

“(b) MONITORING BY NUCLEAR REGULATORY COMMISSION.—(1) The Commission shall, in coordination with the covered State, monitor disposal actions taken by the Department of Energy pursuant to subparagraphs (A) and (B) of subsection (a)(3) for the purpose of assessing compliance with the performance objectives set out in subpart C of part 61 of title 10, Code of Federal Regulations.

“(2) If the Commission considers any disposal actions taken by the Department of Energy pursuant to those subparagraphs to be not in compliance with those performance objectives, the Commission shall, as soon as practicable after discovery of the noncompliant conditions, inform the Department of Energy, the covered State, and the following congressional committees:

“(A) The Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

“(B) The Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Appropriations of the Senate.

“(3) For fiscal year 2005, the Secretary shall, from amounts available for defense site acceleration completion, reimburse the Commission for all expenses, including salaries, that the Commission incurs as a result of performance under subsection (a) and this subsection for fiscal year 2005. The Department of Energy and the Commission may enter into an interagency agreement that specifies the method of reimbursement. Amounts received by the Commission for performance under subsection (a) and this subsection may be retained and used for salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code, and shall remain available until expended.

“(4) For fiscal years after 2005, the Commission shall include in the budget justification materials submitted to Congress in support of the Commission budget for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) the amounts required, not offset by revenues, for performance under subsection (a) and this subsection.

“(c) INAPPLICABILITY TO CERTAIN MATERIALS.—Subsection (a) shall not apply to any material otherwise covered by that subsection that is transported from the covered State.

“(d) COVERED STATES.—For purposes of this section, the following States are covered States:

“(1) The State of South Carolina.

“(2) The State of Idaho.

“(e) CONSTRUCTION.—(1) Nothing in this section shall impair, alter, or modify the full implementation of any Federal Facility Agreement and Consent Order or other applicable consent decree for a Department of Energy site.

“(2) Nothing in this section establishes any precedent or is binding on the State of Washington, the State of Oregon, or any other State not covered by subsection (d) for the management, storage, treatment, and disposition of radioactive and hazardous materials.

“(3) Nothing in this section amends the definition of ‘transuranic waste’ or regulations for repository disposal of transuranic waste pursuant to the Waste Isolation Pilot Plant Land Withdrawal Act [Pub. L. 102-579, 106 Stat. 4777] or part 191 of title 40, Code of Federal Regulations.

“(4) Nothing in this section shall be construed to affect in any way the obligations of the Department of Energy to comply with section 4306A of the Atomic Energy Defense Act (50 U.S.C. 2567).

“(5) Nothing in this section amends the West Valley Demonstration Act [Pub. L. 96-368] (42 U.S.C. 2121a [2021a] note).

“(f) JUDICIAL REVIEW.—Judicial review shall be available in accordance with chapter 7 of title 5, United States Code, for the following:

“(1) Any determination made by the Secretary or any other agency action taken by the Secretary pursuant to this section.

“(2) Any failure of the Commission to carry out its responsibilities under subsection (b).”

SANDIA NATIONAL LABORATORIES

Pub. L. 108-199, div. H, §127, Jan. 23, 2004, 118 Stat. 440, provided that: “Funds appropriated in this, or any other Act hereafter, may not be obligated to pay, on behalf of the United States or a contractor or subcontractor of the United States, to post a bond or fulfill any other financial responsibility requirement relating to closure or post-closure care and monitoring of Sandia National Laboratories and properties held or managed by Sandia National Laboratories prior to implementation of closure or post-closure monitoring. The State of New Mexico or any other entity may not enforce against the United States or a contractor or subcontractor of the United States, in this year or any other fiscal year, a requirement to post bond or any other financial responsibility requirement relating to closure or post-closure care and monitoring of Sandia National Laboratories in New Mexico and properties held or managed by Sandia National Laboratories in New Mexico.”

PART C—HANFORD RESERVATION, WASHINGTON

PRIOR PROVISIONS

A prior part C, consisting of section 2611, related to privatization, prior to repeal by Pub. L. 113-66, div. C, title XXXI, §3146(e)(12), Dec. 26, 2013, 127 Stat. 1078.

AMENDMENTS

2013—Pub. L. 113-66, div. C, title XXXI, §3146(e)(16)(C), Dec. 26, 2013, 127 Stat. 1078, redesignated part D as C.

§ 2621. Safety measures for waste tanks at Hanford Nuclear Reservation

(a) Identification and monitoring of tanks

Not later than February 3, 1991, the Secretary of Energy shall identify which single-shelled or double-shelled high-level nuclear waste tanks at the Hanford Nuclear Reservation, Richland, Washington, may have a serious potential for release of high-level waste due to uncontrolled increases in temperature or pressure. After completing such identification, the Secretary shall determine whether continuous monitoring is being carried out to detect a release or excessive temperature or pressure at each tank so identified. If such monitoring is not being carried out, as soon as practicable the Secretary shall install such monitoring, but only if a type of monitoring that does not itself increase the danger of a release can be installed.

(b) Action plans

Not later than March 5, 1991, the Secretary of Energy shall develop action plans to respond to excessive temperature or pressure or a release from any tank identified under subsection (a).

(c) Prohibition

Beginning March 5, 1991, no additional high-level nuclear waste (except for small amounts removed and returned to a tank for analysis) may be added to a tank identified under subsection (a) unless the Secretary determines that no safer alternative than adding such waste to the tank currently exists or that the tank does not pose a serious potential for release of high-level nuclear waste.

(d) Report

Not later than May 5, 1991, the Secretary shall submit to Congress a report on actions taken to

promote tank safety, including actions taken pursuant to this section, and the Secretary's timetable for resolving outstanding issues on how to handle the waste in such tanks.

(Pub. L. 107-314, div. D, title XLIV, § 4441, formerly Pub. L. 101-510, div. C, title XXXI, § 3137, Nov. 5, 1990, 104 Stat. 1833; renumbered Pub. L. 107-314, div. D, title XLIV, § 4441, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(g)(16), Nov. 24, 2003, 117 Stat. 1767.)

AMENDMENTS

2003—Pub. L. 108-136, § 3141(g)(16)(D)(i), made technical amendment to section catchline.

Subsec. (a). Pub. L. 108-136, § 3141(g)(16)(D)(ii), substituted “Not later than February 3, 1991,” for “Within 90 days after the date of the enactment of this Act.”

Subsec. (b). Pub. L. 108-136, § 3141(g)(16)(D)(iii), substituted “Not later than March 5, 1991,” for “Within 120 days after the date of the enactment of this Act.”

Subsec. (c). Pub. L. 108-136, § 3141(g)(16)(D)(iv), substituted “Beginning March 5, 1991,” for “Beginning 120 days after the date of the enactment of this Act.”

Subsec. (d). Pub. L. 108-136, § 3141(g)(16)(D)(v), substituted “Not later than May 5, 1991,” for “Within six months after the date of the enactment of this Act.”

§ 2622. Hanford waste tank cleanup program reforms

(a) Establishment of Office of River Protection

The Secretary of Energy shall establish an office at the Hanford Reservation, Richland, Washington, to be known as the “Office of River Protection” (in this section referred to as the “Office”).

(b) Management and responsibilities of Office

(1) The Office shall be headed by a senior official of the Department of Energy, who shall report to the Assistant Secretary of Energy for Environmental Management.

(2) The head of the Office shall be responsible for managing all aspects of the River Protection Project, Richland, Washington, including Hanford Tank Farm operations and the Waste Treatment Plant.

(3)(A) The Assistant Secretary of Energy for Environmental Management shall delegate in writing responsibility for the management of the River Protection Project, Richland, Washington, to the head of the Office.

(B) Such delegation shall include, at a minimum, authorities for contracting, financial management, safety, and general program management that are equivalent to the authorities of managers of other operations offices of the Department of Energy.

(C) The head of the Office shall, to the maximum extent possible, coordinate all activities of the Office with the manager of the Richland Operations Office of the Department of Energy.

(c) Department responsibilities

The Secretary shall provide the head of the Office with the resources and personnel necessary to carry out the responsibilities specified in subsection (b)(2).

(d) Notification

The Assistant Secretary of Energy for Environmental Management shall submit to the Committee on Armed Services of the Senate and

the Committee on Armed Services of the House of Representatives written notification detailing any changes in the roles, responsibilities, and reporting relationships that involve the Office.

(e) Termination

The Office shall terminate on September 30, 2019. The Office may be extended beyond that date if the Assistant Secretary of Energy for Environmental Management determines in writing that termination would disrupt effective management of the Hanford Tank Farm operations.

(Pub. L. 107-314, div. D, title XLIV, § 4442, formerly Pub. L. 105-261, div. C, title XXXI, § 3139, Oct. 17, 1998, 112 Stat. 2250; Pub. L. 106-398, § 1 [div. C, title XXXI, § 3141(b)-(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-463; Pub. L. 107-107, div. C, title XXXI, § 3135, Dec. 28, 2001, 115 Stat. 1368; renumbered Pub. L. 107-314, div. D, title XLIV, § 4442, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(g)(17), Nov. 24, 2003, 117 Stat. 1767; Pub. L. 112-81, div. C, title XXXI, § 3113, Dec. 31, 2011, 125 Stat. 1709; Pub. L. 113-66, div. C, title XXXI, § 3146(e)(13), Dec. 26, 2013, 127 Stat. 1078.)

AMENDMENTS

2013—Subsec. (b)(2). Pub. L. 113-66 substituted “responsible for managing all aspects” for “responsible for managing all aspects”.

2011—Subsec. (b)(2). Pub. L. 112-81, § 3113(1), substituted “all aspects of the River Protection Project, Richland, Washington, including Hanford Tank Farm operations and the Waste Treatment Plant” for “, consistent with the policy direction established by the Department, all aspects of the River Protection Project, Richland, Washington”.

Subsec. (d). Pub. L. 112-81, § 3113(2), amended subsec. (d) generally. Prior to amendment, text read as follows: “The Assistant Secretary of Energy for Environmental Management shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than November 29, 2000, a copy of the delegation of authority required by subsection (b)(3).”

Subsecs. (e), (f). Pub. L. 112-81, § 3113(3), added subsec. (e) and struck out former subsecs. (e) and (f), which, respectively, required the Secretary to submit a progress report not later than 2 years after the commencement of Office operations and provided for termination of the Office.

2003—Subsec. (d). Pub. L. 108-136, § 3141(g)(17)(D), substituted “November 29, 2000,” for “30 days after the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.”

2001—Subsec. (f). Pub. L. 107-107 amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows:

“(1) The Office shall terminate 5 years after the commencement of operations under this section unless the Secretary determines that termination on that date would disrupt effective management of the Hanford Tank Farm operations.

“(2) The Secretary shall notify, in writing, the committees referred to in subsection (d) of a determination under paragraph (1).”

2000—Subsec. (b). Pub. L. 106-398, § 1 [div. C, title XXXI, § 3141(b)], substituted “managing, consistent with the policy direction established by the Department, all aspects of the River Protection Project, Richland, Washington” for “managing all aspects of the Tank Waste Remediation System (also referred to as the Hanford Tank Farm operations), including those portions under privatization contracts, of the Department of Energy at Hanford” in par. (2) and added par. (3).

Subsec. (c). Pub. L. 106-398, § 1 [div. C, title XXXI, § 3141(c)], substituted “head” for “manager” and “to