

50 USC Ch. 42: ATOMIC ENERGY DEFENSE PROVISIONS

From Title 50—WAR AND NATIONAL DEFENSE

CHAPTER 42—ATOMIC ENERGY DEFENSE PROVISIONS

Sec.

2501.

Definitions.

SUBCHAPTER I—ORGANIZATIONAL MATTERS

2511.

Naval Nuclear Propulsion Program.

2512.

Management structure for nuclear security enterprise.

2513.

Restriction on licensing requirement for certain defense activities and facilities.

2514.

Transferred.

2515.

Establishment of Center for Security Technology, Analysis, Response, and Testing.

SUBCHAPTER II—NUCLEAR WEAPONS STOCKPILE MATTERS

PART A—STOCKPILE STEWARDSHIP AND WEAPONS PRODUCTION

2521.

Stockpile stewardship program.

2522.

Stockpile stewardship criteria.

2523.

Nuclear weapons stockpile stewardship, management, and infrastructure plan.

2523a.

Repealed.

2523b.

Transferred.

2524.

Stockpile management program.

2524a.

Repealed.

2525.

Annual assessments and reports to the President and Congress regarding the condition of the United States nuclear weapons stockpile.

2526.

Form of certifications regarding the safety or reliability of the nuclear weapons stockpile.

2527.

Nuclear test ban readiness program.

2528, 2528a. Repealed.

2529.

Requirements for specific request for new or modified nuclear weapons.

2530.

Testing of nuclear weapons.

2531.

Repealed.

2532.

Manufacturing infrastructure for refabrication and certification of nuclear weapons stockpile.

2533.

Reports on critical difficulties at national security laboratories and nuclear weapons production facilities.

2534.

Repealed.

2535.
Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.
2536.
Reports on lifetime extension programs.
2537.
Selected Acquisition Reports and independent cost estimates on life extension programs and new nuclear facilities.
2538.
Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile.

PART B—TRITIUM

2541.
Tritium production program.
2542.
Tritium recycling.
2543.
Repealed.
2544.
Modernization and consolidation of tritium recycling facilities.
2545.
Procedures for meeting tritium production requirements.

SUBCHAPTER III—PROLIFERATION MATTERS

- 2561, 2562. Repealed.
2563.
Annual report on status of Nuclear Materials Protection, Control, and Accounting Program.
2564.
Repealed.
2565.
Authority to conduct program relating to fissile materials.
2566.
Disposition of weapons-usable plutonium at Savannah River Site.
2567.
Disposition of surplus defense plutonium at Savannah River Site, Aiken, South Carolina.
2569.
Acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
2570.
Silk Road Initiative.
2571.
Nuclear Nonproliferation Fellowships for scientists employed by United States and Russian Federation.
2572.
International agreements on nuclear weapons data.
2573.
International agreements on information on radioactive materials.
2574.
Enhancing nuclear forensics capabilities.

SUBCHAPTER IV—DEFENSE ENVIRONMENTAL CLEANUP MATTERS

PART A—DEFENSE ENVIRONMENTAL CLEANUP

2581.
Defense Environmental Cleanup Account.
2582.
Requirement to develop future use plans for defense environmental cleanup.
- 2582a.
Future-years defense environmental cleanup plan.
2583.
Integrated fissile materials management plan.

2584.
Repealed.
2585.
Accelerated schedule for defense environmental cleanup activities.
2586.
Defense environmental cleanup technology program.
2587.
Report on defense environmental cleanup expenditures.
2588.
Public participation in planning for defense environmental cleanup.
2589.
Policy of Department of Energy regarding future defense environmental management matters.

PART B—CLOSURE OF FACILITIES

2601.
Repealed.
2602.
Reports in connection with permanent closures of Department of Energy defense nuclear facilities.

PART C—HANFORD RESERVATION, WASHINGTON

2621.
Safety measures for waste tanks at Hanford Nuclear Reservation.
2622.
Hanford waste tank cleanup program reforms.
2623.
River Protection Project.
2624.
Funding for termination costs of River Protection Project, Richland, Washington.
2625.
Plan for tank farm waste at Hanford Nuclear Reservation.

PART D—SAVANNAH RIVER SITE, SOUTH CAROLINA

2631.
Accelerated schedule for isolating high-level nuclear waste at the Defense Waste Processing Facility, Savannah River Site.
2632.
Multi-year plan for clean-up.
2633.
Continuation of processing, treatment, and disposal of legacy nuclear materials.
2634 to 2637. Repealed.
2638.
Limitation on use of funds for decommissioning F-canyon facility.

SUBCHAPTER V—SAFEGUARDS AND SECURITY MATTERS

PART A—SAFEGUARDS AND SECURITY

2651.
Prohibition on international inspections of Department of Energy facilities unless protection of Restricted Data is certified.
2652.
Restrictions on access to national security laboratories by foreign visitors from sensitive countries.
2653.
Background investigations of certain personnel at Department of Energy facilities.
2654.
Department of Energy counterintelligence polygraph program.
2655.
Repealed.
2656.

Notice to congressional committees of certain security and counterintelligence failures within atomic energy defense programs.

2657.

Annual report and certification on status of security of atomic energy defense facilities.

2658.

Repealed.

2659.

Report on security vulnerabilities of national security laboratory computers.

2660.

Design and use of prototypes of nuclear weapons for intelligence purposes.

PART B—CLASSIFIED INFORMATION

2671.

Review of certain documents before declassification and release.

2672.

Protection against inadvertent release of Restricted Data and Formerly Restricted Data.

2673.

Supplement to plan for declassification of Restricted Data and Formerly Restricted Data.

2674.

Protection of classified information during laboratory-to-laboratory exchanges.

2675.

Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.

SUBCHAPTER VI—PERSONNEL MATTERS

PART A—PERSONNEL MANAGEMENT

2701.

Authority for appointment of certain scientific, engineering, and technical personnel.

2702.

Whistleblower protection program.

2703.

Repealed.

2704.

Department of Energy defense nuclear facilities workforce restructuring plan.

2705.

Authority to provide certificate of commendation to Department of Energy and contractor employees for exemplary service in stockpile stewardship and security.

PART B—EDUCATION AND TRAINING

2721.

Executive management training in Department of Energy.

2722.

Stockpile stewardship recruitment and training program.

2723.

Fellowship program for development of skills critical to the nuclear security enterprise.

PART C—WORKER SAFETY

2731.

Worker protection at nuclear weapons facilities.

2732.

Safety oversight and enforcement at defense nuclear facilities.

2733.

Program to monitor Department of Energy workers exposed to hazardous and radioactive substances.

2734.

Programs for persons who may have been exposed to radiation released from Hanford Nuclear Reservation.

2735.

Use of probabilistic risk assessment to ensure nuclear safety of facilities of the Administration

and the Office of Environmental Management.
2736.
Notification of nuclear criticality and non-nuclear incidents.

SUBCHAPTER VII—BUDGET AND FINANCIAL MANAGEMENT MATTERS

PART A—RECURRING NATIONAL SECURITY AUTHORIZATION PROVISIONS

2741.
Definitions.
2742.
Reprogramming.
2743.
Minor construction projects.
2743a.
General plant projects.
2744.
Limits on construction projects.
2745.
Fund transfer authority.
2746.
Conceptual and construction design.
2747.
Authority for emergency planning, design, and construction activities.
2748.
Scope of authority to carry out plant projects.
2749.
Availability of funds.
2750.
Transfer of defense environmental cleanup funds.
2751.
Transfer of weapons activities funds.
2752.
Funds available for all national security programs of the Department of Energy.
2753.
Notification of cost overruns for certain Department of Energy projects.

PART B—PENALTIES

2761.
Restriction on use of funds to pay penalties under environmental laws.
2762.
Restriction on use of funds to pay penalties under Clean Air Act.

PART C—OTHER MATTERS

2771.
Repealed.
2772.
Quarterly reports on financial balances for atomic energy defense activities.

SUBCHAPTER VIII—ADMINISTRATIVE MATTERS

PART A—CONTRACTS

2781.
Costs not allowed under covered contracts.
2782.
Prohibition and report on bonuses to contractors operating defense nuclear facilities.
2783.
Contractor liability for injury or loss of property arising out of atomic weapons testing programs.
2784.
Notice-and-wait requirement applicable to certain third-party financing arrangements.
2785.

Publication of contractor performance evaluations leading to award fees.
2786.
Enhanced procurement authority to manage supply chain risk.

PART B—RESEARCH AND DEVELOPMENT

2791.
Laboratory-directed research and development programs.
2791a.
Laboratory-directed research and development.
2792.
Limitations on use of funds for laboratory directed research and development purposes.
2793.
Report on use of funds for certain research and development purposes.
2794.
Critical technology partnerships and cooperative research and development centers.
2795.
University-based research collaboration program.

PART C—FACILITIES MANAGEMENT

2811.
Transfers of real property at certain Department of Energy facilities.
2812.
Engineering and manufacturing research, development, and demonstration by managers of certain nuclear weapons production facilities.
2813.
Pilot program relating to use of proceeds of disposal or utilization of certain Department of Energy assets.
2814.
Department of Energy energy parks program.

PART D—OTHER MATTERS

2821.
Repealed.
2822.
Payment of costs of operation and maintenance of infrastructure at Nevada National Security Site.

§2501. Definitions

Except as otherwise provided, in this chapter:

- (1) The term “Administration” means the National Nuclear Security Administration.
- (2) The term “Administrator” means the Administrator for Nuclear Security.
- (3) The term “classified information” means any information that has been determined pursuant to Executive Order No. 12333 of December 4, 1981 ([former] 50 U.S.C. 401 note) [now 50 U.S.C. 3001 note], Executive Order No. 12958 of April 17, 1995 ([former] 50 U.S.C. 435 note) [now 50 U.S.C. 3161 note], or successor orders, to require protection against unauthorized disclosure and that is so designated.
- (4) The term “congressional defense committees” means—
 - (A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
 - (B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.
- (5) The terms “defense nuclear facility” and “Department of Energy defense nuclear facility” have the meaning given the term “Department of Energy defense nuclear facility” in section 2286g of title 42.
- (6) The term “nuclear security enterprise” means the physical facilities, technology, and human capital of the national security laboratories and the nuclear weapons production facilities.
- (7) The term “national security laboratory” means any of the following:
 - (A) Los Alamos National Laboratory, Los Alamos, New Mexico.
 - (B) Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(C) Lawrence Livermore National Laboratory, Livermore, California.

(8) The term “Nuclear Weapons Council” means the Nuclear Weapons Council established by section 179 of title 10.

(9) The term “nuclear weapons production facility” means any of the following:

(A) The Kansas City Plant, Kansas City, Missouri.

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y-12 National Security Complex, Oak Ridge, Tennessee.

(D) The Savannah River Site, Aiken, South Carolina.

(E) The Nevada National Security Site, Nevada.

(F) Any facility of the Department of Energy that the Secretary of Energy, in consultation with the Administrator and Congress, determines to be consistent with the mission of the Administration.

(10) The term “Restricted Data” has the meaning given such term in section 2014(y) of title 42.

(Pub. L. 107–314, div. D, §4002, as added Pub. L. 108–136, div. C, title XXXI, §3141(c)(2), Nov. 24, 2003, 117 Stat. 1756; amended Pub. L. 112–239, div. C, title XXXI, §3131(a)(1), Jan. 2, 2013, 126 Stat. 2179; Pub. L. 113–66, div. C, title XXXI, §3146(a)(1), Dec. 26, 2013, 127 Stat. 1072.)

AMENDMENTS

2013—Pub. L. 113–66, §3146(a)(1)(A), substituted “Except as otherwise provided, in this chapter” for “In this chapter” in introductory provisions.

Pub. L. 112–239 amended section generally. Prior to amendment, section defined “congressional defense committees”.

Pars. (5) to (10). Pub. L. 113–66, §3146(a)(1)(B)–(E), added pars. (5) and (8), redesignated former pars. (5), (6), (7), and (8) as (6), (7), (9), and (10), respectively, and in par. (10), substituted “Restricted Data” for “restricted data”.

SHORT TITLE

Pub. L. 107–314, div. D, §4001(a), formerly div. C, title XXXVI, §3601, Dec. 2, 2002, 116 Stat. 2756, renumbered div. D, §4001, and amended by Pub. L. 108–136, div. C, title XXXI, §3141(c)(1)(A)–(D)(ii), Nov. 24, 2003, 117 Stat. 1753, provided that: “This division [enacting this chapter] may be cited as the ‘Atomic Energy Defense Act’.”

TRANSFER AND CONSOLIDATION OF RECURRING AND GENERAL PROVISIONS ON DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Pub. L. 108–136, div. C, title XXXI, §3141(a), Nov. 24, 2003, 117 Stat. 1752, provided that:

“(1) **IN GENERAL.**—The purpose of this section [see Tables for classification] is to assemble together, without substantive amendment but with technical and conforming amendments of a non-substantive nature, recurring and general provisions of law on Department of Energy national security programs that remain in force in order to consolidate and organize such provisions of law into a single Act intended to comprise general provisions of law on such programs.

“(2) **CONSTRUCTION OF TRANSFERS.**—The transfer of a provision of law by this section shall not be construed as amending, altering, or otherwise modifying the substantive effect of such provision.

“(3) **TREATMENT OF SATISFIED REQUIREMENTS.**—Any requirement in a provision of law transferred under this section (including a requirement that an amendment to law be executed) that has been fully satisfied in accordance with the terms of such provision of law as of the date of transfer under this section shall be treated as so fully satisfied, and shall not be treated as being revived solely by reason of transfer under this section.

“(4) **CLASSIFICATION.**—The provisions of the Atomic Energy Defense Act [Pub. L. 107–314, div. D, 50 U.S.C. 2501 et seq.], as amended by this section, shall be classified to the United States Code as a new chapter of title 50, United States Code.”

§2511. Naval Nuclear Propulsion Program

The provisions of Executive Order Numbered 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program, shall remain in force until changed by law.

(Pub. L. 107–314, div. D, title XLI, §4101, formerly Pub. L. 98–525, title XVI, §1634, Oct. 19, 1984, 98 Stat. 2649; renumbered Pub. L. 107–314, div. D, title XLI, §4101, and amended Pub. L. 108–136, div. C, title XXXI, §3141(d)(2), Nov. 24, 2003, 117 Stat. 1757.)

REFERENCES IN TEXT

Executive Order Numbered 12344, referred to in text, is set out as a note below.

CODIFICATION

Section was formerly set out as a note under section 7158 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

TRANSFER OF FUNCTIONS

All national security functions and activities performed immediately before Oct. 5, 1999, by the Office of Naval Reactors transferred to the Administrator for Nuclear Security of the National Nuclear Security Administration of the Department of Energy, and the Deputy Administrator for Naval Reactors of the Administration to be assigned the responsibilities, authorities, and accountability for all functions of the Office of Naval Reactors under Executive Order No. 12344, set out below, see sections 2406 and 2481 of this title.

EXECUTIVE ORDER No. 12344 To Remain in Force

Except as otherwise specified in section 2406 of this title and notwithstanding any other provision of title XXXII of Pub. L. 106–65 (see Short Title note set out under section 2401 of this title), the provisions of Executive Order No. 12344 (set out below) to remain in full force and effect until changed by law, see section 2406 of this title.

EX. ORD. No. 12344. NAVAL NUCLEAR PROPULSION PROGRAM

Ex. Ord. No. 12344, Feb. 1, 1982, 47 F.R. 4979, provided:

By the authority vested in me as President and as Commander in Chief of the Armed Forces of the United States of America, with recognition of the crucial importance to national security of the Naval Nuclear Propulsion Program, and for the purpose of preserving the basic structure, policies, and practices developed for this Program in the past and assuring that the Program will continue to function with excellence, it is hereby ordered as follows:

SECTION 1. The Naval Nuclear Propulsion Program is an integrated program carried out by two organizational units, one in the Department of Energy and the other in the Department of the Navy.

SEC. 2. Both organizational units shall be headed by the same individual so that the activities of each may continue in practice under common management. This individual shall direct the Naval Nuclear Propulsion Program in both departments. The director shall be qualified by reason of technical background and experience in naval nuclear propulsion. The director may be either a civilian or an officer of the United States Navy, active or retired.

SEC. 3. The Secretary of the Navy (through the Secretary of Defense) and the Secretary of Energy shall obtain the approval of the President to appoint the director of the Naval Nuclear Propulsion Program for their respective Departments. The director shall be appointed to serve a term of eight years, except that the Secretary of Energy and the Secretary of the Navy may, with mutual concurrence, terminate or extend the term of the respective appointments.

SEC. 4. An officer of the United States Navy appointed as director shall be nominated for the grade of Admiral. A civilian serving as director shall be compensated at a rate to be specified at the time of appointment.

SEC. 5. Within the Department of Energy, the Secretary of Energy shall assign to the director the responsibility of performing the functions of the Division of Naval Reactors transferred to the Department of Energy by Section 309(a) of the Department of Energy Organization Act (42 U.S.C. 7158), including assigned civilian power reactor programs, and any naval nuclear propulsion functions of the Department of Energy, including:

(a) direct supervision over the Bettis and Knolls Atomic Power Laboratories, the Expanded Core Facility and naval reactor prototype plants;

(b) research, development, design, acquisition, specification, construction, inspection, installation, certification, testing, overhaul, refueling, operating practices and procedures, maintenance, supply support, and ultimate disposition, of naval nuclear propulsion plants, including components thereof, and any special maintenance and service facilities related thereto;

(c) the safety of reactors and associated naval [naval] nuclear propulsion plants, and control of radiation and radioactivity associated with naval nuclear propulsion activities, including prescribing and enforcing standards and regulations for these areas as they affect the environment and the safety and health of workers, operators, and the general public;

(d) training, including training conducted at the naval prototype reactors of the Department of Energy, and assistance and concurrence in the selection, training, qualification, and assignment of personnel reporting to the director and of personnel who supervise, operate, or maintain naval nuclear propulsion plants; and

(e) administration of the Naval Nuclear Propulsion Program, including oversight of program support in areas such as security, nuclear safeguards and transportation, public information, procurement, logistics and fiscal management.

SEC. 6. Within the Department of Energy, the director shall report to the Secretary of Energy, through the Assistant Secretary assigned nuclear energy functions and shall serve as a Deputy Assistant Secretary. The director shall have direct access to the Secretary of Energy and other senior officials in the Department of Energy concerning naval nuclear propulsion matters, and to all other personnel who supervise, operate or maintain naval nuclear propulsion plants and support facilities for the Department of Energy.

SEC. 7. Within the Department of the Navy, the Secretary of the Navy shall assign to the director responsibility to supervise all technical aspects of the Navy's nuclear propulsion work, including:

(a) research, development, design, procurement, specification, construction, inspection, installation, certification, testing, overhaul, refueling, operating practices and procedures, maintenance, supply support, and ultimate disposition, of naval nuclear propulsion plants, including components thereof, and any special maintenance and service facilities related thereto; and

(b) training programs, including Nuclear Power Schools of the Navy, and assistance and concurrence in the selection, training, qualification, and assignment of personnel reporting to the director and of Government personnel who supervise, operate, or maintain naval nuclear propulsion plants.

SEC. 8. Within the Department of the Navy, the Secretary of the Navy shall assign to the director responsibility within the Navy for:

(a) the safety of reactors and associated naval nuclear propulsion plants, and control of radiation and radioactivity associated with naval nuclear propulsion activities, including prescribing and enforcing standards and regulations for these areas as they affect the environment and the safety and health of workers, operators, and the general public.

(b) administration of the Naval Nuclear Propulsion Program, including oversight of program support in areas such as security, nuclear safeguards and transportation, public information, procurement, logistics, and fiscal management.

SEC. 9. In addition to any other organizational assignments within the Department of the Navy, the director shall report directly to the Chief of Naval Operations. The director shall have direct access to the Secretary of the Navy and other senior officials in the Department of the Navy concerning naval nuclear propulsion matters, and to all other Government personnel who supervise, operate, or maintain naval nuclear propulsion plants and support facilities.

SEC. 10. This Order is effective on February 1, 1982.

RONALD REAGAN.

§2512. Management structure for nuclear security enterprise

(a) In general

The Administrator shall establish a management structure for the nuclear security enterprise in accordance with the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.).

(b) National Nuclear Security Administration Council

(1) The Administrator shall establish a council to be known as the “National Nuclear Security Administration Council”. The Council may advise the Administrator on—

- (A) scientific and technical issues relating to policy matters;
- (B) operational concerns;
- (C) strategic planning;
- (D) the development of priorities relating to the mission and operations of the Administration and the nuclear security enterprise; and
- (E) such other matters as the Administrator determines appropriate.

(2) The Council shall be composed of the directors of the national security laboratories and the nuclear weapons production facilities.

(3) The Council may provide the Administrator or the Secretary of Energy recommendations for improving the—

- (A) governance, management, effectiveness, and efficiency of the Administration; and
- (B) any other matter in accordance with paragraph (1).

(4) Not later than 60 days after the date on which any recommendation under paragraph (3) is received, the Administrator or the Secretary, as the case may be, shall respond to the Council with respect to whether such recommendation will be implemented and the reasoning for implementing or not implementing such recommendation.

(Pub. L. 107–314, div. D, title XLI, §4102, formerly Pub. L. 104–201, div. C, title XXXI, §3140, Sept. 23, 1996, 110 Stat. 2833; renumbered Pub. L. 107–314, div. D, title XLI, §4102, and amended Pub. L. 108–136, div. C, title XXXI, §3141(d)(3), Nov. 24, 2003, 117 Stat. 1757; Pub. L. 112–239, div. C, title XXXI, §3113(a), Jan. 2, 2013, 126 Stat. 2169.)

REFERENCES IN TEXT

The National Nuclear Security Administration Act, referred to in subsec. (a), is Pub. L. 106–65, div. C, title XXXII, Oct. 5, 1999, 113 Stat. 953, which is classified principally to chapter 41 (§2401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2401 of this title and Tables.

CODIFICATION

Section was formerly set out as a note under section 7252 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2013—Pub. L. 112–239 amended section generally. Prior to amendment, section related to reorganization of field activities and management of national security functions.

2003—Subsec. (d)(2). Pub. L. 108–136, §3141(d)(3)(D), substituted “January 21, 1997,” for “120 days after the date of the enactment of this Act.”

CLARIFICATION OF ROLE OF SECRETARY OF ENERGY

Pub. L. 113–66, div. C, title XXXI, §3141, Dec. 26, 2013, 127 Stat. 1069, provided that: “The amendment made by section 3113 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2169) to section 4102 of the Atomic Energy Defense Act (50 U.S.C. 2512) may not be construed as affecting the authority of the Secretary of Energy, in carrying out national security programs, with respect to the management, planning, and oversight of the National Nuclear Security Administration or as affecting the delegation by the Secretary of authority to carry out such activities, as set forth under subsection (a) of such section 4102 as it existed before the amendment made by such section 3113.”

§2513. Restriction on licensing requirement for certain defense activities and facilities

None of the funds authorized to be appropriated by the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540; 94 Stat. 3197) or

any other Act may be used for any purpose related to licensing of any defense activity or facility of the Department of Energy by the Nuclear Regulatory Commission.

(Pub. L. 107–314, div. D, title XLI, §4103, formerly Pub. L. 96–540, title II, §210, Dec. 17, 1980, 94 Stat. 3202; renumbered Pub. L. 107–314, div. D, title XLI, §4103, and amended Pub. L. 108–136, div. C, title XXXI, §3141(d)(4), Nov. 24, 2003, 117 Stat. 1757; Pub. L. 113–66, div. C, title XXXI, §3146(b), Dec. 26, 2013, 127 Stat. 1073.)

REFERENCES IN TEXT

The Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981, referred to in text, is Pub. L. 96–540, Dec. 17, 1980, 94 Stat. 3197, which enacted this section and section 2762 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 7272 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriations act: Pub. L. 96–164, title II, §210, Dec. 29, 1979, 93 Stat. 1264.

AMENDMENTS

2013—Pub. L. 113–66 inserted “; 94 Stat. 3197” after “Public Law 96–540”.

2003—Pub. L. 108–136, §3131(d)(4)(C)(iii), substituted “the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540) or any other Act” for “this or any other Act”.

TRANSFER OF FUNCTIONS

For transfer of certain functions from Nuclear Regulatory Commission to Chairman thereof, see Reorg. Plan No. 1 of 1980, 45 F.R. 40561, 94 Stat. 3585, set out as a note under section 5841 of Title 42, The Public Health and Welfare.

§2514. Transferred

CODIFICATION

Section, Pub. L. 112–81, div. A, title X, §1077, Dec. 31, 2011, 125 Stat. 1596, which related to reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States, was transferred to section 493 of Title 10, Armed Forces, by Pub. L. 112–239, div. A, title X, §1031(b)(3)(B)(i)–(iii), Jan. 2, 2013, 126 Stat. 1918.

§2515. Establishment of Center for Security Technology, Analysis, Response, and Testing

(a) Establishment

The Administrator for Nuclear Security shall establish within the nuclear security enterprise (as defined in section 2501 of this title) a Center for Security Technology, Analysis, Response, and Testing.

(b) Duties

The center established under subsection (a) shall carry out the following:

- (1) Provide to the Administrator, the Chief of Defense Nuclear Security, and the management and operating contractors of the nuclear security enterprise a wide range of objective expertise on security technologies, systems, analysis, testing, and response forces.
- (2) Assist the Administrator in developing standards, requirements, analysis methods, and testing criteria with respect to security.
- (3) Collect, analyze, and distribute lessons learned with respect to security.
- (4) Support inspections and oversight activities with respect to security.
- (5) Promote professional development and training for security professionals.
- (6) Provide for advance and bulk procurement for security-related acquisitions that affect multiple

facilities of the nuclear security enterprise.

(7) Advocate for continual improvement and security excellence throughout the nuclear security enterprise.

(8) Such other duties as the Administrator may assign.

(Pub. L. 113–66, div. C, title XXXI, §3116, Dec. 26, 2013, 127 Stat. 1058.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2014, and not as part of the Atomic Energy Defense Act which comprises this chapter.

SUBCHAPTER II—NUCLEAR WEAPONS STOCKPILE MATTERS

PART A—STOCKPILE STEWARDSHIP AND WEAPONS PRODUCTION

§2521. Stockpile stewardship program

(a) Establishment

The Secretary of Energy, acting through the Administrator, shall establish a stewardship program to ensure—

(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

(2) that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.

(b) Program elements

The program shall include the following:

(1) An increased level of effort for advanced computational capabilities to enhance the simulation and modeling capabilities of the United States with respect to the performance over time of nuclear weapons.

(2) An increased level of effort for above-ground experimental programs, such as hydrotesting, high-energy lasers, inertial confinement fusion, plasma physics, and materials research.

(3) Support for new facilities construction projects that contribute to the experimental capabilities of the United States, such as an advanced hydrodynamics facility, the National Ignition Facility, and other facilities for above-ground experiments to assess nuclear weapons effects.

(4) Support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States, including—

(A) the National Ignition Facility at Lawrence Livermore National Laboratory;

(B) the Dual Axis Radiographic Hydrodynamic Test Facility at Los Alamos National Laboratory;

(C) the Z Machine at Sandia National Laboratories; and

(D) the experimental facilities at the Nevada National Security Site.

(5) Support for the sustainment and modernization of facilities with production and manufacturing capabilities that are necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—

(A) the nuclear weapons production facilities; and

(B) production and manufacturing capabilities resident in the national security laboratories.

(Pub. L. 107–314, div. D, title XLII, §4201, formerly Pub. L. 103–160, div. C, title XXXI, §3138, Nov. 30, 1993, 107 Stat. 1946; Pub. L. 105–85, div. C, title XXXI, §3152(e), Nov. 18, 1997, 111 Stat. 2042; renumbered Pub. L. 107–314, div. D, title XLII, §4201, by Pub. L. 108–136, div. C, title XXXI, §3141(e)(2), Nov. 24, 2003, 117 Stat. 1758; Pub. L. 111–84, div. C, title XXXI, §3111, Oct. 28, 2009, 123 Stat. 2702; Pub. L. 112–239, div. C, title XXXI, §3131(b), (bb)(1)(C), Jan. 2, 2013, 126 Stat. 2180, 2185; Pub. L. 113–66, div. C, title XXXI, §3146(c)(1), Dec. 26, 2013, 127 Stat. 1073.)

CODIFICATION

Section was formerly set out as a note under section 2121 of Title 42, The Public Health and Welfare, prior to renumbering by Pub. L. 108–136.

AMENDMENTS

2013—Subsec. (a). Pub. L. 113–66, §3146(c)(1)(A), struck out “for Nuclear Security” after “Administrator” in introductory provisions.

Subsec. (b)(4)(D). Pub. L. 113–66, §3146(c)(1)(B)(i), which directed substitution of “Nevada National Security Site” for “Nevada national security site”, could not be executed because the words “Nevada National Security Site” already appeared in text after the amendment by Pub. L. 112–239, §3131(bb)(1)(C). See below.

Pub. L. 112–239, §3131(bb)(1)(C), which directed substitution of “Nevada National Security Site” for “Nevada Test Site”, was executed by making the substitution for “Nevada test site”, to reflect the probable intent of Congress.

Subsec. (b)(5)(A) to (D). Pub. L. 113–66, §3146(c)(1)(B)(ii)(I), added subpar. (A) and struck out former subpars. (A) to (D) which read as follows:

13“(A) the Pantex Plant;

13“(B) the Y–12 National Security Complex;

13“(C) the Kansas City Plant;

13“(D) the Savannah River Site; and”.

Subpar. (E) redesignated (B).

Subsec. (b)(5)(E). Pub. L. 113–66, §3146(c)(1)(B)(ii)(II), redesignated subpar. (E) as (B).

Pub. L. 112–239, §3131(b), struck out “(as defined in section 2471 of this title)” after “laboratories”.

2009—Subsec. (a). Pub. L. 111–84, §3111(a), amended subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of Energy shall establish a stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification.”

Subsec. (b)(1). Pub. L. 111–84, §3111(b)(1), substituted “performance over time” for “detonation”.

Subsec. (b)(4), (5). Pub. L. 111–84, §3111(b)(2), added pars. (4) and (5).

Subsec. (c). Pub. L. 111–84, §3111(c), struck out subsec. (c). Text read as follows: “Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for weapons activities, \$157,400,000 shall be available for the stewardship program established under subsection (a).”

1997—Subsec. (d). Pub. L. 105–85, which directed amendment of this section by striking out subsecs. (d) and (e), redesignating subsecs. (f) to (h) as (d) to (f), respectively, and striking out “and the 60-day period referred to in subsection (e)(2)(A)(ii)” in subsec. (e), as so redesignated, was executed by striking out subsec. (d) which directed President to report to Congress, because this section did not contain subsecs. (e) to (g).

PLAN FOR DEVELOPING EXASCALE COMPUTING AND INCORPORATING SUCH COMPUTING INTO THE STOCKPILE STEWARDSHIP PROGRAM

Pub. L. 113–66, div. C, title XXXI, §3129, Dec. 26, 2013, 127 Stat. 1066, provided that:

“(a) **PLAN REQUIRED.**—The Administrator for Nuclear Security shall develop and carry out a plan to develop exascale computing and incorporate such computing into the stockpile stewardship program under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) during the 10-year period beginning on the date of the enactment of this Act [Dec. 26, 2013].

“(b) **MILESTONES.**—The plan required by subsection (a) shall include major programmatic milestones in—

“(1) the development of a prototype exascale computer for the stockpile stewardship program; and

“(2) mitigating disruptions resulting from the transition to exascale computing.

“(c) **COORDINATION WITH OTHER AGENCIES**