

Public Law 91-560

AN ACT

December 19, 1970
[H. R. 18679]

To amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes.

Atomic Energy
Act of 1954,
amendments.
68 Stat. 927.
42 USC 2051.

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:

“(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”.

Uranium, guaran-
teed purchase
price.

78 Stat. 605.
42 USC 2076.

Infra.

68 Stat. 936.
42 USC 2132.

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.”

SEC. 3. Section 102 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

“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.

“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.”

Commercial
licenses, condi-
tions.

42 USC 2133.

42 USC 2153.

42 USC 2134.

Supra.

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.”

SEC. 5. Subsection 104 b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

“b. As provided for 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.”

SEC. 6. Subsection 105 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

Licenses, anti-trust provisions.
68 Stat. 938.
42 USC 2135.

“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.

“(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.

Ante, p. 1472.

“(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.

Construction permit.

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.

“(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.

Publication in Federal Register.

Hearing.

“(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

78 Stat. 606.

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.

Exemptions.

“(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.

68 Stat. 938;
78 Stat. 606.
42 USC 2135.
Licensing,
advance permits,
conditions.
Ante, p. 1472.

“(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.”

AEC, functions,
delegation.
68 Stat. 950;
72 Stat. 337.
42 USC 2201.

42 USC 2071,
2077, 2091, 2138,
2153, 2165.

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.”

Contract
authority:
78 Stat. 606.
42 USC 2201.

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.”

License, com-
mercial power.

68 Stat. 954;
71 Stat. 579.
42 USC 2232.

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.”

Notice.

Publication in
Federal Register.

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-

Atomic safety
and licensing
boards.
76 Stat. 409.
42 USC 2241.
80 Stat. 386.
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.

Public Law 91-561

AN ACT

For the relief of the State of Hawaii.

December 19, 1970
[H. R. 14684]

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

SECTION 1. Notwithstanding any prior judgment and notwithstanding the limitations of section 5 of the Suits in Admiralty Act (41 Stat. 525, 526; 46 U.S.C. 745) or any other statute of limitations, lapse of time, or bars of laches, jurisdiction is hereby conferred on the United States District Court for the District of Hawaii to hear, determine, and render judgment upon the claim of the State of Hawaii against the United States for damages to the State pier in Kewalo Basin, Honolulu, Hawaii, allegedly caused by the United States Bureau of Commercial Fisheries' vessel, the motor vessel Townsend Cromwell, on or about January 15, 1964.

SEC. 2. The jurisdiction conferred by section 1 shall be withdrawn unless suit on the claim is instituted within one year after the date of enactment of this Act. Except as otherwise provided in this Act, the determination of such claim, and review thereof, and payment of any judgment thereon, shall be in accordance with the provisions of law applicable to cases over which the court has jurisdiction under the Act entitled "An Act for the extension of admiralty jurisdiction", approved June 19, 1948 (62 Stat. 496; 46 U.S.C. 740).

SEC. 3. Nothing in this Act shall be construed as an inference or admission of liability on the part of the United States.

Approved December 19, 1970.

Hawaii.
Relief.

64 Stat. 1112.

Public Law 91-562

AN ACT

To release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation.

December 19, 1970
[S. 1366]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Surplus Property Act of 1944, as amended (50 U.S.C. 1622(h)), the terms and conditions in the instrument of transfer issued by the United States on November 15, 1961, to the Salt Lake City Corporation, providing for a reversion of title to the United States under specified circumstances, are hereby waived, for the limited purpose of permitting the repair and lighting of a large concrete "U" (an emblem of the University of Utah) situated on a tract of approximately 3.73 acres in section 33, township 1 north, range 1 east, Salt Lake meridian, Utah.

Approved December 19, 1970.

Salt Lake City
Corporation.
Title reversion,
waiver.
62 Stat. 350.
50 USC app.
1622.