

(C) Any other person or entity that acquires such ownership or control.

(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).

(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

(c) Conditions

(1) No indemnification on a claim for injury may be provided under this section unless the person or entity making a request for the indemnification—

(A) notifies the Secretary of Energy in writing within two years after such claim accrues;

(B) furnishes to the Secretary copies of pertinent papers received by the person or entity;

(C) furnishes evidence or proof of the claim;

(D) provides, upon request by the Secretary, access to the records and personnel of the person or entity for purposes of defending or settling the claim; and

(E) begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary.

(2) For purposes of paragraph (1)(A), the date on which a claim accrues is the date on which the person asserting the claim knew (or reasonably should have known) that the injury to person or property referred to in subsection (b)(1) was caused or contributed to by the release or threatened release of a hazardous substance, pollutant, or contaminant as a result of Department of Energy activities at the defense nuclear facility on which the real property is located.

(d) Authority of Secretary of Energy

(1) In any case in which the Secretary of Energy determines that the Secretary may be required to indemnify a person or entity under this section for any claim for injury to person or property referred to in subsection (b)(1), the Secretary may settle or defend the claim on behalf of that person or entity.

(2) In any case described in paragraph (1), if the person or entity that the Secretary may be required to indemnify does not allow the Secretary to settle or defend the claim, the person or entity may not be indemnified with respect to that claim under this section.

(e) Relationship to other law

Nothing in this section shall be construed as affecting or modifying in any way section 9620(h) of title 42.

(f) Definitions

In this section:

(1) The term “defense nuclear facility” has the meaning provided by the term “Department of Energy defense nuclear facility” in section 2286g of title 42.

(2) The terms “hazardous substance”, “release”, and “pollutant or contaminant” have the meanings provided by section 9601 of title 42.

(Pub. L. 107-314, div. D, title XLVIII, §4831, formerly Pub. L. 105-85, div. C, title XXXI, §3158,

Nov. 18, 1997, 111 Stat. 2046; Pub. L. 108-7, div. D, title V, §506, Feb. 20, 2003, 117 Stat. 158; renumbered Pub. L. 107-314, div. D, title XLVIII, §4831, by Pub. L. 108-136, div. C, title XXXI, §3141(k)(11), Nov. 24, 2003, 117 Stat. 1785; Pub. L. 108-137, title V, §504(a), Dec. 1, 2003, 117 Stat. 1868.)

CODIFICATION

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

AMENDMENTS

2003—Subsec. (b)(2)(D). Pub. L. 108-137, §504(a), which directed that subsec. (b)(2) of section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274q(b)(2)) be amended by adding a subpar. (D), was executed to that section as renumbered by Pub. L. 108-136 to reflect the probable intent of Congress. See Amendment note below and Effective Date of 2003 Amendment note below.

Pub. L. 108-7, which directed the amendment of “Title 42 U.S.C. 7274g” by adding subpar. (D) to subsec. (b)(2), was probably intended to amend section 3158 of Pub. L. 105-85, which was formerly classified to section 7274q of title 42 prior to renumbering and transfer to this section by Pub. L. 108-136. However, the amendment was not executed in view of the enactment of section 504 of Pub. L. 108-137 which added a substantially identical subpar. (D). See Amendment note above and Effective Date of 2003 Amendment note below.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-137, title V, §504(b), Dec. 1, 2003, 117 Stat. 1868, provided that: “The amendment made by section 506 [probably means section 506 of Pub. L. 108-7, see 2003 Amendment note above], as amended by this section [section 504 of Pub. L. 108-137 did not amend section 506 of Pub. L. 108-7, see 2003 Amendment note above], is effective as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1998 [Nov. 18, 1997].”

§ 2812. Engineering and manufacturing research, development, and demonstration by plant managers of certain nuclear weapons production plants

(a) Authority for programs at nuclear weapons production facilities

The Administrator for Nuclear Security shall authorize the head of each nuclear weapons production facility to establish an Engineering and Manufacturing Research, Development, and Demonstration Program under this section.

(b) Projects and activities

The projects and activities carried out through the program at a nuclear weapons production facility under this section shall support innovative or high-risk design and manufacturing concepts and technologies with potentially high payoff for the nuclear security enterprise. Those projects and activities may include—

(1) replacement of obsolete or aging design and manufacturing technologies;

(2) development of innovative agile manufacturing techniques and processes; and

(3) training, recruitment, or retention of essential personnel in critical engineering and manufacturing disciplines.

(Pub. L. 107-314, div. D, title XLVIII, §4832, formerly Pub. L. 106-398, §1 [div. C, title XXXI, §3156], Oct. 30, 2000, 114 Stat. 1654, 1654A-467; re-

numbered Pub. L. 107-314, div. D, title XLVIII, § 4832, by Pub. L. 108-136, div. C, title XXXI, § 3141(k)(12), Nov. 24, 2003, 117 Stat. 1785; Pub. L. 112-239, div. C, title XXXI, § 3131(z), Jan. 2, 2013, 126 Stat. 2185.)

CODIFICATION

Section was formerly set out as a note under section 7274r of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2013—Subsec. (b). Pub. L. 112-239, § 3131(z)(1), substituted “nuclear security enterprise” for “nuclear weapons complex” in introductory provisions.

Subsecs. (c) to (e). Pub. L. 112-239, § 3131(z)(2), struck out subsecs. (c) to (e), which related, respectively, to funding, a report, and definition of “nuclear weapons production facility”.

ACTIVITIES AT COVERED NUCLEAR WEAPONS FACILITIES

Pub. L. 108-447, div. C, title III, § 308, Dec. 8, 2004, 118 Stat. 2959, provided that: “The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term ‘covered nuclear weapons facility’ means the following:

- “(1) The Kansas City Plant, Kansas City, Missouri.
- “(2) The Y-12 Plant, Oak Ridge, Tennessee.
- “(3) The Pantex Plant, Amarillo, Texas.
- “(4) The Savannah River Plant, South Carolina.
- “(5) The Nevada Test Site.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-137, title III, § 308, Dec. 1, 2003, 117 Stat. 1861.

Pub. L. 108-7, div. D, title III, § 308, Feb. 20, 2003, 117 Stat. 154.

Pub. L. 107-66, title III, § 309, Nov. 12, 2001, 115 Stat. 509.

Pub. L. 106-377, § 1(a)(2) [title III, § 310], Oct. 27, 2000, 114 Stat. 1441, 1441A-80.

§ 2813. Pilot program relating to use of proceeds of disposal or utilization of certain Department of Energy assets

(a) Purpose

The purpose of this section is to encourage the Secretary of Energy to dispose of or otherwise utilize certain assets of the Department of Energy by making available to the Secretary the proceeds of such disposal or utilization for purposes of defraying the costs of such disposal or utilization.

(b) Use of proceeds to defray costs

(1) Notwithstanding section 3302 of title 31, the Secretary may retain from the proceeds of the sale, lease, or disposal of an asset under subsection (c) an amount equal to the cost of the sale, lease, or disposal of the asset. The Secretary shall utilize amounts retained under this paragraph to defray the cost of the sale, lease, or disposal.

(2) For purposes of paragraph (1), the cost of a sale, lease, or disposal shall include—

(A) the cost of administering the sale, lease, or disposal;

(B) the cost of recovering or preparing the asset concerned for the sale, lease, or disposal; and

(C) any other cost associated with the sale, lease, or disposal.

(c) Covered transactions

Subsection (b) applies to the following transactions:

(1) The sale of heavy water at the Savannah River Site, South Carolina, that is under the jurisdiction of the Defense Environmental Management Program.

(2) The sale of precious metals that are under the jurisdiction of the Defense Environmental Management Program.

(3) The lease of buildings and other facilities located at the Hanford Reservation, Washington, that are under the jurisdiction of the Defense Environmental Management Program.

(4) The lease of buildings and other facilities located at the Savannah River Site that are under the jurisdiction of the Defense Environmental Management Program.

(5) The disposal of equipment and other personal property located at the Rocky Flats Defense Environmental Technology Site, Colorado, that is under the jurisdiction of the Defense Environmental Management Program.

(6) The disposal of materials at the National Electronics Recycling Center, Oak Ridge, Tennessee that are under the jurisdiction of the Defense Environmental Management Program.

(d) Applicability of disposal authority

Nothing in this section shall be construed to limit the application of subchapter II of chapter 5 and section 549 of title 40 to the disposal of equipment and other personal property covered by this section.

(Pub. L. 107-314, div. D, title XLVIII, § 4833, formerly Pub. L. 105-85, div. C, title XXXI, § 3138, Nov. 18, 1997, 111 Stat. 2039; renumbered Pub. L. 107-314, div. D, title XLVIII, § 4833, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(k)(13), Nov. 24, 2003, 117 Stat. 1786; Pub. L. 112-239, div. C, title XXXI, § 3131(aa), Jan. 2, 2013, 126 Stat. 2185.)

CODIFICATION

Section was formerly set out as a note under section 7256 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2013—Subsec. (e). Pub. L. 112-239 struck out subsec. (e). Prior to amendment, text read as follows: “Not later than January 31, 1999, the Secretary shall submit to the congressional defense committees a report on amounts retained by the Secretary under subsection (b) during fiscal year 1998.”

2003—Subsec. (d). Pub. L. 108-136, § 3141(k)(13)(D), substituted “subchapter II of chapter 5 and section 549 of title 40” for “sections 202 and 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484(j))”.