner provided by section 1346 of title 28 to recover such further sum as added to such 75 per centum will constitute just compensation.

(Aug. 1, 1946, ch. 724, title I, §173, as added Aug. 30, 1954, ch. 1073, §1, 68 Stat. 953; amended Pub. L. 97-164, title I, §160(a)(16), Apr. 2, 1982, 96 Stat. 48; renumbered title I, Pub. L. 102-486, title IX, §902(a)(8), Oct. 24, 1992, 106 Stat. 2944; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

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