

§ 2542. Tritium recycling**(a) In general**

Except as provided in subsection (b), the following activities shall be carried out at the Savannah River Site, South Carolina:

- (1) All tritium recycling for weapons, including tritium refitting.
- (2) All activities regarding tritium formerly carried out at the Mound Plant, Ohio.

(b) Exception

The following activities may be carried out at the Los Alamos National Laboratory, New Mexico:

- (1) Research on tritium.
- (2) Work on tritium in support of the defense inertial confinement fusion program.
- (3) Provision of technical assistance to the Savannah River Site regarding the weapons surveillance program.

(Pub. L. 107-314, div. D, title XLII, § 4232, formerly Pub. L. 104-106, div. C, title XXXI, § 3136, Feb. 10, 1996, 110 Stat. 620; renumbered Pub. L. 107-314, div. D, title XLII, § 4232, by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(17), Nov. 24, 2003, 117 Stat. 1761.)

§ 2543. Tritium production**(a) New tritium production facility**

The Secretary of Energy shall commence planning and design activities and infrastructure development for a new tritium production facility.

(b) In-reactor tests

The Secretary may perform in-reactor tests of tritium target rods as part of the activities carried out under the commercial light water reactor program.

(Pub. L. 107-314, div. D, title XLII, § 4233, formerly Pub. L. 104-201, div. C, title XXXI, § 3133(c), (d), Sept. 23, 1996, 110 Stat. 2830; renumbered Pub. L. 107-314, div. D, title XLII, § 4233, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(e)(18), Nov. 24, 2003, 117 Stat. 1761.)

AMENDMENTS

2003—Pub. L. 108-136, § 3141(e)(18)(C)(i), (ii), inserted section catchline and redesignated subsecs. (c) and (d) of section 3133 of Pub. L. 104-201, which were transferred to this section, as subsecs. (a) and (b), respectively, of this section.

Subsec. (a). Pub. L. 108-136, § 3141(e)(18)(C)(iii), inserted “of Energy” after “The Secretary”.

§ 2544. Modernization and consolidation of tritium recycling facilities

The Secretary of Energy shall carry out activities at the Savannah River Site, South Carolina, to—

- (1) modernize and consolidate the facilities for recycling tritium from weapons; and
- (2) provide a modern tritium extraction facility so as to ensure that such facilities have a capacity to recycle tritium from weapons that is adequate to meet the requirements for tritium for weapons specified in the Nuclear Weapons Stockpile Memorandum.

(Pub. L. 107-314, div. D, title XLII, § 4234, formerly Pub. L. 104-201, div. C, title XXXI, § 3134,

Sept. 23, 1996, 110 Stat. 2830; renumbered Pub. L. 107-314, div. D, title XLII, § 4234, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(e)(19), Nov. 24, 2003, 117 Stat. 1762; Pub. L. 112-239, div. C, title XXXI, § 3131(i), Jan. 2, 2013, 126 Stat. 2182.)

AMENDMENTS

2013—Pub. L. 112-239 struck out subsec. (a) designation and heading “In general” and struck out subsec. (b), which limited funding to \$9,000,000 for activities under subsec. (a).

2003—Subsec. (b). Pub. L. 108-136, § 3141(e)(19)(D), inserted “of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201)” after “section 3101”.

§ 2545. Procedures for meeting tritium production requirements**(a) Production of new tritium**

The Secretary of Energy shall produce new tritium to meet the requirements of the Nuclear Weapons Stockpile Memorandum at the Tennessee Valley Authority Watts Bar or Sequoyah nuclear power plants consistent with the Secretary's December 22, 1998, decision document designating the Secretary's preferred tritium production technology.

(b) Support

To support the method of tritium production set forth in subsection (a), the Secretary shall design and construct a new tritium extraction facility in the H-Area of the Savannah River Site, Aiken, South Carolina.

(c) Design and engineering development

The Secretary shall—

(1) complete preliminary design and engineering development of the Accelerator Production of Tritium technology design as a backup source of tritium to the source set forth in subsection (a) and consistent with the Secretary's December 22, 1998, decision document; and

(2) make available those funds necessary to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the system consistent with the Secretary's decision document of December 22, 1998.

(Pub. L. 107-314, div. D, title XLII, § 4235, formerly Pub. L. 106-65, div. C, title XXXI, § 3134, Oct. 5, 1999, 113 Stat. 927; renumbered Pub. L. 107-314, div. D, title XLII, § 4235, by Pub. L. 108-136, div. C, title XXXI, § 3141(e)(20), Nov. 24, 2003, 117 Stat. 1762.)

SUBCHAPTER III—PROLIFERATION
MATTERS**§ 2561. Repealed. Pub. L. 111-84, div. C, title XXXI, § 3117(a), Oct. 28, 2009, 123 Stat. 2709**

Section, Pub. L. 107-314, div. D, title XLIII, § 4301, formerly Pub. L. 105-85, div. C, title XXXI, § 3133, Nov. 18, 1997, 111 Stat. 2036; Pub. L. 105-261, div. A, title X, § 1069(b)(3), div. C, title XXXI, § 3131, Oct. 17, 1998, 112 Stat. 2136, 2246; renumbered Pub. L. 107-314, div. D, title XLIII, § 4301, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(f)(2), Nov. 24, 2003, 117 Stat. 1762, related to international cooperative stockpile stewardship.

§ 2562. Nonproliferation initiatives and activities**(a) Initiative for Proliferation Prevention program**

(1) Not more than 35 percent of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program (IPP) may be obligated or expended by the Department of Energy national laboratories to carry out or provide oversight of any activities under that program.

(2)(A) None of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program may be used to increase or otherwise supplement the pay or benefits of a scientist or engineer if the scientist or engineer—

(i) is currently engaged in activities directly related to the design, development, production, or testing of chemical or biological weapons or a missile system to deliver such weapons; or

(ii) was not formerly engaged in activities directly related to the design, development, production, or testing of weapons of mass destruction or a missile system to deliver such weapons.

(B) None of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program may be made available to an institute if the institute—

(i) is currently involved in activities described in subparagraph (A)(i); or

(ii) was not formerly involved in activities described in subparagraph (A)(ii).

(3)(A) No funds available for the Initiatives for Proliferation Prevention program may be provided to an institute or scientist under the program if the Secretary of Energy determines that the institute or scientist has made a scientific or business contact in any way associated with or related to weapons of mass destruction with a representative of a country of proliferation concern.

(B) For purposes of this paragraph, the term “country of proliferation concern” means any country so designated by the Director of National Intelligence for purposes of the Initiatives for Proliferation Prevention program.

(4)(A) The Secretary of Energy shall prescribe procedures for the review of projects under the Initiatives for Proliferation Prevention program. The purpose of the review shall be to ensure the following:

(i) That the military applications of such projects, and any information relating to such applications, is not inadvertently transferred or utilized for military purposes.

(ii) That activities under the projects are not redirected toward work relating to weapons of mass destruction.

(iii) That the national security interests of the United States are otherwise fully considered before the commencement of the projects.

(B) Not later than 30 days after the date on which the Secretary prescribes the procedures required by subparagraph (A), the Secretary shall submit to Congress a report on the procedures. The report shall set forth a schedule for the implementation of the procedures.

(5)(A) The Secretary shall evaluate the projects carried out under the Initiatives for Proliferation Prevention program for commercial purposes to determine whether or not such projects are likely to achieve their intended commercial objectives.

(B) If the Secretary determines as a result of the evaluation that a project is not likely to achieve its intended commercial objective, the Secretary shall terminate the project.

(6) Funds appropriated for the Initiatives for Proliferation Prevention program may not be used to pay any tax or customs duty levied by the government of the Russian Federation. In the event payment of such a tax or customs duty with such funds is unavoidable, the Secretary of Energy shall ensure that sufficient additional funds are provided to the Initiatives for Proliferation Prevention Program¹ to offset the amount of such payment.

(b) Nuclear Cities Initiative

(1) No amounts authorized to be appropriated by title XXXI of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) for the Nuclear Cities Initiative may be obligated or expended for purposes of the initiative until the Secretary of Energy certifies to Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

(2) Notwithstanding a certification under paragraph (1), amounts authorized to be appropriated by this title² for the Nuclear Cities Initiative may not be obligated or expended for purposes of providing assistance under the initiative to more than three nuclear cities, and more than two serial production facilities, in Russia in fiscal year 2000.

(3)(A) The Secretary shall conduct a study of the potential economic effects of each commercial program proposed under the Nuclear Cities Initiative before providing assistance for the conduct of the program. The study shall include an assessment regarding whether or not the mechanisms for job creation under each program are likely to lead to the creation of the jobs intended to be created by that program.

(B) If the Secretary determines as a result of the study that the intended commercial benefits of a program are not likely to be achieved, the Secretary may not provide assistance for the conduct of that program.

(4) Not later than January 1, 2000, the Secretary shall submit to Congress a report describing the participation in or contribution to the Nuclear Cities Initiative of each department and agency of the United States Government that participates in or contributes to the initiative. The report shall describe separately any inter-agency participation in or contribution to the initiative.

(c) Report

(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Initiatives for Pro-

¹ So in original. Initial letter probably should be lower case.

² See References in Text note below.