

(2) environmental restoration of inactive defense waste disposal sites.

(b) Definitions

As used in this section:

(1) The term “defense waste” means waste, including radioactive waste, resulting primarily from atomic energy defense activities of the Department of Energy.

(2) The term “inactive defense waste disposal site” means any site (including any facility) under the control or jurisdiction of the Secretary of Energy which is used for the disposal of defense waste and is closed to the disposal of additional defense waste, including any site that is subject to decontamination and decommissioning.

(Pub. L. 107-314, div. D, title XLIV, §4406, formerly Pub. L. 101-189, div. C, title XXXI, §3141, Nov. 29, 1989, 103 Stat. 1679; Pub. L. 105-85, div. C, title XXXI, §3152(g), Nov. 18, 1997, 111 Stat. 2042; renumbered Pub. L. 107-314, div. D, title XLIV, §4406, and amended Pub. L. 108-136, div. C, title XXXI, §3141(g)(7), Nov. 24, 2003, 117 Stat. 1765; Pub. L. 113-66, div. C, title XXXI, §3146(e)(7), Dec. 26, 2013, 127 Stat. 1077; Pub. L. 113-291, div. C, title XXXI, §3142(g), Dec. 19, 2014, 128 Stat. 3900.)

CODIFICATION

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

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-291 substituted “useful for—” for “useful for” before par. (1) designation and “; and” for “, and” at end of par. (1) and realigned margins of pars. (1) and (2).

2013—Pub. L. 113-66, §3146(e)(7)(A), substituted “environmental” for “waste” in section catchline.

Subsecs. (b), (c). Pub. L. 113-66, §3146(e)(7)(B), (C), which directed amendment of section by striking subsecs. (b) and (c) and redesignating subsec. (d) as (b), was executed by striking subsec. (b), which related to coordination of research activities, and redesignating subsec. (c) as (b) to reflect the probable intent of Congress and the amendment by Pub. L. 105-85, §3152(g), which redesignated former subsec. (d) as (c). See 1997 Amendment note below.

2003—Pub. L. 108-136, §3141(g)(7)(D), made technical amendment to section catchline.

1997—Subsecs. (c), (d). Pub. L. 105-85 redesignated subsec. (d) as (c) and struck out former subsec. (c) which required Secretary of Energy to submit to Congress not later than Apr. 1 each year a report on research activities of Department of Energy for development of technologies referred to in subsec. (a).

§ 2587. Report on defense environmental cleanup expenditures

Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31), the Secretary of Energy shall submit to Congress a report on how the defense environmental cleanup funds of the Department of Energy were expended during the fiscal year preceding the fiscal year during which the budget is submitted. The report shall include details on expenditures by operations office, installation, budget category, and activity. The report also shall include any schedule changes or modifications to

planned activities for the fiscal year in which the budget is submitted.

(Pub. L. 107-314, div. D, title XLIV, §4407, formerly Pub. L. 101-510, div. C, title XXXI, §3134, Nov. 5, 1990, 104 Stat. 1833; renumbered Pub. L. 107-314, div. D, title XLIV, §4407, and amended Pub. L. 108-136, div. C, title XXXI, §3141(g)(8), Nov. 24, 2003, 117 Stat. 1765; Pub. L. 113-66, div. C, title XXXI, §3146(e)(8), Dec. 26, 2013, 127 Stat. 1077.)

CODIFICATION

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

AMENDMENTS

2013—Pub. L. 113-66 substituted “defense environmental cleanup” for “environmental restoration” in section catchline and “defense environmental cleanup funds” for “environmental restoration and waste management funds for defense activities” in text.

2003—Pub. L. 108-136, §3141(g)(8)(D), made technical amendment to section catchline.

§ 2588. Public participation in planning for defense environmental cleanup

The Secretary of Energy shall consult with the Administrator of the Environmental Protection Agency, the Attorney General, Governors and attorneys general of affected States, appropriate representatives of affected Indian tribes, and interested members of the public in any planning conducted by the Secretary for defense environmental cleanup activities at Department of Energy defense nuclear facilities.

(Pub. L. 107-314, div. D, title XLIV, §4408, formerly Pub. L. 103-337, div. C, title XXXI, §3160(e), Oct. 5, 1994, 108 Stat. 3095; renumbered Pub. L. 107-314, div. D, title XLIV, §4408, and amended Pub. L. 108-136, div. C, title XXXI, §3141(g)(9), Nov. 24, 2003, 117 Stat. 1765; Pub. L. 113-66, div. C, title XXXI, §3146(e)(9), Dec. 26, 2013, 127 Stat. 1077.)

CODIFICATION

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

AMENDMENTS

2013—Pub. L. 113-66 substituted “defense environmental cleanup” for “environmental restoration and waste management at defense nuclear facilities” in section catchline and substituted “attorneys general” for “Attorneys General” and “defense environmental cleanup activities” for “environmental restoration and waste management” in text.

2003—Pub. L. 108-136, §3141(g)(9)(C), substituted “Public participation in planning for environmental restoration and waste management at defense nuclear facilities” for “Public participation in planning” in section catchline.

§ 2589. Policy of Department of Energy regarding future defense environmental management matters

(a) Policy required

(1) Commencing not later than October 1, 2005, the Secretary of Energy shall have in effect a policy for carrying out future defense environmental management matters of the Department

of Energy. The policy shall specify each officer within the Department with responsibilities for carrying out that policy and, for each such officer, the nature and extent of those responsibilities.

(2) In paragraph (1), the term “future defense environmental management matter” means any environmental cleanup project, decontamination and decommissioning project, waste management project, or related activity that arises out of the activities of the Department in carrying out programs necessary for national security and is to be commenced after November 24, 2003. However, such term does not include any such project or activity the responsibility for which has been assigned, as of November 24, 2003, to the Environmental Management program of the Department.

(b) Reflection in budget

For fiscal year 2006 and each fiscal year thereafter, the Secretary shall ensure that the budget justification materials submitted to Congress in support of the Department of Energy budget for such fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) reflect the policy required by subsection (a).

(c) Consultation

The Secretary shall carry out this section in consultation with the Administrator for Nuclear Security and the Under Secretary of Energy for Energy, Science, and Environment.

(d) Report

The Secretary shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2005 (as submitted with the budget of the President under section 1105(a) of title 31) a report on the policy that the Secretary plans to have in effect under subsection (a) as of October 1, 2005. The report shall specify the officers and responsibilities referred to in subsection (a).

(Pub. L. 108-136, div. C, title XXXI, §3132, Nov. 24, 2003, 117 Stat. 1750.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2004, and not as part of the Atomic Energy Defense Act which comprises this chapter.

PART B—CLOSURE OF FACILITIES

§ 2601. Repealed. Pub. L. 113-66, div. C, title XXXI, §3146(e)(10), Dec. 26, 2013, 127 Stat. 1077

Section, Pub. L. 107-314, div. D, title XLIV, §4421, formerly Pub. L. 104-201, div. C, title XXXI, §3143, Sept. 23, 1996, 110 Stat. 2836; renumbered Pub. L. 107-314, div. D, title XLIV, §4421, and amended Pub. L. 108-136, div. C, title XXXI, §3141(g)(11), Nov. 24, 2003, 117 Stat. 1766, related to projects to accelerate closure activities at defense nuclear facilities.

§ 2602. Reports in connection with permanent closures of Department of Energy defense nuclear facilities

(a) Training and job placement services plan

Not later than 120 days before a Department of Energy defense nuclear facility permanently

ceases all production and processing operations, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a discussion of the training and job placement services needed to enable the employees at such facility to obtain employment in the defense environmental cleanup activities at such facility. The discussion shall include the actions that should be taken by the contractor operating and managing such facility to provide retraining and job placement services to employees of such contractor.

(b) Closure report

Upon the permanent cessation of production operations at a Department of Energy defense nuclear facility, the Secretary of Energy shall submit to Congress a report containing—

- (1) a complete survey of environmental problems at the facility;
- (2) budget quality data indicating the cost of defense environmental cleanup activities at the facility; and
- (3) a discussion of the proposed cleanup schedule.

(Pub. L. 107-314, div. D, title XLIV, §4422, formerly Pub. L. 101-189, div. C, title XXXI, §3156, Nov. 29, 1989, 103 Stat. 1683; renumbered Pub. L. 107-314, div. D, title XLIV, §4422, and amended Pub. L. 108-136, div. C, title XXXI, §3141(g)(12), Nov. 24, 2003, 117 Stat. 1766; Pub. L. 113-66, div. C, title XXXI, §3146(a)(2)(E), (e)(11), Dec. 26, 2013, 127 Stat. 1073, 1077.)

CODIFICATION

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

PRIOR PROVISIONS

A prior section 2611, Pub. L. 107-314, div. D, title XLIV, §4431, formerly Pub. L. 105-85, div. C, title XXXI, §3132, Nov. 18, 1997, 111 Stat. 2034; renumbered Pub. L. 107-314, div. D, title XLIV, §4431, and amended Pub. L. 108-136, div. C, title XXXI, §3141(g)(14), Nov. 24, 2003, 117 Stat. 1767, related to defense environmental management privatization projects, prior to repeal by Pub. L. 113-66, div. C, title XXXI, §3146(e)(12), Dec. 26, 2013, 127 Stat. 1078.

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-66, §3146(e)(11)(A), substituted “shall submit” for “must submit” and “defense environmental cleanup” for “environmental remediation and cleanup”.

Pub. L. 113-66, §3146(a)(2)(E), struck out “(as defined in section 2286g of title 42)” after “defense nuclear facility”.

Subsec. (b)(2). Pub. L. 113-66, §3146(e)(11)(B), substituted “defense environmental cleanup activities” for “environmental restoration and other remediation and cleanup efforts”.

2003—Pub. L. 108-136, §3141(g)(12)(D), made technical amendment to section catchline.

DEFENSE SITE ACCELERATION COMPLETION

Pub. L. 108-375, div. C, title XXXI, §3116, Oct. 28, 2004, 118 Stat. 2162, provided that:

“(a) IN GENERAL.—Notwithstanding the provisions of the Nuclear Waste Policy Act of 1982 [42 U.S.C. 10101 et seq.], the requirements of section 202 of the Energy Reorganization Act of 1974 [42 U.S.C. 5842], and other laws that define classes of radioactive waste, with respect to