

(1) complete construction and begin operations of the prototype nuclear reactor and associated energy or hydrogen facilities; or

(2) submit to Congress a report establishing an alternative date for completion.

**(d) Authorization of appropriations**

There is authorized to be appropriated to the Secretary for research and construction activities under this part (including for transfer to the Nuclear Regulatory Commission for activities under section 16024 of this title as appropriate)—

(1) \$1,250,000,000 for the period of fiscal years 2006 through 2015; and

(2) such sums as are necessary for each of fiscal years 2016 through 2021.

(Pub. L. 109–58, title VI, §645, Aug. 8, 2005, 119 Stat. 798.)

PART C—NUCLEAR SECURITY

**§ 16041. Nuclear facility and materials security**

**(a) In general**

(1), (2) Omitted

**(3) Federal security coordinators**

**(A) Regional offices**

Not later than 18 months after August 8, 2005, the Nuclear Regulatory Commission (referred to in this section as the “Commission”) shall assign a Federal security coordinator, under the employment of the Commission, to each region of the Commission.

**(B) Responsibilities**

The Federal security coordinator shall be responsible for—

(i) communicating with the Commission and other Federal, State, and local authorities concerning threats, including threats against such classes of facilities as the Commission determines to be appropriate;

(ii) monitoring such classes of facilities as the Commission determines to be appropriate to ensure that they maintain security consistent with the security plan in accordance with the appropriate threat level; and

(iii) assisting in the coordination of security measures among the private security forces at such classes of facilities as the Commission determines to be appropriate and Federal, State, and local authorities, as appropriate.

**(b) Backup power for certain emergency notification systems**

For any licensed nuclear power plants located where there is a permanent population, as determined by the 2000 decennial census, in excess of 15,000,000 within a 50-mile radius of the power plant, not later than 18 months after August 8, 2005, the Commission shall require that backup power to be available for the emergency notification system of the power plant, including the emergency siren warning system, if the alternating current supply within the 10-mile emergency planning zone of the power plant is lost.

(c), (d) Omitted

**(e) Final regulations; waivers**

(1) to (3) Omitted

**(4) Final regulations**

**(A) Regulations**

**(i) In general**

Not later than 18 months after August 8, 2005, the Commission, after consultation with States and other stakeholders, shall issue final regulations establishing such requirements as the Commission determines to be necessary to carry out this section and the amendments made by this section.

**(ii) Inclusions**

The regulations shall include a definition of the term “discrete source” for purposes of paragraphs (3) and (4) of section 2014(e) of this title.

**(B) Cooperation**

In promulgating regulations under paragraph (1),<sup>1</sup> the Commission shall, to the maximum extent practicable—

(i) cooperate with States; and

(ii) use model State standards in existence on August 8, 2005.

**(C) Transition plan**

**(i) Definition of byproduct material**

In this paragraph, the term “byproduct material” has the meaning given the term in paragraphs (3) and (4) of section 2014(e) of this title.

**(ii) Preparation and publication**

To facilitate an orderly transition of regulatory authority with respect to byproduct material, the Commission, in issuing regulations under subparagraph (A), shall prepare and publish a transition plan for—

(I) States that have not, before the date on which the plan is published, entered into an agreement with the Commission under section 2021(b) of this title; and

(II) States that have entered into an agreement with the Commission under that section before the date on which the plan is published.

**(iii) Inclusions**

The transition plan under clause (ii) shall include—

(I) a description of the conditions under which a State may exercise authority over byproduct material; and

(II) a statement of the Commission that any agreement covering byproduct material, as defined in paragraph (1) or (2) of section 2014(e) of this title, entered into between the Commission and a State under section 2021(b) of this title before the date of publication of the transition plan shall be considered to in-

<sup>1</sup> So in original. Probably should be “subparagraph (A).”

clude byproduct material, as defined in paragraph (3) or (4) of section 2014(e) of this title, if the Governor of the State certifies to the Commission on the date of publication of the transition plan that—

(aa) the State has a program for licensing byproduct material, as defined in paragraph (3) or (4) of section 2014(e) of this title, that is adequate to protect the public health and safety, as determined by the Commission; and

(bb) the State intends to continue to implement the regulatory responsibility of the State with respect to the byproduct material.

#### **(D) Availability of radiopharmaceuticals**

In promulgating regulations under subparagraph (A), the Commission shall consider the impact on the availability of radiopharmaceuticals to—

(i) physicians; and

(ii) patients the medical treatment of which relies on radiopharmaceuticals.

#### **(5) Waivers**

##### **(A) In general**

Except as provided in subparagraph (B), the Commission may grant a waiver to any entity of any requirement under this section or an amendment made by this section with respect to a matter relating to byproduct material (as defined in paragraphs (3) and (4) of section 2014(e) of this title) if the Commission determines that the waiver is in accordance with the protection of the public health and safety and the promotion of the common defense and security.

##### **(B) Exceptions**

###### **(i) In general**

The Commission may not grant a waiver under subparagraph (A) with respect to—

(I) any requirement under the amendments made by subsection (c)(1);

(II) a matter relating to an importation into, or exportation from, the United States for a period ending after the date that is 1 year after August 8, 2005; or

(III) any other matter for a period ending after the date that is 4 years after August 8, 2005.

###### **(ii) Waivers to States**

The Commission shall terminate any waiver granted to a State under subparagraph (A) if the Commission determines that—

(I) the State has entered into an agreement with the Commission under section 2021(b) of this title;

(II) the agreement described in subclause (I) covers byproduct material (as described in paragraph (3) or (4) of section 2014(e) of this title); and

(III) the program of the State for licensing such byproduct material is adequate to protect the public health and safety.

#### **(C) Publication**

The Commission shall publish in the Federal Register a notice of any waiver granted under this subsection.

(Pub. L. 109-58, title VI, § 651, Aug. 8, 2005, 119 Stat. 799.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

For references to “the amendments made by this section”, “an amendment made by this section”, and “the amendments made by subsection (c)(1)”, appearing in subsecs. (e)(4)(A)(i), (e)(5)(A), and (e)(5)(B)(i)(I), respectively, see Codification note below.

##### **CODIFICATION**

Section is comprised of section 651 of Pub. L. 109-58. Subsec. (a)(1), (2) of section 651 of Pub. L. 109-58 enacted sections 2210d and 2210e of this title, subsec. (c)(1) of section 651 of Pub. L. 109-58 amended section 2051 of this title, subsecs. (c)(2) to (5) and (d) of section 651 of Pub. L. 109-58 enacted sections 2210f to 2210h and 2015c of this title, and subsec. (e)(1) to (3) of section 651 of Pub. L. 109-58 amended sections 2014, 2021, 2021b, and 2111 of this title.

#### **§ 16042. Department of Homeland Security consultation**

Before issuing a license for a utilization facility, the Nuclear Regulatory Commission shall consult with the Department of Homeland Security concerning the potential vulnerabilities of the location of the proposed facility to terrorist attack.

(Pub. L. 109-58, title VI, § 657, Aug. 8, 2005, 119 Stat. 814.)

### **SUBCHAPTER VII—VEHICLES AND FUELS**

#### **PART A—EXISTING PROGRAMS**

#### **§ 16051. Joint flexible fuel/hybrid vehicle commercialization initiative**

##### **(a) Definitions**

In this section:

###### **(1) Eligible entity**

The term “eligible entity” means—

(A) a for-profit corporation;

(B) a nonprofit corporation; or

(C) an institution of higher education.

###### **(2) Program**

The term “program” means a program established under subsection (b).

##### **(b) Establishment**

The Secretary shall establish a program to improve technologies for the commercialization of—

(1) a combination hybrid/flexible fuel vehicle; or

(2) a plug-in hybrid/flexible fuel vehicle.

##### **(c) Grants**

In carrying out the program, the Secretary shall provide grants that give preference to proposals that—

(1) achieve the greatest reduction in miles per gallon of petroleum fuel consumption;

(2) achieve not less than 250 miles per gallon of petroleum fuel consumption; and