

agent specified in subsection (a) shall submit to the Secretary a report on the advice provided by the owner's agent to the Secretary under that subsection with respect to oversight of the contract described in subsection (b).

**(2) Elements**

The report required by paragraph (1) shall include the following:

(A) Information on the status of, and the plan for resolving, each unreviewed safety question at each facility covered by the contract described in subsection (b).

(B) An identification of each instance of disagreement between the owner's agent and the contractor with respect to whether an unreviewed safety question exists and the plan for resolution of the disagreement.

(C) An identification of each aspect of each preliminary documented safety analysis that is not current, the plan for making that aspect current, and the status of the corrective efforts.

(D) Information on the status of, and the plan for resolving, each unresolved technical issue at each facility covered by the contract, and the status of corrective efforts.

**(3) Submission to Congress**

The Secretary shall transmit to the congressional defense committees the report required by paragraph (1) and any views of the Secretary with respect to the report.

**(e) Report on selection of the owner's agent**

Not later than 30 days after the selection of the owner's agent under subsection (a), the Secretary shall submit to the congressional defense committees a report on the process used to select the owner's agent to ensure that the owner's agent does not have a conflict of interest.

**(f) Definitions**

In this section:

(1) The term "contractor" means Bechtel National, Inc.

(2) The term "current", with respect to a documented safety analysis, means that the documented safety analysis includes any design changes approved by the contractor and any safety evaluation reports issued by the Secretary with respect to the facility covered by the analysis before the date that is 60 days before the date of the analysis.

(3) The terms "documented safety analysis", "safety evaluation report", and "unreviewed safety question" have the meanings given those terms in section 830.3 of title 10, Code of Federal Regulations (or any corresponding similar ruling or regulation).

(4) The term "owner's agent" means a private third-party entity with nuclear safety management expertise.

(Pub. L. 107-314, div. D, title XLIV, § 4446, as added Pub. L. 114-92, div. C, title XXXI, § 3116(a), Nov. 25, 2015, 129 Stat. 1194.)

PART D—SAVANNAH RIVER SITE, SOUTH CAROLINA

PRIOR PROVISIONS

A prior part D, consisting of sections 2621 to 2625, was redesignated part C of this subchapter by Pub. L.

113-66, div. C, title XXXI, § 3146(e)(16)(C), 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 E as D.

**§ 2631. Accelerated schedule for isolating high-level nuclear waste at the Defense Waste Processing Facility, Savannah River Site**

The Secretary of Energy shall accelerate the schedule for the isolation of high-level nuclear waste in glass canisters at the Defense Waste Processing Facility at the Savannah River Site, South Carolina, if the Secretary determines that the acceleration of such schedule—

(1) will achieve long-term cost savings to the Federal Government; and

(2) could accelerate the removal and isolation of high-level nuclear waste from long-term storage tanks at the site.

(Pub. L. 107-314, div. D, title XLIV, § 4451, formerly Pub. L. 104-201, div. C, title XXXI, § 3141, Sept. 23, 1996, 110 Stat. 2834; renumbered Pub. L. 107-314, div. D, title XLIV, § 4451, by Pub. L. 108-136, div. C, title XXXI, § 3141(g)(21), Nov. 24, 2003, 117 Stat. 1769.)

**§ 2632. Multi-year plan for clean-up**

The Secretary of Energy shall develop and implement a multi-year plan for the clean-up of nuclear waste at the Savannah River Site that results, or has resulted, from the following:

(1) Nuclear weapons activities carried out at the site.

(2) The processing, treating, packaging, and disposal of Department of Energy domestic and foreign spent nuclear fuel rods at the site.

(Pub. L. 107-314, div. D, title XLIV, § 4452, formerly Pub. L. 104-201, div. C, title XXXI, § 3142(e), Sept. 23, 1996, 110 Stat. 2836; renumbered Pub. L. 107-314, div. D, title XLIV, § 4452, by Pub. L. 108-136, div. C, title XXXI, § 3141(g)(22), Nov. 24, 2003, 117 Stat. 1769.)

AMENDMENTS

2003—Pub. L. 108-136, § 3141(g)(22)(C), inserted section catchline, struck out former subsec. heading, and inserted in text "of Energy" after "The Secretary".

**§ 2633. Continuation of processing, treatment, and disposal of legacy nuclear materials**

The Secretary of Energy shall continue operations and maintain a high state of readiness at the H-canyon facility at the Savannah River Site, Aiken, South Carolina, and shall provide technical staff necessary to operate and so maintain such facility.

(Pub. L. 107-314, div. D, title XLIV, § 4453, formerly Pub. L. 106-398, § 1 [div. C, title XXXI, § 3137(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-460; renumbered Pub. L. 107-314, div. D, title XLIV, § 4453, and amended Pub. L. 108-136, div. C, title XXXI, §§ 3115(a), 3141(g)(23)(A), Nov. 24, 2003, 117 Stat. 1745, 1769.)

AMENDMENTS

2003—Pub. L. 108-136, § 3141(g)(23)(A)(iii), inserted section catchline and struck out former subsec. heading.

Pub. L. 108-136, § 3115(a), substituted "H-canyon facility" for "F-canyon and H-canyon facilities" and "such facility" for "such facilities".

**§§ 2634 to 2637. Repealed. Pub. L. 113–66, div. C, title XXXI, § 3146(e)(15), Dec. 26, 2013, 127 Stat. 1078**

Section 2634, Pub. L. 107–314, div. D, title XLIV, § 4453A, formerly Pub. L. 106–65, div. C, title XXXI, § 3132, Oct. 5, 1999, 113 Stat. 925; renumbered Pub. L. 107–314, div. D, title XLIV, § 4453A, by Pub. L. 108–136, div. C, title XXXI, § 3141(g)(23)(B), Nov. 24, 2003, 117 Stat. 1769, related to continuation of processing, treatment, and disposition of legacy nuclear materials.

Section 2635, Pub. L. 107–314, div. D, title XLIV, § 4453B, formerly Pub. L. 105–261, div. C, title XXXI, § 3135, Oct. 17, 1998, 112 Stat. 2248; renumbered Pub. L. 107–314, div. D, title XLIV, § 4453B, by Pub. L. 108–136, div. C, title XXXI, § 3141(g)(23)(C), Nov. 24, 2003, 117 Stat. 1770, related to continuation of processing, treatment, and disposition of legacy nuclear materials.

Section 2636, Pub. L. 107–314, div. D, title XLIV, § 4453C, formerly Pub. L. 105–85, div. C, title XXXI, § 3136(b), Nov. 18, 1997, 111 Stat. 2038; renumbered Pub. L. 107–314, div. D, title XLIV, § 4453C, by Pub. L. 108–136, div. C, title XXXI, § 3141(g)(23)(D), Nov. 24, 2003, 117 Stat. 1770, related to continuation of processing, treatment, and disposal of legacy nuclear materials.

Section 2637, Pub. L. 107–314, div. D, title XLIV, § 4453D, formerly Pub. L. 104–201, div. C, title XXXI, § 3142(f), Sept. 23, 1996, 110 Stat. 2836; renumbered Pub. L. 107–314, div. D, title XLIV, § 4453D, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(g)(23)(E), Nov. 24, 2003, 117 Stat. 1770, related to continuation of processing, treatment, and disposal of legacy nuclear materials.

**§ 2638. Limitation on use of funds for decommissioning F-canyon facility**

No amounts authorized to be appropriated or otherwise made available for the Department of Energy by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) or any other Act may be obligated or expended for purposes of commencing the decommissioning of the F-canyon facility at the Savannah River Site until the Secretary of Energy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, and the Defense Nuclear Facilities Safety Board, a report setting forth—

(1) an assessment of whether or not all materials present in the F-canyon facility as of the date of the report that required stabilization have been safely stabilized as of that date;

(2) an assessment of whether or not the requirements applicable to the F-canyon facility to meet the future needs of the United States for fissile materials disposition can be met through full use of the H-canyon facility at the Savannah River Site; and

(3) if it appears that one or more of the requirements described in paragraph (2) cannot be met through full use of the H-canyon facility—

(A) an identification by the Secretary of each such requirement that cannot be met through full use of the H-canyon facility; and

(B) for each requirement so identified, the reasons why such requirement cannot be met through full use of the H-canyon facility and a description of the alternative capability for fissile materials disposition that is needed to meet such requirement.

(Pub. L. 107–314, div. D, title XLIV, § 4454, formerly Pub. L. 106–398, § 1 [div. C, title XXXI, § 3137(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–460; renumbered Pub. L. 107–314, div. D, title XLIV, § 4454, and amended Pub. L. 108–136, div. C, title XXXI, §§ 3115(b), 3141(g)(24), Nov. 24, 2003, 117 Stat. 1745, 1770; Pub. L. 113–291, div. C, title XXXI, § 3142(i), Dec. 19, 2014, 128 Stat. 3900.)

REFERENCES IN TEXT

The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, referred to in text, is Pub. L. 106–398, § 1 [H.R. 5408], Oct. 30, 2000, 114 Stat. 1654, 1654A–1, as amended. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2014—Pars. (1), (2). Pub. L. 113–291 inserted “of” after “assessment”.

2003—Pub. L. 108–136, § 3141(g)(24)(C), inserted section catchline, struck out former subsec. heading, and, in introductory provisions, substituted “the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) or any other Act” for “this or any other Act” and “the Secretary of Energy” for “the Secretary”.

Pub. L. 108–136, § 3115(b)(2), substituted “a report setting forth—” and pars. (1) to (3) for “the following:” and former pars. (1) to (3) which contained somewhat similar provisions.

Pub. L. 108–136, § 3115(b)(1), in introductory provisions, substituted “submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, and the Defense Nuclear Facilities Safety Board,” for “and the Defense Nuclear Facilities Safety Board jointly submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives”.

SUBCHAPTER V—SAFEGUARDS AND SECURITY MATTERS

PART A—SAFEGUARDS AND SECURITY

**§ 2651. Prohibition on international inspections of Department of Energy facilities unless protection of Restricted Data is certified**

**(a) Prohibition on inspections**

The Secretary of Energy may not allow an inspection of a national security laboratory or nuclear weapons production facility by the International Atomic Energy Agency until the Secretary certifies to Congress that no Restricted Data will be revealed during such inspection.

**(b) Omitted**

(Pub. L. 107–314, div. D, title XLV, § 4501, formerly Pub. L. 104–106, div. C, title XXXI, § 3154, Feb. 10, 1996, 110 Stat. 624; renumbered Pub. L. 107–314, div. D, title XLV, § 4501, and amended Pub. L. 108–136, div. C, title XXXI, § 3141(h)(2), Nov. 24, 2003, 117 Stat. 1771; Pub. L. 112–239, div. C, title XXXI, § 3131(j), Jan. 2, 2013, 126 Stat. 2182; Pub. L. 113–66, div. C, title XXXI, § 3146(a)(2)(F), Dec. 26, 2013, 127 Stat. 1073; Pub. L. 113–291, div. C, title XXXI, § 3142(j), Dec. 19, 2014, 128 Stat. 3900.)

CODIFICATION

Section is comprised of section 4501 of Pub. L. 107–314. Subsec. (b) of section 4501 of Pub. L. 107–314 amended provisions set out as a note under section 2153 of Title 42, The Public Health and Welfare.