

Subsec. (c)(3). Pub. L. 108-136, § 3141(i)(15)(D)(iii)(II), substituted “May 5, 1992,” for “18 months after the date of the enactment of this Act.”.

1994—Subsec. (d). Pub. L. 103-337 added subsec. (d).

§ 2735. Use of probabilistic risk assessment to ensure nuclear safety of facilities of the Administration and the Office of Environmental Management

(a) Nuclear safety at NNSA and DOE facilities

The Administrator and the Secretary of Energy shall ensure that the methods for assessing, certifying, and overseeing nuclear safety at the facilities specified in subsection (c) use national and international standards and nuclear industry best practices, including probabilistic or quantitative risk assessment if sufficient data exist.

(b) Adequate protection

The use of probabilistic or quantitative risk assessment under subsection (a) shall be to support, rather than replace, the requirement under section 2232 of title 42 that the utilization or production of special nuclear material will be in accordance with the common defense and security and will provide adequate protection to the health and safety of the public.

(c) Facilities specified

Subsection (a) shall apply—

(1) to the Administrator with respect to the national security laboratories and the nuclear weapons production facilities; and

(2) to the Secretary of Energy with respect to defense nuclear facilities of the Office of Environmental Management of the Department of Energy.

(Pub. L. 107-314, div. D, title XLVI, § 4645, as added Pub. L. 112-239, div. C, title XXXI, § 3161(a), Jan. 2, 2013, 126 Stat. 2203.)

§ 2736. Notification of nuclear criticality and non-nuclear incidents

(a) Notification

The Secretary of Energy or the Administrator, as the case may be, shall submit to the appropriate congressional committees a notification of a nuclear criticality incident resulting from a covered program that results in an injury or fatality or results in the shutdown, or partial shutdown, of a covered facility by not later than 15 days after the date of such incident.

(b) Elements of notification

Each notification submitted under subsection (a) shall include the following:

(1) A description of the incident, including the cause of the incident.

(2) In the case of a criticality incident, whether the incident caused a facility, or part of a facility, to be shut down.

(3) The effect, if any, on the mission of the Administration or the Office of Environmental Management of the Department of Energy.

(4) Any corrective action taken in response to the incident.

(c) Database

(1) The Secretary shall maintain a record of incidents described in paragraph (2).

(2) An incident described in this paragraph is any of the following incidents resulting from a covered program:

(A) A nuclear criticality incident that results in an injury or fatality or results in the shutdown, or partial shutdown, of a covered facility.

(B) A non-nuclear incident that results in serious bodily injury or fatality at a covered facility.

(d) Cooperation

In carrying out this section, the Secretary and the Administrator shall ensure that each management and operating contractor of a covered facility cooperates in a timely manner.

(e) Definitions

In this section:

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

(A) the congressional defense committees; and

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

(2) The term “covered facility” means—

(A) a facility of the nuclear security enterprise; and

(B) a facility conducting activities for the defense environmental cleanup program of the Office of Environmental Management of the Department of Energy.

(3) The term “covered program” means—

(A) programs of the Administration; and

(B) defense environmental cleanup programs of the Office of Environmental Management of the Department of Energy.

(Pub. L. 107-314, div. D, title XLVI, § 4646, as added Pub. L. 112-239, div. C, title XXXI, § 3142(a)(1), Jan. 2, 2013, 126 Stat. 2194; amended Pub. L. 113-66, div. C, title XXXI, § 3146(g)(13), Dec. 26, 2013, 127 Stat. 1080.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 113-66 substituted “Energy or” for “Energy and”.

SUBCHAPTER VII—BUDGET AND FINANCIAL MANAGEMENT MATTERS

PART A—RECURRING NATIONAL SECURITY AUTHORIZATION PROVISIONS

§ 2741. Definitions

In this part:

(1) The term “DOE national security authorization” means an authorization of appropriations for activities of the Department of Energy in carrying out programs necessary for national security.

(2) The term “minor construction threshold” means \$20,000,000.

(Pub. L. 107-314, div. D, title XLVII, § 4701, formerly div. C, title XXXVI, § 3620, Dec. 2, 2002, 116 Stat. 2756; renumbered div. D, title XLVII, § 4701, by Pub. L. 108-136, div. C, title XXXI, § 3141(j)(2)(A)–(C), Nov. 24, 2003, 117 Stat. 1781; Pub. L. 111-84, div. C, title XXXI, § 3118(a), (b),