

Public Law 87-206

AN ACT

To amend various sections of the Atomic Energy Act of 1954, as amended, and the EURATOM Cooperation Act of 1958, and for other purposes.

September 6, 1961
[H. R. 8599]

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 2798, 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.

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."

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."

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".

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."

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,

Atomic Energy
Act of 1954,
amendments.
68 Stat. 919.
42 USC 2011 note
2014.

71 Stat. 576.

71 Stat. 576; 72
Stat. 837.
42 USC 2210.

42 USC 2074.

42 USC 2163.

Security provi-
sions.
42 USC 2165.

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, explo-

sion, 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."

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."

SEC. 16. The Atomic Energy Act of 1954, as amended, is amended by adding thereto the following new section:

"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".

SEC. 18. Section 4(c) of the EURATOM Cooperation Act of 1958 is amended to read as follows:

"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:

(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

(c) by adding the words "or agreements" immediately following the words "an agreement".

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."

Approved September 6, 1961.

Indemnification.
42 USC 2210.

68 Stat. 919.
42 USC 2011
note.

42 USC 2252.

EURATOM Co-
operation Act of
1958, amendments.
72 Stat. 1084.
42 USC 2291
note, 2293.

42 USC 2294.

42 USC 2296.

42 USC 2292.