**(c) Omitted**

**(d) Inclusion of reports in annual stockpile certification**

Any report submitted pursuant to subsection (a) shall also be included with the decision documents that accompany the annual certification of the safety and reliability of the United States nuclear weapons stockpile which is provided to the President for the year in which such report is submitted.

(Pub. L. 107–314, div. D, title XLII, § 4213, formerly Pub. L. 104–201, div. C, title XXXI, § 3159, Sept. 23, 1996, 110 Stat. 2842, § 4218(c), (d), formerly Pub. L. 105–85, div. A, title XIII, § 1305(c), (d), Nov. 18, 1997, 111 Stat. 1954; Pub. L. 106–65, div. C, title XXXI, § 3163(f), Oct. 5, 1999, 113 Stat. 946; renumbered Pub. L. 107–314, div. D, title XLII, § 4213, by Pub. L. 108–136, div. C, title XXXI, § 3141(e)(14), Nov. 24, 2003, 117 Stat. 1760; renumbered Pub. L. 107–314, div. D, title XLII, § 4218(c), (d), and amended Pub. L. 112–239, div. C, title XXXI, §§ 3131(f)(1), 3164(a)(3), Jan. 2, 2013, 126 Stat. 2181, 2206.)

CODIFICATION

Section was formerly classified to section 7274*o* of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

Section is comprised in part of section 4213 of Pub. L. 107–314. See note below. Subsec. (c) of section 4213 of Pub. L. 107–314 amended section 179 of Title 10, Armed Forces.

Section is comprised of sections 4213 and 4218(c), (d) of Pub. L. 107–314. Section 4213, which was formerly part of Pub. L. 104–201, originally enacted this section, and section 4218(c), (d), which was formerly part of Pub. L. 105–85, originally amended this section. Both sections were renumbered to become part of Pub. L. 107–314 and, as a result, are shown in the source credit above as jointly comprising this section.

AMENDMENTS

2013—Pub. L. 112–239, § 3164(a)(3), renumbered Pub. L. 105–85, § 1305(c), (d), as Pub. L. 107–314, § 4218(c), (d). See 1997 Amendment note below.

Pub. L. 112–239, § 3131(f)(1)(A), substituted ''national security laboratories and nuclear weapons production facilities'' for ''nuclear weapons laboratories and nuclear weapons production plants'' in section catchline.

Subsec. (a). Pub. L. 112–239, § 3131(f)(1)(B), in first sentence, substituted ''national security laboratory'' for ''nuclear weapons laboratory'', ''production facility'' for ''production plant'', and ''Administrator'' for ''Assistant Secretary of Energy for Defense Programs''.

Subsec. (b). Pub. L. 112–239, § 3131(f)(1)(C), substituted ''Administrator'' for ''Assistant Secretary'' in heading and in two places in text.

Subsec. (e). Pub. L. 112–239, § 3131(f)(1)(D), struck out subsec. (e), which defined terms ''nuclear weapons laboratory'' and ''nuclear weapons production plant''.

1999—Subsecs. (d), (e). Pub. L. 106–65 added subsec. (d) and redesignated former subsec. (d) as (e).

1997—Subsec. (b). Pub. L. 107–314, § 4218(c), (d), formerly Pub. L. 105–85, § 1305(c), (d), substituted ''Not later than 10 days'' for ''As soon as practicable'' and ''committees,'' for ''committees and'' and inserted before period at end '', and to the President''.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the advanced scientific computing research program and activities at Lawrence Livermore National Laboratory, including the functions of the Secretary of Energy relating thereto, to the Secretary of Homeland Security, see sections 183(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

All national security functions and activities performed immediately before Oct. 5, 1999, by nuclear weapons laboratories and production facilities defined in this section, transferred to the Administrator for Nuclear Security of the National Nuclear Security Administration of the Department of Energy, see section 2481 of this title.

**§ 2534. Plan for transformation of National Nuclear Security Administration nuclear security enterprise**

**(a) Plan required**

The Secretary of Energy shall develop a plan to transform the nuclear security enterprise so as to achieve a responsive infrastructure by 2030. The plan shall be designed to accomplish the following objectives:

(1) To maintain the safety, reliability, and security of the United States nuclear weapons stockpile.

(2) To continue Stockpile Life Extension Programs that the Nuclear Weapons Council considers necessary.

(3) To prepare to produce replacement warheads under the Reliable Replacement Warhead program at a rate necessary to meet future stockpile requirements, commencing with a first production unit in 2012 and achieving steady-state production using modern manufacturing processes by 2025.

(4) To eliminate, within the nuclear security enterprise, duplication of production capability except to the extent required to ensure the safety, reliability, and security of the stockpile.

(5) To maintain the current philosophy within the national security laboratories of peer review of nuclear weapons designs while eliminating duplication of laboratory capabilities except to the extent required to ensure the safety, reliability, and security of the stockpile.

(6) To maintain the national security mission, and in particular the science-based Stockpile Stewardship Program, as the primary mission of the national security laboratories while optimizing the work-for-others activities of those laboratories to support other national security objectives in fields such as defense, intelligence, and homeland security.

(7) To consolidate to the maximum extent practicable, and to provide for the ultimate disposition of, special nuclear material throughout the nuclear security enterprise, with the ultimate goal of eliminating Category I and II special nuclear material from the national security laboratories no later than March 1, 2012, so as to further reduce the footprint of the nuclear security enterprise, reduce security costs, and reduce transportation costs for special nuclear material. This objective does not preclude the retention of Category I and II special nuclear materials at a national security laboratory if the transformation plan required by this subsection envisions a pit production capability (including

interim pit production) at a national security laboratory.

(8) To employ a risk-based approach to ensure compliance with Design Basis Threat security requirements.

(9) To expeditiously dismantle inactive nuclear weapons to reduce the size of the stockpile to the lowest level required by the Nuclear Weapons Council.

(10) To operate the nuclear security enterprise in a more cost-effective manner.

**(b) Consultation**

The Secretary of Energy shall develop the transformation plan required by subsection (a) in consultation with the Secretary of Defense and the Nuclear Weapons Council.

(Pub. L. 107–314, div. D, title XLII, § 4214, as added Pub. L. 109–364, div. C, title XXXI, § 3111(a), Oct. 17, 2006, 120 Stat. 2502; amended Pub. L. 112–239, div. C, title XXXI, § 3131(g)(1), Jan. 2, 2013, 126 Stat. 2181.)

AMENDMENTS

2013—Pub. L. 112–239 substituted ''nuclear security enterprise'' for ''nuclear weapons complex'' in section catchline and wherever appearing in text, redesignated subsec. (c) as (b) and struck out former subsecs. (b) and (d), which, respectively, required a report on the transformation plan required by subsection (a) and defined ''national security laboratory''.

### § 2535. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico

**(a) Replacement building required**

The Secretary of Energy shall construct at Los Alamos National Laboratory, New Mexico, a building to replace the functions of the existing Chemistry and Metallurgy Research Building at Los Alamos National Laboratory associated with Department of Energy Hazard Category 2 special nuclear material operations.

**(b) Limitation on cost**

The cost of the building constructed under subsection (a) may not exceed $3,700,000,000. If the Secretary determines the cost will exceed such amount, the Secretary shall submit a detailed justification for such increase to the congressional defense committees.

**(c) Project basis**

The construction authorized by subsection (a) shall use as its basis the facility project in the Department of Energy Readiness and Technical Base designated 04–D–125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory).

**(d) Assistance**

(1) In carrying out this section, the Secretary shall procure the services of the Commander of the Naval Facilities Engineering Command to assist the Secretary with respect to the program management, oversight, and design activities of the project authorized by subsection (a).

(2) The Secretary shall carry out this subsection using funds made available for the National Nuclear Security Administration.

**(e) Deadline for commencement of operations**

The building constructed under subsection (a) shall commence operations by not later than December 31, 2026.

(Pub. L. 107–314, div. D, title XLII, § 4215, as added Pub. L. 112–239, div. C, title XXXI, § 3114(a)(1), Jan. 2, 2013, 126 Stat. 2170.)

ALTERNATIVE PLUTONIUM STRATEGY; FULL OPERATIONAL CAPABILITY OF REPLACEMENT PROJECT

Pub. L. 112–239, div. C, title XXXI, § 3114(c)–(e), Jan. 2, 2013, 126 Stat. 2171, 2172, provided that:

''(c) LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.—No funds authorized to be appropriated by this Act [see Tables for classification] or any other Act may be obligated or expended on any activities associated with a plutonium strategy for the National Nuclear Security Administration that does not include achieving full operational capability of the replacement project by December 31, 2026, as required by section 4215(e) of the Atomic Energy Defense Act [50 U.S.C. 2535(e)], as added by subsection (a).

''(d) NAVAL REACTOR STUDY.—

''(1) IN GENERAL.—The Deputy Administrator for Naval Reactors shall conduct a study of the replacement project, including an analysis of the cost, benefits, and risks with respect to nuclear safety.

''(2) SUBMISSION.—Not later than 18 months after the date of the enactment of this Act [Jan. 2, 2013], the Deputy Administrator shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the study under paragraph (1), including recommendations of the Deputy Administrator with respect to the project structure, oversight model, and potential cost savings of the replacement project.

''(3) CONSIDERATION OF RECOMMENDATIONS.—In carrying out the replacement project, the Secretary of Energy shall consider the recommendations made by the Deputy Administrator in the report under paragraph (2) and incorporate such recommendations into the project as the Secretary considers appropriate.

''(4) FUNDING.—The Secretary of Energy and the Deputy Administrator shall carry out this subsection using funds authorized to be appropriated by this Act [see Tables for classification] or otherwise made available for the National Nuclear Security Administration that are not made available for the Naval Nuclear Propulsion Program.

''(e) REPLACEMENT PROJECT DEFINED.—In this section [enacting this section and this note], the term 'replacement project' means the replacement project for the Chemistry and Metallurgy Research Building authorized by section 4215 of the Atomic Energy Defense Act [50 U.S.C. 2535], as added by subsection (a).''

### § 2536. Reports on lifetime extension programs

**(a) Reports required**

Before proceeding beyond phase 6.2 activities with respect to any lifetime extension program, the Nuclear Weapons Council established by section 179 of title 10 shall submit to the congressional defense committees a report on such phase 6.2 activities, including—

(1) an assessment of the lifetime extension options considered for the phase 6.2 activities, including whether the subsystems and components in each option are considered to be a refurbishment, reuse, or replacement of such subsystem or component; and

(2) an assessment of the option selected for the phase 6.2 activities, including—

(A) whether the subsystems and components will be refurbished, reused, or replaced; and

(B) the advantages and disadvantages of refurbishment, reuse, and replacement for each such subsystem and component.