

Nov. 24, 2003, 117 Stat. 1762; Pub. L. 112-239, div. C, title XXXI, §3131(i), Jan. 2, 2013, 126 Stat. 2182.)

AMENDMENTS

2013—Pub. L. 112-239 struck out subsec. (a) designation and heading “In general” and struck out subsec. (b), which limited funding to \$9,000,000 for activities under subsec. (a).

2003—Subsec. (b). Pub. L. 108-136, §3141(e)(19)(D), inserted “of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201)” after “section 3101”.

§ 2545. Procedures for meeting tritium production requirements

(a) Production of new tritium

The Secretary of Energy shall produce new tritium to meet the requirements of the Nuclear Weapons Stockpile Memorandum at the Tennessee Valley Authority Watts Bar or Sequoyah nuclear power plants consistent with the Secretary’s December 22, 1998, decision document designating the Secretary’s preferred tritium production technology.

(b) Support

To support the method of tritium production set forth in subsection (a), the Secretary shall design and construct a new tritium extraction facility in the H-Area of the Savannah River Site, Aiken, South Carolina.

(c) Design and engineering development

The Secretary shall—

(1) complete preliminary design and engineering development of the Accelerator Production of Tritium technology design as a backup source of tritium to the source set forth in subsection (a) and consistent with the Secretary’s December 22, 1998, decision document; and

(2) make available those funds necessary to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the system consistent with the Secretary’s decision document of December 22, 1998.

(Pub. L. 107-314, div. D, title XLII, §4235, formerly Pub. L. 106-65, div. C, title XXXI, §3134, Oct. 5, 1999, 113 Stat. 927; renumbered Pub. L. 107-314, div. D, title XLII, §4235, by Pub. L. 108-136, div. C, title XXXI, §3141(e)(20), Nov. 24, 2003, 117 Stat. 1762.)

SUBCHAPTER III—PROLIFERATION MATTERS

§ 2561. Repealed. Pub. L. 111-84, div. C, title XXXI, §3117(a), Oct. 28, 2009, 123 Stat. 2709

Section, Pub. L. 107-314, div. D, title XLIII, §4301, formerly Pub. L. 105-85, div. C, title XXXI, §3133, Nov. 18, 1997, 111 Stat. 2036; Pub. L. 105-261, div. A, title X, §1069(b)(3), div. C, title XXXI, §3131, Oct. 17, 1998, 112 Stat. 2136, 2246; renumbered Pub. L. 107-314, div. D, title XLIII, §4301, and amended Pub. L. 108-136, div. C, title XXXI, §3141(f)(2), Nov. 24, 2003, 117 Stat. 1762, related to international cooperative stockpile stewardship.

§ 2562. Repealed. Pub. L. 113-66, div. C, title XXXI, §3146(d)(1)(A), Dec. 26, 2013, 127 Stat. 1075

Section, Pub. L. 107-314, div. D, title XLIII, §4302, formerly Pub. L. 106-65, div. C, title XXXI, §3136, Oct. 5,

1999, 113 Stat. 927; renumbered Pub. L. 107-314, div. D, title XLIII, §4302, and amended Pub. L. 108-136, div. C, title XXXI, §3141(f)(3), Nov. 24, 2003, 117 Stat. 1762; Pub. L. 112-81, div. C, title XXXI, §3121(b), Dec. 31, 2011, 125 Stat. 1709; Pub. L. 112-239, div. C, title XXXI, §3131(bb)(1)(D), Jan. 2, 2013, 126 Stat. 2185, related to nonproliferation initiatives and activities.

§ 2563. Repealed. Pub. L. 115-91, div. C, title XXXI, §3133(a)(1), Dec. 12, 2017, 131 Stat. 1896

Section, Pub. L. 107-314, div. D, title XLIII, §4303, formerly Pub. L. 106-398, §1 [div. C, title XXXI, §3171], Oct. 30, 2000, 114 Stat. 1654, 1654A-475; Pub. L. 107-314, div. C, title XXXI, §3153, Dec. 2, 2002, 116 Stat. 2738; renumbered Pub. L. 107-314, div. D, title XLIII, §4303, and amended Pub. L. 108-136, div. C, title XXXI, §3141(f)(4), Nov. 24, 2003, 117 Stat. 1763, related to annual report on status of Nuclear Materials Protection, Control, and Accounting Program.

§ 2564. Repealed. Pub. L. 113-66, div. C, title XXXI, §3146(d)(2)(A), Dec. 26, 2013, 127 Stat. 1075

Section, Pub. L. 107-314, div. D, title XLIII, §4304, formerly Pub. L. 106-398, §1 [div. C, title XXXI, §3172], Oct. 30, 2000, 114 Stat. 1654, 1654A-476; renumbered Pub. L. 107-314, div. D, title XLIII, §4304, by Pub. L. 108-136, div. C, title XXXI, §3141(f)(5), Nov. 24, 2003, 117 Stat. 1763, related to the Nuclear Cities Initiative.

§ 2565. Authority to conduct program relating to fissile materials

The Secretary of Energy may conduct programs designed to improve the protection, control, and accountability of fissile materials in Russia.

(Pub. L. 107-314, div. D, title XLIII, §4305, formerly Pub. L. 104-106, div. C, title XXXI, §3131, Feb. 10, 1996, 110 Stat. 617; Pub. L. 107-314, div. C, title XXXI, §3152, Dec. 2, 2002, 116 Stat. 2738; renumbered Pub. L. 107-314, div. D, title XLIII, §4305, by Pub. L. 108-136, div. C, title XXXI, §3141(f)(6), Nov. 24, 2003, 117 Stat. 1763.)

CODIFICATION

Section was formerly set out as a note under section 5952 of Title 22, Foreign Relations and Intercourse, prior to renumbering by Pub. L. 108-136.

AMENDMENTS

2002—Pub. L. 107-314, §3152, struck out subsec. (a) designation and heading “Authority” and subsec. (b) heading and text. Prior to amendment, subsec. (b) related to semi-annual reports on obligations of funds.

COMPLETION OF MATERIAL PROTECTION, CONTROL, AND ACCOUNTING ACTIVITIES IN THE RUSSIAN FEDERATION

Pub. L. 113-291, div. C, title XXXI, §3122(b), Dec. 19, 2014, 128 Stat. 3894, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2) or specifically authorized by Congress, international material protection, control, and accounting activities in the Russian Federation shall be completed not later than fiscal year 2018.

“(2) EXCEPTION.—The limitation in paragraph (1) shall not apply to international material protection, control, and accounting activities in the Russian Federation associated with the Agreement Concerning the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation, signed at Moscow and Washington August 29 and September 1, 2000, and entered into force July 13, 2011 (TIAS 11-713.1), between the United States and the Russian Federation.”

§ 2566. Disposition of weapons-usable plutonium at Savannah River Site

(a) Plan for construction and operation of MOX facility

(1) Not later than February 1, 2003, the Secretary of Energy shall submit to Congress a plan for the construction and operation of the MOX facility at the Savannah River Site, Aiken, South Carolina.

(2) The plan under paragraph (1) shall include—

(A) a schedule for construction and operations so as to achieve, as of January 1, 2012, and thereafter, the MOX production objective, and to produce 1 metric ton of mixed-oxide fuel by December 31, 2012; and

(B) a schedule of operations of the MOX facility designed so that 34 metric tons of defense plutonium and defense plutonium materials at the Savannah River Site will be processed into mixed-oxide fuel by January 1, 2019.

(3)(A) Not later than February 15 each year, beginning in 2004 and continuing for as long as the MOX facility is in use, the Secretary shall submit to Congress a report on the implementation of the plan required by paragraph (1).

(B) Each report under subparagraph (A) for years before 2010 shall include—

(i) an assessment of compliance with the schedules included with the plan under paragraph (2); and

(ii) a certification by the Secretary whether or not the MOX production objective can be met by January 2012.

(C) Each report under subparagraph (A) for years after 2014 shall—

(i) address whether the MOX production objective has been met; and

(ii) assess progress toward meeting the obligations of the United States under the Plutonium Management and Disposition Agreement.

(D) Each report under subparagraph (A) for years after 2019 shall also include an assessment of compliance with the MOX production objective and, if not in compliance, the plan of the Secretary for achieving one of the following:

(i) Compliance with such objective.

(ii) Removal of all remaining defense plutonium and defense plutonium materials from the State of South Carolina.

(b) Corrective actions

(1) If a report under subsection (a)(3) indicates that construction or operation of the MOX facility is behind the applicable schedule under subsection (g) by 12 months or more, the Secretary shall submit to Congress, not later than August 15 of the year in which such report is submitted, a plan for corrective actions to be implemented by the Secretary to ensure that the MOX facility project is capable of meeting the MOX production objective.

(2) If a plan is submitted under paragraph (1) in any year after 2008, the plan shall include corrective actions to be implemented by the Secretary to ensure that the MOX production objective is met.

(3) Any plan for corrective actions under paragraph (1) or (2) shall include established mile-

stones under such plan for achieving compliance with the MOX production objective.

(4) If, before January 1, 2012, the Secretary determines that there is a substantial and material risk that the MOX production objective will not be achieved by 2012 because of a failure to achieve milestones set forth in the most recent corrective action plan under this subsection, the Secretary shall suspend further transfers of defense plutonium and defense plutonium materials to be processed by the MOX facility until such risk is addressed and the Secretary certifies that the MOX production objective can be met by 2012.

(5) If, after January 1, 2014, the Secretary determines that the MOX production objective has not been achieved because of a failure to achieve milestones set forth in the most recent corrective action plan under this subsection, the Secretary shall suspend further transfers of defense plutonium and defense plutonium materials to be processed by the MOX facility until the Secretary certifies that the MOX production objective can be met.

(6)(A) Upon making a determination under paragraph (4) or (5), the Secretary shall submit to Congress a report on the options for removing from the State of South Carolina an amount of defense plutonium or defense plutonium materials equal to the amount of defense plutonium or defense plutonium materials transferred to the State of South Carolina after April 15, 2002.

(B) Each report under subparagraph (A) shall include an analysis of each option set forth in the report, including the cost and schedule for implementation of such option, and any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) relating to consideration or selection of such option.

(C) Upon submittal of a report under subparagraph (A), the Secretary shall commence any analysis that may be required under the National Environmental Policy Act of 1969 in order to select among the options set forth in the report.

(c) Contingent requirement for removal of plutonium and materials from Savannah River Site

If the MOX production objective is not achieved as of January 1, 2014, the Secretary shall, consistent with the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and other applicable laws, remove from the State of South Carolina, for storage or disposal elsewhere—

(1) not later than January 1, 2016, not less than 1 metric ton of defense plutonium or defense plutonium materials; and

(2) not later than January 1, 2022, an amount of defense plutonium or defense plutonium materials equal to the amount of defense plutonium or defense plutonium materials transferred to the Savannah River Site between April 15, 2002, and January 1, 2022, but not processed by the MOX facility.

(d) Economic and impact assistance

(1) If the MOX production objective is not achieved as of January 1, 2016, the Secretary shall, subject to the availability of appropriations, pay to the State of South Carolina each