

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 carry out the responsibilities specified in subsection (b)(2)” for “to manage the tank waste privatization program at Hanford in an efficient and streamlined manner”.

Subsec. (d). Pub. L. 106-398, §1 [div. C, title XXXI, §3141(d)], amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committees on Commerce and on National Security of the House of Representatives an integrated management plan for all aspects of the Hanford Tank Farm operations, including the roles, responsibilities, and reporting relationships of the Office.”

§ 2623. River Protection Project

The tank waste remediation system environmental project, Richland, Washington, including all programs relating to the retrieval and treatment of tank waste at the site at Hanford, Washington, under the management of the Office of River Protection, shall be known and designated as the “River Protection Project”. Any reference to that project in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the River Protection Project.

(Pub. L. 107-314, div. D, title XLIV, §4443, formerly Pub. L. 106-398, §1 [div. C, title XXXI, §3141(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-462; renumbered Pub. L. 107-314, div. D, title XLIV, §4443, and amended Pub. L. 108-136, div. C, title XXXI, §3141(g)(18), Nov. 24, 2003, 117 Stat. 1768.)

AMENDMENTS

2003—Pub. L. 108-136, §3141(g)(18)(C), inserted section catchline and struck out former subsec. heading.

§ 2624. Funding for termination costs of River Protection Project, Richland, Washington

The Secretary of Energy may not use appropriated funds to establish a reserve for the payment of any costs of termination of any contract relating to the River Protection Project, Richland, Washington (as designated by section 2623 of this title), that is terminated after October 30, 2000. Such costs may be paid from—

- (1) appropriations originally available for the performance of the contract concerned;
- (2) appropriations currently available for privatization initiatives in carrying out defense environmental cleanup activities necessary for national security programs, and not otherwise obligated; or
- (3) funds appropriated specifically for the payment of such costs.

(Pub. L. 107-314, div. D, title XLIV, §4444, formerly Pub. L. 106-398, §1 [div. C, title XXXI, §3131], Oct. 30, 2000, 114 Stat. 1654, 1654A-454; renumbered Pub. L. 107-314, div. D, title XLIV,

§4444, and amended Pub. L. 108-136, div. C, title XXXI, §3141(g)(19), Nov. 24, 2003, 117 Stat. 1768; Pub. L. 113-66, div. C, title XXXI, §3146(e)(14), Dec. 26, 2013, 127 Stat. 1078.)

AMENDMENTS

2013—Par. (2). Pub. L. 113-66 substituted “defense environmental cleanup” for “environmental restoration and waste management”.

2003—Pub. L. 108-136, §3141(g)(19)(D), in introductory provisions, substituted “section 2623 of this title” for “section 3141” and “October 30, 2000” for “the date of the enactment of this Act”.

§ 2625. Plan for tank farm waste at Hanford Nuclear Reservation

(a) Plan

Not later than June 1, 2014, the Secretary of Energy shall submit to the congressional defense committees a plan for the initial activities (as defined in subsection (d)) for the Waste Treatment and Immobilization Plant and any related, required infrastructure facilities.

(b) Matters included

The plan under subsection (a) shall include the following:

- (1) A list of significant requirements needed for the initial activities.
- (2) A schedule of significant activities needed to carry out the initial activities.
- (3) Actions required to accelerate, to the extent possible, the treatment of lower risk, low-activity waste while continuing efforts to resolve the technical challenges associated with higher risk, high-activity waste.
- (4) A description of how the Secretary will—
 - (A) provide adequate protection to workers and the public under the plan; and
 - (B) incorporate into the plan any significant new science and technical information that was not available before the development of the plan.

(c) Determinations

(1) For each significant requirement identified by the Secretary under subsection (b)(1), the Secretary shall include in the plan submitted under subsection (a) a determination regarding whether such requirement is finalized and will be used to inform the initial activities.

(2) For each significant requirement that the Secretary cannot make a finalized determination for under paragraph (1) by the date on which the plan under subsection (a) is submitted to the congressional defense committees, the Secretary shall—

- (A) include in the plan—
 - (i) a description of the requirement;
 - (ii) a list of significant activities required to finalize the requirement; and
 - (iii) the date on which the Secretary anticipates making such determination; and

(B) once the Secretary makes a determination that such a significant requirement is finalized, submit to such committees notification that the requirement is finalized and will be used to inform the initial activities.

(3)(A) Notwithstanding any determination made under paragraph (1) with respect to a significant requirement identified by the Secretary under subsection (b)(1)—

(i) the Secretary shall change a requirement if necessary to provide adequate protection to workers and the public; and

(ii) the Secretary may change a requirement if the Secretary determines such change is necessary.

(B) If the Secretary authorizes a change to a requirement under subparagraph (A) that will have a significant material effect on the schedule or cost of the initial activities, the Secretary shall promptly notify the congressional defense committees of such change.

(C) The authority of the Secretary under this paragraph may be delegated only to the Deputy Secretary of Energy.

(d) Initial activities defined

In this section, the term “initial activities” means activities necessary to start the operations of the Waste Treatment and Immobilization Plant at the Hanford Tank Farms of the Hanford Nuclear Reservation, Richland, Washington, with respect to the design, construction, and operating of the Waste Treatment and Immobilization Plant and any related, required infrastructure facilities.

(Pub. L. 107-314, div. D, title XLIV, §4445, as added Pub. L. 113-66, div. C, title XXXI, §3127(a), Dec. 26, 2013, 127 Stat. 1064.)

§ 2626. Hanford Waste Treatment and Immobilization Plant contract oversight

(a) In general

Not later than 180 days after November 25, 2015, the Secretary of Energy shall arrange to have an owner’s agent advise the Secretary in carrying out the oversight responsibilities of the Secretary with respect to the contract described in subsection (b).

(b) Contract described

The contract described in this subsection is the contract between the Office of River Protection of the Department of Energy and Bechtel National, Inc., or its successor relating to the Hanford Waste Treatment and Immobilization Plant (contract number DE-AC27-01RV14136).

(c) Duties

The duties of the owner’s agent under subsection (a) shall include advising the Secretary with respect to the following:

(1) Performing design, construction, nuclear safety, and operability oversight of each facility covered by the contract described in subsection (b).

(2) Beginning not later than one year after November 25, 2015, ensuring that the preliminary documented safety analyses for all facilities covered by the contract meet the requirements of all applicable Department of Energy regulations and guidance, including section 830.206 of title 10, Code of Federal Regulations, and the Department of Energy Standard on the Integration of Safety into the Design Process (DOE-STD-1189-2008).

(3) Ensuring that, until the Secretary approves the documented safety analysis for each facility covered by the contract, the contractor ensures that each preliminary documented safety analysis is current.

(4) Ensuring that the contractor acts to promptly resolve any unreviewed safety questions.

(d) 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.

(e) 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; Pub. L. 115-232, div. C, title XXXI, §3137(a), Aug. 13, 2018, 132 Stat. 2303.)

AMENDMENTS

2018—Subsecs. (d) to (f). Pub. L. 115-232 redesignated subsecs. (e) and (f) as (d) and (e), respectively, and struck out former subsec. (d) which related to report on activities of owner’s agent.

§ 2627. Notification regarding air release of radioactive or hazardous material

If the Secretary of Energy (or a designee of the Secretary) is notified of an improper release into the air of radioactive or hazardous material above applicable statutory or regulatory limits that resulted from waste generated by atomic energy defense activities at the Hanford Nuclear Reservation, Richland, Washington, the Secretary (or designee of the Secretary) shall—

(1) not later than two business days after being notified of the release, notify the congressional defense committees of the release; and

(2) not later than seven business days after being notified of the release, provide the congressional defense committees a briefing on the status of the release, including—

(A) the cause of the release, if known; and

(B) preliminary plans to address and remediate the release, including associated costs and timelines.

(Pub. L. 107-314, div. D, title XLIV, §4447, as added Pub. L. 115-232, div. C, title XXXI, §3115(a), Aug. 13, 2018, 132 Stat. 2291.)