

(Pub. L. 107-314, div. D, title XLII, § 4212, formerly Pub. L. 104-106, div. C, title XXXI, § 3137, Feb. 10, 1996, 110 Stat. 620; Pub. L. 104-201, div. C, title XXXI, § 3132(a), (b), Sept. 23, 1996, 110 Stat. 2829; renumbered Pub. L. 107-314, div. D, title XLII, § 4212, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(e)(13), Nov. 24, 2003, 117 Stat. 1760; Pub. L. 112-239, div. C, title XXXI, § 3131(e), Jan. 2, 2013, 126 Stat. 2181; Pub. L. 113-66, div. C, title XXXI, § 3146(c)(6), Dec. 26, 2013, 127 Stat. 1074.)

CODIFICATION

Section was formerly set out as a note under section 2121 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2013—Subsec. (a)(2). Pub. L. 113-66, § 3146(c)(6)(A), substituted “Memorandum” for “Review”.

Subsec. (c). Pub. L. 113-66, § 3146(c)(6)(B), substituted “Congress” for “the Congress”.

Subsecs. (d), (e). Pub. L. 112-239 struck out subsecs. (d) and (e), which related, respectively, to funding and submission to Congress by Secretary of plans and reports.

2003—Subsec. (d). Pub. L. 108-136, § 3141(e)(13)(D), inserted “of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106)” after “section 3101(b)”.

1996—Subsec. (a). Pub. L. 104-201, § 3132(a), designated existing provisions as par. (1), redesignated former pars. (1) to (5) as subpars. (A) to (E), respectively, and added par. (2).

Subsec. (b)(3). Pub. L. 104-201, § 3132(b), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The tritium production, recycling, and other weapons-related capabilities of the Savannah River Site.”

§ 2533. Reports on critical difficulties at national security laboratories and nuclear weapons production facilities

(a) Reports by heads of laboratories and facilities

In the event of a difficulty at a national security laboratory or a nuclear weapons production facility that has a significant bearing on confidence in the safety or reliability of a nuclear weapon or nuclear weapon type, the head of the laboratory or facility, as the case may be, shall submit to the Administrator a report on the difficulty. The head of the laboratory or facility shall submit the report as soon as practicable after discovery of the difficulty.

(b) Transmittal by Administrator

Not later than 10 days after receipt of a report under subsection (a), the Administrator shall transmit the report (together with the comments of the Administrator) to the congressional defense committees, to the Secretary of Energy and the Secretary of Defense, and to the President.

(c) Omitted

(d) Inclusion of reports in annual stockpile assessment

Any report submitted pursuant to subsection (a) shall also be submitted to the President and Congress with the matters required to be submitted under section 2525(f) of this title 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(b), (c), 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; renumbered Pub. L. 107-314, div. D, title XLII, § 4218(b), (c), and amended Pub. L. 113-66, div. C, title XXXI, § 3146(c)(7), (10)(B), Dec. 26, 2013, 127 Stat. 1074, 1075.)

CODIFICATION

Section was formerly classified to section 7274o 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(b), (c) of Pub. L. 107-314. Section 4213, which was formerly part of Pub. L. 104-201, originally enacted this section, and section 4218(b), (c), 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. 113-66, § 3146(c)(10)(B), renumbered Pub. L. 107-314, § 4218(c), (d), as § 4218(b), (c). See 1997 Amendment note below.

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. 113-66, § 3146(c)(7)(A), substituted “facilities” for “plants” in heading and “laboratory or facility” for “laboratory or plant” in two places in text.

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. (d). Pub. L. 113-66, § 3146(c)(7)(B), substituted “assessment” for “certification” in heading and “submitted to the President and Congress with the matters required to be submitted under section 2525(f) of this title” for “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” 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(b), (c), formerly § 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. Repealed. Pub. L. 113–66, div. C, title XXXI, § 3146(c)(8)(A), Dec. 26, 2013, 127 Stat. 1075

Section, 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, related to plan for transformation of National Nuclear Security Administration nuclear security enterprise.

§ 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 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; amended Pub. L. 113–66, div. C, title XXXI, § 3146(c)(9), Dec. 26, 2013, 127 Stat. 1075.)

AMENDMENTS

2013—Subsec. (d)(2). Pub. L. 113–66 struck out “National Nuclear Security” before “Administration”.

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, as amended by Pub. L. 113–66, div. C, title XXXI, § 3117, Dec. 26, 2013, 127 Stat. 1058, provided that:

“(c) LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.—

“(1) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (2), 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).

“(2) USE OF FUNDS FOR MODULAR BUILDING STRATEGY.—The Administrator for Nuclear Security may obligate and expend funds referred to in paragraph (1) for activities relating to a modular building strategy on and after the date that is 60 days after the date on which the Nuclear Weapons Council established under section 179 of title 10, United States Code, notifies the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that—

“(A) the modular building strategy—

“(i) meets requirements for maintaining the nuclear weapons stockpile over a 30-year period;

“(ii) meets requirements for implementation of a responsive infrastructure, including meeting plutonium pit production requirements; and

“(iii) will achieve full operating capability for not less than two modular structures by not later than 2027;

“(B) in fiscal year 2015, the National Nuclear Security Administration will begin the process of designing and building modular buildings in accordance with Department of Energy Order 413.3 (relating to relating to program management and project management for the acquisition of capital assets); and

“(C) the Administrator will include the costs of the modular building strategy in the estimated expenditures and proposed appropriations reflected in the future-years nuclear security program submitted under section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

“(3) MODULAR BUILDING STRATEGY DEFINED.—In this subsection, the term ‘modular building strategy’ means an alternative strategy to the replacement project that consists of repurposing existing facilities and constructing a series of modular structures, each of which is fully useable, to complement the function of the plutonium facility (PF–4) at Los Alamos National Laboratory, New Mexico, in accordance with all applicable safety and security standards of the Department of Energy.

“(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 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