

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

(3) have the greatest potential of commercialization to the general public within 5 years.

**(d) Verification**

Not later than 90 days after August 8, 2005, the Secretary shall publish in the Federal Register procedures to verify—

- (1) the hybrid/flexible fuel vehicle technologies to be demonstrated; and
- (2) that grants are administered in accordance with this section.

**(e) Report**

Not later than 260 days after August 8, 2005, and annually thereafter, the Secretary shall submit to Congress a report that—

- (1) identifies the grant recipients;
- (2) describes the technologies to be funded under the program;
- (3) assesses the feasibility of the technologies described in paragraph (2) in meeting the goals described in subsection (c);
- (4) identifies applications submitted for the program that were not funded; and
- (5) makes recommendations for Federal legislation to achieve commercialization of the technology demonstrated.

**(f) Authorization of appropriations**

There are authorized to be appropriated to carry out this section, to remain available until expended—

- (1) \$3,000,000 for fiscal year 2006;
- (2) \$7,000,000 for fiscal year 2007;
- (3) \$10,000,000 for fiscal year 2008; and
- (4) \$20,000,000 for fiscal year 2009.

(Pub. L. 109-58, title VII, §706, Aug. 8, 2005, 119 Stat. 817.)

PART B—HYBRID VEHICLES, ADVANCED VEHICLES, AND FUEL CELL BUSES

SUBPART 1—HYBRID VEHICLES

**§ 16061. Hybrid vehicles**

The Secretary shall accelerate efforts directed toward the improvement of batteries and other rechargeable energy storage systems, power electronics, hybrid systems integration, and other technologies for use in hybrid vehicles.

(Pub. L. 109-58, title VII, §711, Aug. 8, 2005, 119 Stat. 818.)

**§ 16062. Domestic manufacturing conversion grant program**

**(a) Program**

**(1) In general**

The Secretary shall establish a program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles and components of those vehicles.

**(2) Inclusions**

The program shall include grants and loan guarantees under section 16513 of this title to automobile manufacturers and suppliers and hybrid component manufacturers to encourage domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and advanced diesel vehicles.

**(3) Priority**

Priority shall be given to the refurbishment or retooling of manufacturing facilities that have recently ceased operation or will cease operation in the near future.

**(b) Coordination with State and local programs**

The Secretary may coordinate implementation of this section with State and local programs designed to accomplish similar goals, including the retention and retraining of skilled workers from the manufacturing facilities, including by establishing matching grant arrangements.

**(c) Authorization of appropriations**

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

(Pub. L. 109-58, title VII, §712, Aug. 8, 2005, 119 Stat. 818; Pub. L. 110-140, title I, §§132, 134(a), Dec. 19, 2007, 121 Stat. 1511, 1513.)

**Editorial Notes**

AMENDMENTS

2007—Pub. L. 110-140, §132, amended section generally. Prior to amendment, section related to program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles and authorization of appropriations.

Subsec. (a)(2). Pub. L. 110-140, §134(a), inserted “and loan guarantees under section 16513 of this title” after “grants”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

SUBPART 2—ADVANCED VEHICLES

**§ 16071. Pilot program**

**(a) Establishment**

The Secretary, in consultation with the Secretary of Transportation, shall establish a competitive grant pilot program (referred to in this subpart as the “pilot program”), to be administered through the Clean Cities Program of the Department, to provide not more than 30 geographically dispersed project grants to State governments, local governments, or metropolitan transportation authorities to carry out a project or projects for the purposes described in subsection (b).

**(b) Grant purposes**

A grant under this section may be used for the following purposes:

(1) The acquisition of alternative fueled vehicles or fuel cell vehicles, including—

- (A) passenger vehicles (including neighborhood electric vehicles); and
- (B) motorized 2-wheel bicycles or other vehicles for use by law enforcement personnel or other State or local government or metropolitan transportation authority employees.

(2) The acquisition of alternative fueled vehicles, hybrid vehicles, or fuel cell vehicles, including—