

Public Law 95-183
95th Congress

An Act

To authorize appropriations for the Energy Research and Development Administration for national security programs for fiscal years 1977 and 1978, and for other purposes.

Nov. 15, 1977
[S. 1339]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Research and Development Administration Authorization Act of 1977 and 1978—Military Applications".

Energy Research
and Development
Administration
Authorization
Act of 1977 and
1978—Military
Applications.

TITLE I—NATIONAL SECURITY PROGRAMS—FISCAL
YEAR 1977

AUTHORIZATION OF FUNDS

SEC. 101. Funds heretofore appropriated by Public Law 94-355 (90 Stat. 889) for the national security programs of the Energy Research and Development Administration for operating expenses and for plant and capital equipment, including construction, acquisition, or modification of facilities (including land acquisition), and for acquisition and fabrication of capital equipment not related to construction, are hereby authorized to be appropriated.

TITLE II—NATIONAL SECURITY PROGRAMS—FISCAL
YEAR 1978

OPERATING EXPENSES

SEC. 201. Funds are hereby authorized to be appropriated to the Energy Research and Development Administration for fiscal year 1978 for operating expenses, incurred in carrying out national security programs, as follows:

- (1) For weapons activities, \$1,181,000,000.
- (2) For special materials production, \$416,400,000.
- (3) For laser fusion, \$116,200,000.
- (4) For naval reactor development, \$211,700,000.
- (5) For program management and support, \$40,800,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 202. Funds are hereby authorized to be appropriated to the Energy Research and Development Administration for fiscal year 1978 for plant and capital equipment, including planning, construction, acquisition, or modification of facilities (including land acquisition), and for acquisition and fabrication of capital equipment not related to construction, necessary for national security programs, as follows:

- (1) For laser fusion:
Project 78-4-a, high energy laser facility (NOVA), Lawrence Livermore Laboratory, California, \$8,000,000.
- (2) For weapons activities:

Project 78-16-a, cruise missile production facilities, various locations, \$18,100,000.

Project 78-16-b, full fuzing option (FUFO) bomb production facilities, various locations, \$43,000,000.

Project 78-16-c, high explosive flash radiography facility, Lawrence Livermore Laboratory, California, \$5,000,000.

Project 78-16-d, weapons safeguards, various locations, \$17,000,000.

Project 78-16-e, new weapons production installations, various locations, \$2,000,000.

Project 78-16-f, replace 10-inch water main, Bendix Plant, Kansas City, Missouri, \$2,000,000.

Project 78-16-g, radioactive liquid waste improvement, Los Alamos Scientific Laboratory, New Mexico (A-E only), \$600,000.

Project 78-16-h, Tonopah Test Range upgrade, Sandia Laboratories, Albuquerque, New Mexico, \$4,000,000.

Project 78-16-i, laboratory support complex, Los Alamos Scientific Laboratory, New Mexico (A-E only), \$2,000,000.

Project 78-17-a, production component warehouse, Pantex Plant, Amarillo, Texas (A-E only), \$250,000.

Project 78-17-b, surface water control system, Rocky Flats Plant, Colorado, \$2,800,000.

Project 78-17-c, core facilities office building, utilities and roads, Lawrence Livermore Laboratory, California (A-E only), \$1,300,000.

Project 78-17-d, steam plant improvements, Y-12 Plant, Oak Ridge, Tennessee (A-E and long lead procurement only), \$3,000,000.

Project 78-17-e, high explosive machining facility, Pantex Plant, Amarillo, Texas, \$5,000,000.

(3) For special materials production :

Project 78-18-a, high level waste storage and waste management facilities, Richland, Washington, \$18,000,000.

Project 78-18-b, high level waste storage facilities, Savannah River, South Carolina, \$42,000,000.

Project 78-18-c, fifth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$12,500,000.

Project 78-18-d, new hydrofracture facility, Oak Ridge National Laboratory, Oak Ridge, Tennessee, \$5,400,000.

Project 78-18-e, environmental, safety and security improvements to waste management and materials processing facilities, Richland, Washington, \$15,500,000.

Project 78-18-f, powerhouse emission control improvements, Richland, Washington, \$6,500,000.

Project 78-18-g, fanhouse and increased fan capacity, H chemical separations area, Savannah River, South Carolina, \$3,400,000.

Project 78-18-h, plantwide fire protection, Savannah River, South Carolina, \$6,300,000.

Project 78-18-i, improved emergency coolant supply in reactor areas, Savannah River, South Carolina, \$3,500,000.

Project 78-18-j, N-reactor environmental improvements, Richland, Washington, \$7,500,000.

- (4) For project 78-21, General Plant Projects—
 - (A) for weapons activities, \$24,000,000,
 - (B) for special materials production, \$12,000,000, and
 - (C) for naval reactor development, \$2,800,000.
- (5) For project 78-22, construction planning and design, \$5,000,000.
- (6) For capital equipment not related to construction—
 - (A) for weapons activities, \$79,000,000,
 - (B) for special materials production, \$36,700,000,
 - (C) for laser fusion, \$13,200,000,
 - (D) for naval reactor development, \$15,150,000, and
 - (E) for program management and support, \$300,000.

ADDITIONAL AUTHORIZATIONS FOR PREVIOUSLY AUTHORIZED PROJECTS

SEC. 203. Funds are hereby authorized to be appropriated to the Energy Research and Development Administration for fiscal year 1978, for projects previously authorized, as follows:

(1) For project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, \$40,000,000, for a total authorization of \$280,000,000.

(2) For project 75-1-c, new waste calcining facility, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, \$28,500,000, for a total authorization of \$65,000,000.

(3) For project 75-3-b, high energy laser facility, Los Alamos Scientific Laboratory, New Mexico, \$31,900,000, for a total authorization of \$54,500,000.

(4) For project 77-3-a, electron beam fusion facilities, Sandia Laboratories, Albuquerque, New Mexico, \$4,400,000, for a total authorization of \$13,500,000.

(5) For project 77-11-a, safeguards and research and development laboratory facility, Sandia Laboratories, Albuquerque, New Mexico, \$4,300,000, for a total authorization of \$8,300,000.

(6) For project 77-11-b, safeguards and site security improvements, various locations, \$7,800,000, for a total authorization of \$13,500,000.

(7) For project 77-11-c, 8-inch artillery fired atomic projectile production facilities, various locations, \$12,600,000, for a total authorization of \$22,600,000.

(8) For project 77-13-a, fluorine dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho (A-E and long-lead procurement), \$5,000,000, for a total authorization of \$15,000,000.

(9) For project 77-13-d, high level waste storage and waste management facilities, Savannah River, South Carolina, \$31,000,000, for a total authorization of \$56,000,000.

(10) For project 77-13-e, high level waste storage and handling facilities, Richland, Washington, \$22,000,000, for a total authorization of \$40,000,000.

(11) For project 77-13-f, waste isolation pilot plant (A-E, land acquisition, and long-lead procurement), Delaware Basin, south-east New Mexico, \$22,000,000, for a total authorization of \$28,000,000.

(12) For project 77-13-g, safeguards and security upgrading production facilities, multiple sites, \$8,700,000, for a total authorization of \$16,400,000.

TITLE III—GENERAL PROVISIONS

REPROGRAMMING

Notice to
congressional
committees.

SEC. 301. Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by this Act, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the receipt by the Committee on Armed Services and on Appropriations of the House of Representatives and the Senate of notice given by the Administrator of Energy Research and Development (hereinafter in this title referred to as the "Administrator") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

PROJECT COST VARIATION PROVISIONS

Notice to
congressional
committees.

SEC. 302. (a) No project for which appropriations are authorized in section 202 (1), (2), or (3) may be started if the current estimated cost of such project exceeds by more than 25 percent the amount authorized for such project.

(b) At any time the current estimated cost of any such project under construction exceeds by more than 25 percent the total amount authorized by law for such project, the Administrator shall (1) promptly notify the appropriate committees of the Congress of such fact and include in the notification an explanation for the increased cost of the project and the revised current estimated cost figures for such project, and (2) not proceed with such project unless and until additional funds for such project are authorized by law.

(c) The provisions of this section shall not apply to any project which has a current estimated cost of less than \$5,000,000.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 303. The Administrator is authorized to start any project set forth under section 202(4) only if—

(1) the then maximum currently estimated cost of such project does not exceed \$750,000 and the then maximum currently estimated cost of any building included in such project does not exceed \$300,000, except that the building cost limitation may be exceeded if the Administrator determines that it is necessary to do so in the interest of efficiency and economy; and

(2) the total cost of all projects undertaken under such section does not exceed the estimated cost set forth in such section by more than 25 percent.

AUTHORITY TO MERGE FUNDS

SEC. 304. Subject to the applicable requirements and limitations of this Act and to the extent specified in appropriation Acts, amounts appropriated to the Energy Research and Development Administration pursuant to this Act for operating expenses or for plant and capital equipment may be merged with any other amounts appropriated for operating expenses or for plant and capital equipment, respectively, pursuant to any other Act authorizing appropriations for the Energy Research and Development Administration.

FUNDS TO REMAIN AVAILABLE UNTIL EXPENDED

SEC. 305. To the extent specified in appropriation Acts, amounts appropriated pursuant to this Act for operating expenses or plant and capital equipment may remain available until expended.

AVAILABILITY OF FUNDS

SEC. 306. Subject to the provisions of section 301(2), amounts appropriated pursuant to this Act for activities under sections 202(4) and 202(5) are available for use, when necessary, in connection with all national security programs of the Energy Research and Development Administration.

AUTHORIZATION TO PERFORM CONSTRUCTION DESIGN SERVICES

SEC. 307. The Administrator is authorized to perform construction design services for any construction project of the Energy Research and Development Administration in support of national security programs in amounts not in excess of the amount specified in section 202(5).

AUTHORITY TO USE CERTAIN MONEYS AND FEES

SEC. 308. To the extent specified in appropriation Acts, any moneys received by the Energy Research and Development Administration (except sums received from disposal of property under the Atomic Energy Community Act of 1955 (42 U.S.C. 2301) and the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98) and fees received for tests or investigations under the Act of May 16, 1910 (30 U.S.C. 7)), may be retained and used for operating expenses, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and may remain available until expended.

AUTHORITY TO TRANSFER FUNDS TO OTHER AGENCIES

SEC. 309. To the extent specified in appropriation Acts, funds appropriated to the Energy Research and Development Administration for operating expenses may be transferred to other agencies of the Government for the performance of work for which such funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which transferred.

REFERENCES

SEC. 310. All references in this Act to the Energy Research and Development Administration and the Administrator of Energy Research and Development shall be deemed to be references to the Department of Energy and the Secretary of Energy, respectively.

Approved November 15, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-272, pt. 1 (Comm. on Armed Services) and No. 95-272, pt. 2 (Comm. on Science and Technology) both accompanying H.R. 6566 and No. 95-775 (Comm. of Conference).

SENATE REPORT No. 95-212 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May. 23, considered and passed Senate.

Sept. 13, 28, H.R. 6566 considered in House.

Sept. 29, considered and passed House, amended, in lieu of H.R. 6566.

Nov. 2, House agreed to conference report.

Nov. 3, Senate agreed to conference report.