

(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.)

PART D—SAVANNAH RIVER SITE, SOUTH
CAROLINA

CODIFICATION

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

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.

§ 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