

Government, or to otherwise directly or indirectly require an indemnity by the United States Government, for nuclear incidents occurring in connection with the design, construction, or operation of a production facility or utilization facility in any country whose government has been identified by the Secretary of State as engaged in state sponsorship of terrorist activities (specifically including any country the government of which, as of September 11, 2001, had been determined by the Secretary of State under section 2371(a) of title 22, section 4605(j)(1) of title 50, or section 2780(d) of title 22 to have repeatedly provided support for acts of international terrorism). This section shall not apply to nuclear incidents occurring as a result of missions, carried out under the direction of the Secretary, the Secretary of Defense, or the Secretary of State, that are necessary to safely secure, store, transport, or remove nuclear materials for nuclear safety or nonproliferation purposes.

**(b) Definitions**

The terms used in this section shall have the same meaning as those terms have under section 2014 of this title, unless otherwise expressly provided in this section.

(Pub. L. 109–58, title VI, § 635, Aug. 8, 2005, 119 Stat. 790.)

**§ 16013. Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle and the amendments made by this subtitle.

(Pub. L. 109–58, title VI, § 636, Aug. 8, 2005, 119 Stat. 791.)

REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle B (§§ 621–639) of title VI of Pub. L. 109–58, Aug. 8, 2005, 119 Stat. 782, which enacted this part and sections 2015b, 2210c, and 5853 of this title, amended sections 2133, 2135, 2158, 2160d, 2201, 2210a, 2214, 2297h–8, and 5851 of this title, repealed section 2213 of this title, and enacted provisions set out as notes under sections 2158 and 2214 of this title. For complete classification of this subtitle to the Code, see Tables.

**§ 16014. Standby support for certain nuclear plant delays**

**(a) Definitions**

In this section:

**(1) Advanced nuclear facility**

The term “advanced nuclear facility” means any nuclear facility the reactor design for which is approved after December 31, 1993, by the Commission (and such design or a substantially similar design of comparable capacity was not approved on or before that date).

**(2) Combined license**

The term “combined license” means a combined construction and operating license for an advanced nuclear facility issued by the Commission.

**(3) Commission**

The term “Commission” means the Nuclear Regulatory Commission.

**(4) Sponsor**

The term “sponsor” means a person who has applied for or been granted a combined license.

**(b) Contract authority**

**(1) In general**

The Secretary may enter into contracts under this section with sponsors of an advanced nuclear facility that cover a total of 6 reactors, with the 6 reactors consisting of not more than 3 different reactor designs, in accordance with paragraph (2).

**(2) Requirement for contracts**

**(A) Definition of loan cost**

In this paragraph, the term “loan cost” has the meaning given the term “cost of a loan guarantee” under section 661a(5)(C) of title 2.

**(B) Establishment of accounts**

There is established in the Department 2 separate accounts, which shall be known as the—

- (i) “Standby Support Program Account”; and
- (ii) “Standby Support Grant Account”.

**(C) Requirement**

The Secretary shall not enter into a contract under this section unless the Secretary deposits—

- (i) in the Standby Support Program Account established under subparagraph (B), funds appropriated to the Secretary in advance of the contract or a combination of appropriated funds and loan guarantee fees that are in an amount sufficient to cover the loan costs described in subsection (d)(5)(A); and
- (ii) in the Standby Support Grant Account established under subparagraph (B), funds appropriated to the Secretary in advance of the contract, paid to the Secretary by the sponsor of the advanced nuclear facility, or a combination of appropriations and payments that are in an amount sufficient<sup>1</sup> cover the costs described in subparagraphs (B), (C), and (D) of subsection (d)(5).

**(c) Covered delays**

**(1) Inclusions**

Under each contract authorized by this section, the Secretary shall pay the costs specified in subsection (d), using funds appropriated or collected for the covered costs, if full power operation of the advanced nuclear facility is delayed by—

- (A) the failure of the Commission to comply with schedules for review and approval of inspections, tests, analyses, and acceptance criteria established under the combined license or the conduct of preoperational hearings by the Commission for the advanced nuclear facility; or
- (B) litigation that delays the commencement of full-power operations of the advanced nuclear facility.

<sup>1</sup> So in original. Probably should be followed by “to”.