

(Pub. L. 107-314, div. D, §4002, as added Pub. L. 108-136, div. C, title XXXI, §3141(c)(2), Nov. 24, 2003, 117 Stat. 1756; amended Pub. L. 112-239, div. C, title XXXI, §3131(a)(1), Jan. 2, 2013, 126 Stat. 2179; Pub. L. 113-66, div. C, title XXXI, §3146(a)(1), Dec. 26, 2013, 127 Stat. 1072; Pub. L. 113-291, div. C, title XXXI, §3142(a), Dec. 19, 2014, 128 Stat. 3900.)

REFERENCES IN TEXT

Executive Order No. 12958, referred to in par. (3), which was formerly set out as a note under section 435 (now section 3161) of this title, was revoked by Ex. Ord. No. 13526, §6.2(g), Dec. 29, 2009, 75 F.R. 731.

AMENDMENTS

2014—Par. (3). Pub. L. 113-291 substituted “Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 3001 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 3161 note), Executive Order No. 13526 of December 29, 2009 (50 U.S.C. 3161 note),” for “Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note).”

2013—Pub. L. 113-66, §3146(a)(1)(A), substituted “Except as otherwise provided, in this chapter” for “In this chapter” in introductory provisions.

Pub. L. 112-239 amended section generally. Prior to amendment, section defined “congressional defense committees”.

Pars. (5) to (10). Pub. L. 113-66, §3146(a)(1)(B)–(E), added pars. (5) and (8), redesignated former pars. (5), (6), (7), and (8) as (6), (7), (9), and (10), respectively, and, in par. (10), substituted “Restricted Data” for “restricted data”.

SHORT TITLE

Pub. L. 107-314, div. D, §4001(a), formerly div. C, title XXXVI, §3601, Dec. 2, 2002, 116 Stat. 2756, renumbered div. D, §4001, and amended by Pub. L. 108-136, div. C, title XXXI, §3141(c)(1)(A)–(D)(ii), Nov. 24, 2003, 117 Stat. 1753, provided that: “This division [enacting this chapter] may be cited as the ‘Atomic Energy Defense Act.’”

TRANSFER AND CONSOLIDATION OF RECURRING AND GENERAL PROVISIONS ON DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Pub. L. 108-136, div. C, title XXXI, §3141(a), Nov. 24, 2003, 117 Stat. 1752, provided that:

“(1) IN GENERAL.—The purpose of this section [see Tables for classification] is to assemble together, without substantive amendment but with technical and conforming amendments of a non-substantive nature, recurring and general provisions of law on Department of Energy national security programs that remain in force in order to consolidate and organize such provisions of law into a single Act intended to comprise general provisions of law on such programs.

“(2) CONSTRUCTION OF TRANSFERS.—The transfer of a provision of law by this section shall not be construed as amending, altering, or otherwise modifying the substantive effect of such provision.

“(3) TREATMENT OF SATISFIED REQUIREMENTS.—Any requirement in a provision of law transferred under this section (including a requirement that an amendment to law be executed) that has been fully satisfied in accordance with the terms of such provision of law as of the date of transfer under this section shall be treated as so fully satisfied, and shall not be treated as being revived solely by reason of transfer under this section.

“(4) CLASSIFICATION.—The provisions of the Atomic Energy Defense Act [Pub. L. 107-314, div. D, 50 U.S.C. 2501 et seq.], as amended by this section, shall be classified to the United States Code as a new chapter of title 50, United States Code.”

SUBCHAPTER I—ORGANIZATIONAL MATTERS

§ 2511. Naval Nuclear Propulsion Program

The provisions of Executive Order Numbered 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program, shall remain in force until changed by law.

(Pub. L. 107-314, div. D, title XLI, §4101, formerly Pub. L. 98-525, title XVI, §1634, Oct. 19, 1984, 98 Stat. 2649; renumbered Pub. L. 107-314, div. D, title XLI, §4101, and amended Pub. L. 108-136, div. C, title XXXI, §3141(d)(2), Nov. 24, 2003, 117 Stat. 1757.)

REFERENCES IN TEXT

Executive Order Numbered 12344, referred to in text, is set out as a note below.

CODIFICATION

Section was formerly set out as a note under section 7158 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108-136.

TRANSFER OF FUNCTIONS

All national security functions and activities performed immediately before Oct. 5, 1999, by the Office of Naval Reactors transferred to the Administrator for Nuclear Security of the National Nuclear Security Administration of the Department of Energy, and the Deputy Administrator for Naval Reactors of the Administration to be assigned the responsibilities, authorities, and accountability for all functions of the Office of Naval Reactors under Executive Order No. 12344, set out below, see sections 2406 and 2481 of this title.

EXECUTIVE ORDER NO. 12344 TO REMAIN IN FORCE

Except as otherwise specified in section 2406 of this title and notwithstanding any other provision of title XXXII of Pub. L. 106-65 (see Short Title note set out under section 2401 of this title), the provisions of Executive Order No. 12344 (set out below) to remain in full force and effect until changed by law, see section 2406 of this title.

EX. ORD. NO. 12344. NAVAL NUCLEAR PROPULSION PROGRAM

Ex. Ord. No. 12344, Feb. 1, 1982, 47 F.R. 4979, provided: By the authority vested in me as President and as Commander in Chief of the Armed Forces of the United States of America, with recognition of the crucial importance to national security of the Naval Nuclear Propulsion Program, and for the purpose of preserving the basic structure, policies, and practices developed for this Program in the past and assuring that the Program will continue to function with excellence, it is hereby ordered as follows:

SECTION 1. The Naval Nuclear Propulsion Program is an integrated program carried out by two organizational units, one in the Department of Energy and the other in the Department of the Navy.

SEC. 2. Both organizational units shall be headed by the same individual so that the activities of each may continue in practice under common management. This individual shall direct the Naval Nuclear Propulsion Program in both departments. The director shall be qualified by reason of technical background and experience in naval nuclear propulsion. The director may be either a civilian or an officer of the United States Navy, active or retired.

SEC. 3. The Secretary of the Navy (through the Secretary of Defense) and the Secretary of Energy shall obtain the approval of the President to appoint the director of the Naval Nuclear Propulsion Program for their respective Departments. The director shall be appointed to serve a term of eight years, except that the

Secretary of Energy and the Secretary of the Navy may, with mutual concurrence, terminate or extend the term of the respective appointments.

SEC. 4. An officer of the United States Navy appointed as director shall be nominated for the grade of Admiral. A civilian serving as director shall be compensated at a rate to be specified at the time of appointment.

SEC. 5. Within the Department of Energy, the Secretary of Energy shall assign to the director the responsibility of performing the functions of the Division of Naval Reactors transferred to the Department of Energy by Section 309(a) of the Department of Energy Organization Act (42 U.S.C. 7158), including assigned civilian power reactor programs, and any naval nuclear propulsion functions of the Department of Energy, including:

(a) direct supervision over the Bettis and Knolls Atomic Power Laboratories, the Expanded Core Facility and naval reactor prototype plants;

(b) research, development, design, acquisition, specification, construction, inspection, installation, certification, testing, overhaul, refueling, operating practices and procedures, maintenance, supply support, and ultimate disposition, of naval nuclear propulsion plants, including components thereof, and any special maintenance and service facilities related thereto;

(c) the safety of reactors and associated naval [naval] nuclear propulsion plants, and control of radiation and radioactivity associated with naval nuclear propulsion activities, including prescribing and enforcing standards and regulations for these areas as they affect the environment and the safety and health of workers, operators, and the general public;

(d) training, including training conducted at the naval prototype reactors of the Department of Energy, and assistance and concurrence in the selection, training, qualification, and assignment of personnel reporting to the director and of personnel who supervise, operate, or maintain naval nuclear propulsion plants; and

(e) administration of the Naval Nuclear Propulsion Program, including oversight of program support in areas such as security, nuclear safeguards and transportation, public information, procurement, logistics and fiscal management.

SEC. 6. Within the Department of Energy, the director shall report to the Secretary of Energy, through the Assistant Secretary assigned nuclear energy functions and shall serve as a Deputy Assistant Secretary. The director shall have direct access to the Secretary of Energy and other senior officials in the Department of Energy concerning naval nuclear propulsion matters, and to all other personnel who supervise, operate or maintain naval nuclear propulsion plants and support facilities for the Department of Energy.

SEC. 7. Within the Department of the Navy, the Secretary of the Navy shall assign to the director responsibility to supervise all technical aspects of the Navy's nuclear propulsion work, including:

(a) research, development, design, procurement, specification, construction, inspection, installation, certification, testing, overhaul, refueling, operating practices and procedures, maintenance, supply support, and ultimate disposition, of naval nuclear propulsion plants, including components thereof, and any special maintenance and service facilities related thereto; and

(b) training programs, including Nuclear Power Schools of the Navy, and assistance and concurrence in the selection, training, qualification, and assignment of personnel reporting to the director and of Government personnel who supervise, operate, or maintain naval nuclear propulsion plants.

SEC. 8. Within the Department of the Navy, the Secretary of the Navy shall assign to the director responsibility within the Navy for:

(a) the safety of reactors and associated naval nuclear propulsion plants, and control of radiation and radioactivity associated with naval nuclear propulsion activities, including prescribing and enforcing standards and regulations for these areas as they affect the

environment and the safety and health of workers, operators, and the general public.

(b) administration of the Naval Nuclear Propulsion Program, including oversight of program support in areas such as security, nuclear safeguards and transportation, public information, procurement, logistics, and fiscal management.

SEC. 9. In addition to any other organizational assignments within the Department of the Navy, the director shall report directly to the Chief of Naval Operations. The director shall have direct access to the Secretary of the Navy and other senior officials in the Department of the Navy concerning naval nuclear propulsion matters, and to all other Government personnel who supervise, operate, or maintain naval nuclear propulsion plants and support facilities.

SEC. 10. This Order is effective on February 1, 1982.

RONALD REAGAN.

§ 2512. Management structure for nuclear security enterprise

(a) In general

The Administrator shall establish a management structure for the nuclear security enterprise in accordance with the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.).

(b) National Nuclear Security Administration Council

(1) The Administrator shall establish a council to be known as the "National Nuclear Security Administration Council". The Council may advise the Administrator on—

(A) scientific and technical issues relating to policy matters;

(B) operational concerns;

(C) strategic planning;

(D) the development of priorities relating to the mission and operations of the Administration and the nuclear security enterprise; and

(E) such other matters as the Administrator determines appropriate.

(2) The Council shall be composed of the directors of the national security laboratories and the nuclear weapons production facilities.

(3) The Council may provide the Administrator or the Secretary of Energy recommendations—

(A) for improving the governance, management, effectiveness, and efficiency of the Administration; and

(B) relating to any other matter in accordance with paragraph (1).

(4) Not later than 60 days after the date on which any recommendation under paragraph (3) is received, the Administrator or the Secretary, as the case may be, shall respond to the Council with respect to whether such recommendation will be implemented and the reasoning for implementing or not implementing such recommendation.

(Pub. L. 107-314, div. D, title XLI, § 4102, formerly Pub. L. 104-201, div. C, title XXXI, § 3140, Sept. 23, 1996, 110 Stat. 2833; renumbered Pub. L. 107-314, div. D, title XLI, § 4102, and amended Pub. L. 108-136, div. C, title XXXI, § 3141(d)(3), Nov. 24, 2003, 117 Stat. 1757; Pub. L. 112-239, div. C, title XXXI, § 3113(a), Jan. 2, 2013, 126 Stat. 2169; Pub. L. 113-291, div. C, title XXXI, § 3142(b), Dec. 19, 2014, 128 Stat. 3900.)