

commissioning based on the potential to reduce risks to human health, property, or the environment and to maximize cost savings.

(2) An assessment of the life cycle costs of each nonoperational defense nuclear facility during the period beginning on the date on which the plan is submitted under subsection (d) and ending on the earlier of—

(A) the date that is 25 years after the date on which the plan is submitted; or

(B) the estimated date for deactivation and decommissioning of the facility.

(3) An estimate of the cost and time needed to deactivate and decommission each nonoperational defense nuclear facility.

(4) A schedule for when the Office of Environmental Management will accept each nonoperational defense nuclear facility for deactivation and decommissioning.

(5) An estimate of costs that could be avoided by—

(A) accelerating the cleanup of nonoperational defense nuclear facilities; or

(B) other means, such as reusing such facilities for another purpose.

(c) Plan for transfer of responsibility for certain facilities

The Secretary shall, during 2016, develop and subsequently carry out a plan under which the Administrator shall transfer, by March 31, 2019, to the Assistant Secretary for Environmental Management the responsibility for decontaminating and decommissioning facilities of the Administration that the Secretary determines—

(1) are nonoperational as of September 30, 2015; and

(2) meet the requirements of the Office of Environmental Management for such transfer.

(d) Submission to Congress

Not later than March 31 of each even-numbered year beginning in 2016, the Secretary shall submit to the appropriate congressional committees a report that includes—

(1) the plan required by subsection (a);

(2) a description of the deactivation and decommissioning actions expected to be taken during the following fiscal year pursuant to the plan;

(3) in the case of the report submitting¹ during 2016, the plan required by subsection (c); and

(4) in the case of a report submitted during 2018 or any year thereafter, a description of the deactivation and decommissioning actions taken at each nonoperational defense nuclear facility during the preceding fiscal year.

(e) Termination

The requirements of this section shall terminate after the submission to the appropriate congressional committees of the report required by subsection (d) to be submitted not later than March 31, 2026.

(f) Definitions

In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) The term “life cycle costs”, with respect to a facility, means—

(A) the present and future costs of all resources and associated cost elements required to develop, produce, deploy, or sustain the facility; and

(B) the present and future costs to deactivate, decommission, and deconstruct the facility.

(3) The term “nonoperational defense nuclear facility” means a production facility or utilization facility (as those terms are defined in section 2014 of title 42) under the control or jurisdiction of the Secretary of Energy and operated for national security purposes that is no longer needed for the mission of the Department of Energy, including the National Nuclear Security Administration.

(Pub. L. 107–314, div. D, title XLIV, §4423, as added Pub. L. 114–92, div. C, title XXXI, §3133(a), Nov. 25, 2015, 129 Stat. 1205.)

PART C—HANFORD RESERVATION, WASHINGTON

CODIFICATION

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

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.

§ 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 sub-

¹ So in original. Probably should be “submitted”.

section (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.

(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; Pub. L. 113-291, div. C, title XXXI, §3142(h), Dec. 19, 2014, 128 Stat. 3900.)

AMENDMENTS

2014—Subsec. (d). Pub. L. 113-291 struck out subsec. (d). Text read as follows: “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.”

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, 2024. 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; Pub. L. 115-232, div. C, title XXXI, §3118, Aug. 13, 2018, 132 Stat. 2292.)

AMENDMENTS

2018—Subsec. (e). Pub. L. 115-232 substituted “2024” for “2019”.

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).”