

## REFERENCES IN TEXT

Section 2251 of title 19, referred to in subsec. (d), was amended generally by Pub. L. 100-418, title I, §1401(a), Aug. 23, 1988, 102 Stat. 1225, and as so amended does not relate to investigations. See section 2252 of Title 19, Customs Duties.

REVIEW OF STATUS OF DOMESTIC URANIUM MINING AND MILLING INDUSTRY; AVAILABILITY TO CONGRESSIONAL COMMITTEES; SCOPE OF REVIEW

Pub. L. 97-415, §23(a), Jan. 4, 1983, 96 Stat. 2080, provided that:

“(a)(1) Not later than 12 months after the date of enactment of this section [Jan. 4, 1983], the President shall prepare and submit to the Congress a comprehensive review of the status of the domestic uranium mining and milling industry. This review shall be made available to the appropriate committees of the United States Senate and the House of Representatives.

“(2) The Comprehensive review prepared for submission under paragraph (1) shall include—

“(A) projections of uranium requirements and inventories of domestic utilities;

“(B) present and future projected uranium production by the domestic mining and milling industry;

“(C) the present and future probable penetration of the domestic market by foreign imports;

“(D) the size of domestic and foreign ore reserves;

“(E) present and projected domestic uranium exploration expenditures and plans;

“(F) present and projected employment and capital investment in the uranium industry;

“(G) an estimate of the level of domestic uranium production necessary to ensure the viable existence of a domestic uranium industry and protection of national security interests;

“(H) an estimate of the percentage of domestic uranium demand which must be met by domestic uranium production through the year 2000 in order to ensure the level of domestic production estimated to be necessary under subparagraph (G);

“(I) a projection of domestic uranium production and uranium price levels which will be in effect both under current policy and in the event that foreign import restrictions were enacted by Congress in order to guarantee domestic production at the level estimated to be necessary under subparagraph (G);

“(J) the anticipated effect of spent nuclear fuel reprocessing on the demand for uranium; and

“(K) other information relevant to the consideration of restrictions on the importation of source material and special nuclear material from foreign sources.”

**§ 2210c. Elimination of pension offset for certain rehired Federal retirees**

**(a) In general**

The Commission may waive the application of section 8344 or 8468 of title 5 on a case-by-case basis for employment of an annuitant—

(1) in a position of the Commission for which there is exceptional difficulty in recruiting or retaining a qualified employee; or

(2) when a temporary emergency hiring need exists.

**(b) Procedures**

The Commission shall prescribe procedures for the exercise of authority under this section, including—

(1) criteria for any exercise of authority; and

(2) procedures for a delegation of authority.

**(c) Effect of waiver**

An employee as to whom a waiver under this section is in effect shall not be considered an

employee for purposes of subchapter II of chapter 83, or chapter 84, of title 5.

(Aug. 1, 1946, ch. 724, title I, §170C, as added Pub. L. 109-58, title VI, §624(a), Aug. 8, 2005, 119 Stat. 783.)

**§ 2210d. Security evaluations**

**(a) Security response evaluations**

Not less often than once every 3 years, the Commission shall conduct security evaluations at each licensed facility that is part of a class of licensed facilities, as the Commission considers to be appropriate, to assess the ability of a private security force of a licensed facility to defend against any applicable design basis threat.

**(b) Force-on-force exercises**

(1) The security evaluations shall include force-on-force exercises.

(2) The force-on-force exercises shall, to the maximum extent practicable, simulate security threats in accordance with any design basis threat applicable to a facility.

(3) In conducting a security evaluation, the Commission shall mitigate any potential conflict of interest that could influence the results of a force-on-force exercise, as the Commission determines to be necessary and appropriate.

**(c) Action by licensees**

The Commission shall ensure that an affected licensee corrects those material defects in performance that adversely affect the ability of a private security force at that facility to defend against any applicable design basis threat.

**(d) Facilities under heightened threat levels**

The Commission may suspend a security evaluation under this section if the Commission determines that the evaluation would compromise security at a nuclear facility under a heightened threat level.

**(e) Report**

Not less often than once each year, the Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report, in classified form and unclassified form, that describes the results of each security response evaluation conducted and any relevant corrective action taken by a licensee during the previous year.

(Aug. 1, 1946, ch. 724, title I, §170D, as added Pub. L. 109-58, title VI, §651(a)(1), Aug. 8, 2005, 119 Stat. 799.)

**§ 2210e. Design basis threat rulemaking**

**(a) Rulemaking**

The Commission shall—

(1) not later than 90 days after the date of enactment of this section, initiate a rulemaking proceeding, including notice and opportunity for public comment, to be completed not later than 18 months after that date, to revise the design basis threats of the Commission; or

(2) not later than 18 months after the date of enactment of this section, complete any ongoing rulemaking to revise the design basis threats.

**(b) Factors**

When conducting its rulemaking, the Commission shall consider the following, but not be limited to—

- (1) the events of September 11, 2001;
- (2) an assessment of physical, cyber, biochemical, and other terrorist threats;
- (3) the potential for attack on facilities by multiple coordinated teams of a large number of individuals;
- (4) the potential for assistance in an attack from several persons employed at the facility;
- (5) the potential for suicide attacks;
- (6) the potential for water-based and air-based threats;
- (7) the potential use of explosive devices of considerable size and other modern weaponry;
- (8) the potential for attacks by persons with a sophisticated knowledge of facility operations;
- (9) the potential for fires, especially fires of long duration;
- (10) the potential for attacks on spent fuel shipments by multiple coordinated teams of a large number of individuals;
- (11) the adequacy of planning to protect the public health and safety at and around nuclear facilities, as appropriate, in the event of a terrorist attack against a nuclear facility; and
- (12) the potential for theft and diversion of nuclear materials from such facilities.

(Aug. 1, 1946, ch. 724, title I, § 170E, as added Pub. L. 109-58, title VI, § 651(a)(1), Aug. 8, 2005, 119 Stat. 799.)

## REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 109-58, which was approved August 8, 2005.

**§ 2210f. Recruitment tools**

The Commission may purchase promotional items of nominal value for use in the recruitment of individuals for employment.

(Aug. 1, 1946, ch. 724, title I, § 170F, as added Pub. L. 109-58, title VI, § 651(c)(2), Aug. 8, 2005, 119 Stat. 801.)

**§ 2210g. Expenses authorized to be paid by the Commission**

The Commission may—

- (1) pay transportation, lodging, and subsistence expenses of employees who—
  - (A) assist scientific, professional, administrative, or technical employees of the Commission; and
  - (B) are students in good standing at an institution of higher education (as defined in section 1002 of title 20) pursuing courses related to the field in which the students are employed by the Commission; and
- (2) pay the costs of health and medical services furnished, pursuant to an agreement between the Commission and the Department of State, to employees of the Commission and dependents of the employees serving in foreign countries.

(Aug. 1, 1946, ch. 724, title I, § 170G, as added Pub. L. 109-58, title VI, § 651(c)(3), Aug. 8, 2005, 119 Stat. 801.)

**§ 2210h. Radiation source protection****(a) Definitions**

In this section:

**(1) Code of conduct**

The term “Code of Conduct” means the code entitled the “Code of Conduct on the Safety and Security of Radioactive Sources”, approved by the Board of Governors of the International Atomic Energy Agency and dated September 8, 2003.

**(2) Radiation source**

The term “radiation source” means—

(A) a Category 1 Source or a Category 2 Source, as defined in the Code of Conduct; and

(B) any other material that poses a threat such that the material is subject to this section, as determined by the Commission, by regulation, other than spent nuclear fuel and special nuclear materials.

**(b) Commission approval**

Not later than 180 days after August 8, 2005, the Commission shall issue regulations prohibiting a person from—

(1) exporting a radiation source, unless the Commission has specifically determined under section 2077 or 2112 of this title, consistent with the Code of Conduct, with respect to the exportation, that—

(A) the recipient of the radiation source may receive and possess the radiation source under the laws and regulations of the country of the recipient;

(B) the recipient country has the appropriate technical and administrative capability, resources, and regulatory structure to ensure that the radiation source will be managed in a safe and secure manner; and

(C) before the date on which the radiation source is shipped—

- (i) a notification has been provided to the recipient country; and
- (ii) a notification has been received from the recipient country;

as the Commission determines to be appropriate;

(2) importing a radiation source, unless the Commission has determined, with respect to the importation, that—

(A) the proposed recipient is authorized by law to receive the radiation source; and

(B) the shipment will be made in accordance with any applicable Federal or State law or regulation; and

(3) selling or otherwise transferring ownership of a radiation source, unless the Commission—

(A) has determined that the licensee has verified that the proposed recipient is authorized under law to receive the radiation source; and

(B) has required that the transfer shall be made in accordance with any applicable Federal or State law or regulation.

**(c) Tracking system**

(1)(A) Not later than 1 year after August 8, 2005, the Commission shall issue regulations es-