

Subsec. (b)(5). Pub. L. 109–103, § 313(2)(C), substituted “2012” for “2009”.

Subsec. (c). Pub. L. 109–103, § 313(3)(A), substituted “2012” for “2009” in introductory provisions.

Subsec. (c)(1). Pub. L. 109–103, § 313(3)(B), substituted “2014” for “2011”.

Subsec. (c)(2). Pub. L. 109–103, § 313(3)(C), substituted “2020” for “2017” in two places.

Subsec. (d)(1). Pub. L. 109–103, § 313(4)(A), substituted “2014” for “2011”, “subject to the availability of appropriations” for “from funds available to the Secretary”, and “2019” for “2016”.

Subsec. (d)(2)(A). Pub. L. 109–103, § 313(4)(B), substituted “2020” for “2017” in introductory and concluding provisions.

Subsec. (e). Pub. L. 109–103, § 313(5), substituted “2023” for “2020” in introductory provisions.

Subsecs. (g), (h). Pub. L. 109–103, § 313(6), (7), added subsec. (g) and redesignated former subsec. (g) as (h).

§ 2567. Disposition of surplus defense plutonium at Savannah River Site, Aiken, South Carolina

(a) Consultation required

The Secretary of Energy shall consult with the Governor of the State of South Carolina regarding any decisions or plans of the Secretary related to the disposition of surplus defense plutonium and defense plutonium materials located at the Savannah River Site, Aiken, South Carolina.

(b) Notice required

For each shipment of defense plutonium or defense plutonium materials to the Savannah River Site, the Secretary shall, not less than 30 days before the commencement of such shipment, submit to the congressional defense committees a report providing notice of such shipment.

(c) Plan for disposition

The Secretary shall prepare a plan for disposal of the surplus defense plutonium and defense plutonium materials currently located at the Savannah River Site and for disposal of defense plutonium and defense plutonium materials to be shipped to the Savannah River Site in the future. The plan shall include the following:

(1) A review of each option considered for such disposal.

(2) An identification of the preferred option for such disposal.

(3) With respect to the facilities for such disposal that are required by the Department of Energy’s Record of Decision for the Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic Environmental Impact Statement dated January 14, 1997—

(A) a statement of the cost of construction and operation of such facilities;

(B) a schedule for the expeditious construction of such facilities, including milestones; and

(C) a firm schedule for funding the cost of such facilities.

(4) A specification of the means by which all such defense plutonium and defense plutonium materials will be removed in a timely manner from the Savannah River Site for storage or disposal elsewhere.

(d) Plan for alternative disposition

If the Secretary determines not to proceed at the Savannah River Site with construction of

the plutonium immobilization plant, or with the mixed oxide fuel fabrication facility, the Secretary shall prepare a plan that identifies a disposition path for all defense plutonium and defense plutonium materials that would otherwise have been disposed of at such plant or such facility, as applicable.

(e) Submission of plans

Not later than February 1, 2002, the Secretary shall submit to Congress the plan required by subsection (c) (and the plan prepared under subsection (d), if applicable).

(f) Limitation on plutonium shipments

If the Secretary does not submit to Congress the plan required by subsection (c) (and the plan prepared under subsection (d), if applicable) by February 1, 2002, the Secretary shall be prohibited from shipping defense plutonium or defense plutonium materials to the Savannah River Site during the period beginning on February 1, 2002, and ending on the date on which such plans are submitted to Congress.

(g) Rule of construction

Nothing in this section may be construed to prohibit or limit the Secretary from shipping defense plutonium or defense plutonium materials to sites other than the Savannah River Site during the period referred to in subsection (f) or any other period.

(h) Annual report on funding for fissile materials disposition activities

The Secretary shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) a report setting forth the extent to which amounts requested for the Department for such fiscal year for fissile materials disposition activities will enable the Department to meet commitments for the disposition of surplus defense plutonium and defense plutonium materials located at the Savannah River Site, and for any other fissile materials disposition activities, in such fiscal year.

(Pub. L. 107–314, div. D, title XLIII, § 4306A, formerly Pub. L. 107–107, div. C, title XXXI, § 3155, Dec. 28, 2001, 115 Stat. 1378; renumbered Pub. L. 107–314, div. D, title XLIII, § 4306A, by Pub. L. 108–136, div. C, title XXXI, § 3141(f)(7)(B), Nov. 24, 2003, 117 Stat. 1763.)

§ 2568. Repealed. Pub. L. 117–263, div. C, title XXXI, § 3132(b)(1), Dec. 23, 2022, 136 Stat. 3060

Section, Pub. L. 108–136, div. C, title XXXI, § 3124, Nov. 24, 2003, 117 Stat. 1747; Pub. L. 108–375, div. C, title XXXI, § 3131, Oct. 28, 2004, 118 Stat. 2165, authorized use of international nuclear materials protection and cooperation program funds outside the former Soviet Union.

§ 2569. Acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide

(a) Sense of Congress

(1) It is the sense of Congress that the security, including the rapid removal or secure stor-

age, of high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment at vulnerable sites worldwide should be a top priority among the activities to achieve the national security of the United States.

(2) It is the sense of Congress that the President may establish in the Department of Energy a task force to be known as the Task Force on Nuclear Materials to carry out the program authorized by subsection (b).

(b) Program authorized

The Secretary of Energy may carry out a program to undertake an accelerated, comprehensive worldwide effort to mitigate the threats posed by high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment located at sites potentially vulnerable to theft or diversion.

(c) Program elements

(1) Activities under the program under subsection (b) may include the following:

(A) Accelerated efforts to secure, remove, or eliminate proliferation-attractive fissile materials or radiological materials in research reactors, other reactors, and other facilities worldwide.

(B) Arrangements for the secure shipment of proliferation-attractive fissile materials, radiological materials, and related equipment to other countries willing to accept such materials and equipment, or to the United States if such countries cannot be identified, and the provision of secure storage or disposition of such materials and equipment following shipment.

(C) The transportation of proliferation-attractive fissile materials, radiological materials, and related equipment from sites identified as proliferation risks to secure facilities in other countries or in the United States.

(D) The processing and packaging of proliferation-attractive fissile materials, radiological materials, and related equipment in accordance with required standards for transport, storage, and disposition.

(E) The provision of interim security upgrades for vulnerable, proliferation-attractive fissile materials, radiological materials, and related equipment pending their removal from their current sites.

(F) The utilization of funds to upgrade security and accounting at sites where proliferation-attractive fissile materials or radiological materials will remain for an extended period of time in order to ensure that such materials are secure against plausible potential threats and will remain so in the future.

(G) The management of proliferation-attractive fissile materials, radiological materials, and related equipment at secure facilities.

(H) Actions to ensure that security, including security upgrades at sites and facilities for the storage or disposition of proliferation-attractive fissile materials, radiological materials, and related equipment, continues to function as intended.

(I) The provision of technical support to the International Atomic Energy Agency (IAEA), other countries, and other entities to facilitate removal of, and security upgrades to fa-

cilities that contain, proliferation-attractive fissile materials, radiological materials, and related equipment worldwide.

(J) The development of alternative fuels and irradiation targets based on low-enriched uranium to convert research or other reactors fueled by highly-enriched uranium to such alternative fuels, as well as the conversion of reactors and irradiation targets employing highly-enriched uranium to employment of such alternative fuels and targets.

(K) Accelerated actions for the blend down of highly-enriched uranium to low-enriched uranium.

(L) The provision of assistance in the closure and decommissioning of sites identified as presenting risks of proliferation of proliferation-attractive fissile materials, radiological materials, and related equipment.

(M) Programs to—

(i) assist in the placement of employees displaced as a result of actions pursuant to the program in enterprises not representing a proliferation threat; and

(ii) convert (including through the use of alternative technologies) sites identified as presenting risks of proliferation regarding proliferation-attractive fissile materials, radiological materials, and related equipment to purposes not representing a proliferation threat to the extent necessary to eliminate the proliferation threat.

(2) The Secretary of Energy shall, in coordination with the Secretary of State, carry out the program in consultation with, and with the assistance of, appropriate departments, agencies, and other entities of the United States Government.

(3) The Secretary of Energy shall, with the concurrence of the Secretary of State, carry out activities under the program in collaboration with such foreign governments, non-governmental organizations, and other international entities as the Secretary of Energy considers appropriate for the program.

(d) Funding

Amounts authorized to be appropriated to the Secretary of Energy for defense nuclear non-proliferation activities shall be available for purposes of the program under this section.

(e) Participation by other governments and organizations

(1) In general

The Secretary of Energy may, with the concurrence of the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, or multinational entity) that the Secretary of Energy considers appropriate under which the person contributes funds for purposes of the programs described in paragraph (2).

(2) Programs covered

The programs described in this paragraph are any programs within the Office of Defense Nuclear Nonproliferation of the National Nuclear Security Administration.

(3) Retention and use of amounts

Notwithstanding section 3302 of title 31, the Secretary of Energy may retain and use

amounts contributed under an agreement under paragraph (1) for purposes of the programs described in paragraph (2). Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes and shall be available for use without further appropriation and without fiscal year limitation.

(4) Return of amounts not used within 5 years

If an amount contributed under an agreement under paragraph (1) is not used under this subsection within 5 years after it was contributed, the Secretary of Energy shall return that amount to the person who contributed it.

(5) Annual report

Not later than October 31 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on the receipt and use of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

(A) a statement of any amounts received under this subsection, including, for each such amount, the value of the contribution and the person who contributed it;

(B) a statement of any amounts used under this subsection, including, for each such amount, the purposes for which the amount was used; and

(C) a statement of the amounts retained but not used under this subsection, including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(f) Definitions

In this section:

(1) The term “fissile materials” means plutonium, highly-enriched uranium, or other material capable of sustaining an explosive nuclear chain reaction, including irradiated items containing such materials if the radiation field from such items is not sufficient to prevent the theft or misuse of such items.

(2) The term “radiological materials” includes Americium-241, Californium-252, Cesium-137, Cobalt-60, Iridium-192, Plutonium-238, Radium-226, Strontium-90, Curium-244, and irradiated items containing such materials, or other materials designated by the Secretary of Energy for purposes of this paragraph.

(3) The term “related equipment” includes equipment useful for enrichment of uranium in the isotope 235 and for extraction of fissile materials from irradiated fuel rods and other equipment designated by the Secretary of Energy for purposes of this section.

(4) The term “highly-enriched uranium” means uranium enriched to or above 20 percent in the isotope 235.

(5) The term “low-enriched uranium” means uranium enriched below 20 percent in the isotope 235.

(6) The term “proliferation-attractive”, in the case of fissile materials and radiological materials, means quantities and types of such materials that are determined by the Secretary of Energy to present a significant risk to the national security of the United States if diverted to a use relating to proliferation.

(7) The term “alternative technologies” means technologies, such as accelerator-based equipment, that do not use radiological materials.

(Pub. L. 107-314, div. D, title XLIII, § 4306B, formerly Pub. L. 108-375, div. C, title XXXI, § 3132, Oct. 28, 2004, 118 Stat. 2166; Pub. L. 109-364, div. C, title XXXI, § 3113, Oct. 17, 2006, 120 Stat. 2504; Pub. L. 112-239, div. C, title XXXI, § 3118, Jan. 2, 2013, 126 Stat. 2173; Pub. L. 115-232, div. C, title XXXI, § 3114, Aug. 13, 2018, 132 Stat. 2290; renumbered Pub. L. 107-314, div. D, title XLIII, § 4306B, and amended Pub. L. 117-81, div. C, title XXXI, § 3118(a), Dec. 27, 2021, 135 Stat. 2223; Pub. L. 117-263, div. C, title XXXI, § 3115, Dec. 23, 2022, 136 Stat. 3053; Pub. L. 118-31, div. C, title XXXI, § 3118(a), (b), Dec. 22, 2023, 137 Stat. 791.)

Editorial Notes

AMENDMENTS

2023—Subsec. (d). Pub. L. 118-31, § 3118(a), redesignated subsec. (e) as (d) and struck out former subsec. (d) which required interim and final reports on the program under subsec. (b).

Subsec. (e). Pub. L. 118-31, § 3118(a)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (e)(6). Pub. L. 118-31, § 3118(b), struck out par. (6). Text read as follows: “The authority to accept, retain, and use contributions under this subsection expires on December 31, 2028.”

Subsecs. (f), (g). Pub. L. 118-31, § 3118(a)(2), redesignated subsecs. (f) and (g) as (e) and (f), respectively.

2022—Subsec. (c)(1)(M)(ii). Pub. L. 117-263, § 3115(1), inserted “(including through the use of alternative technologies)” after “convert”.

Subsec. (g)(7). Pub. L. 117-263, § 3115(2), added par. (7).

2021—Subsec. (f)(6). Pub. L. 117-81, § 3118(a)(4), substituted “December 31, 2028” for “December 31, 2023”.

2018—Subsec. (f)(5). Pub. L. 115-232, § 3114(1), (2), redesignated par. (6) as (5) and struck out former par. (5). Prior to amendment text of par. (5) read as follows: “Not later than 30 days after the receipt of an amount contributed under paragraph (1), the Secretary of Energy shall submit to the congressional defense committees a notice specifying the purpose and value of the contribution and identifying the person who contributed it. The Secretary may not use the amount until 15 days after the notice is submitted.”

Subsec. (f)(6), (7). Pub. L. 115-232, § 3114(2), (3), redesignated par. (7) as (6) and substituted “December 31, 2023” for “December 31, 2018”. Former par. (6) redesignated (5).

2013—Subsec. (f)(2). Pub. L. 112-239, § 3118(a), amended par. (2) generally. Prior to amendment, par. (2) related to programs covered and listed certain international programs within the Global Threat Reduction Initiative.

Subsec. (f)(7). Pub. L. 112-239, § 3118(b), substituted “December 31, 2018” for “December 31, 2013”.

2006—Subsecs. (f), (g). Pub. L. 109-364 added subsec. (f) and redesignated former subsec. (f) as (g).

Statutory Notes and Related Subsidiaries

ACCELERATION OF REPLACEMENT OF CESIUM BLOOD IRRADIATION SOURCES

Pub. L. 115-232, div. C, title XXXI, § 3141, Aug. 13, 2018, 132 Stat. 2303, provided that:

“(a) GOAL.—The Administrator for Nuclear Security shall ensure that the goal of the covered programs is eliminating the use of blood irradiation devices in the United States that rely on cesium chloride by December 31, 2027.

“(b) IMPLEMENTATION.—To meet the goal specified by subsection (a), the Administrator shall carry out the covered programs in a manner that—

“(1) is voluntary for owners of blood irradiation devices;

“(2) allows for the United States, subject to the review of the Administrator, to pay up to 50 percent of the per-device cost of replacing blood irradiation devices covered by the programs;

“(3) allows for the United States to pay up to 100 percent of the cost of removing and disposing of cesium sources retired from service by the programs; and

“(4) replaces such devices with x-ray irradiation devices or other devices approved by the Food and Drug Administration that provide significant threat reduction as compared to cesium chloride irradiators.

“(c) DURATION.—The Administrator shall carry out the covered programs until December 31, 2027.

“(d) REPORT.—Not later than 180 days after the date of the enactment of this Act [Aug. 13, 2018], the Administrator shall submit to the appropriate congressional committees a report on the covered programs, including—

“(1) identification of each cesium chloride blood irradiation device in the United States, including the number, general location, and user type;

“(2) a plan for achieving the goal established by subsection (a);

“(3) a methodology for prioritizing replacement of such devices that takes into account irradiator age and prior material security initiatives;

“(4) in consultation with the Nuclear Regulatory Commission and the Food and Drug Administration, a strategy identifying any legislative, regulatory, or other measures necessary to constrain the introduction of new cesium chloride blood irradiation devices;

“(5) identification of the annual funds required to meet the goal established by subsection (a); and

“(6) a description of the disposal path for cesium chloride sources under the covered programs.

“(e) ASSESSMENT.—The Administrator shall submit an assessment to the appropriate congressional committees by September 20, 2023, of the results of the actions on the covered programs under this section, including—

“(1) the number of replacement irradiators under the covered programs;

“(2) the life-cycle costs of the programs, including personnel training, maintenance, and replacement costs for new irradiation devices;

“(3) the cost-effectiveness of the covered programs;

“(4) an analysis of the effectiveness of the new irradiation devices’ technology; and

“(5) a forecast of whether the Administrator will meet the goal established in subsection (a).

“(f) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Energy and Commerce of the House of Representatives; and

“(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(2) COVERED PROGRAMS.—The term ‘covered programs’ means the following programs of the Office of Radiological Security of the National Nuclear Security Administration:

“(A) The Cesium Irradiator Replacement Program.

“(B) The Off-Site Source Recovery Program.”

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees has the meaning given that term in section 101(a)(16) of Title 10, Armed Forces, see section 3 of Pub. L. 108-375, Oct. 28, 2004, 118 Stat. 1825. See note under section 101 of Title 10.

§§ 2570, 2571. Repealed. Pub. L. 117-263, div. C, title XXXI, § 3132(b)(2), Dec. 23, 2022, 136 Stat. 3060

Section 2570, Pub. L. 108-375, div. C, title XXXI, §3133, Oct. 28, 2004, 118 Stat. 2168, authorized the Silk Road Initiative.

Section 2571, Pub. L. 108-375, div. C, title XXXI, §3134, Oct. 28, 2004, 118 Stat. 2169, related to Nuclear Nonproliferation Fellowships for scientists employed by the United States and the Russian Federation.

§ 2572. International agreements on nuclear weapons data

The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations to conduct data collection and analysis to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon.

(Pub. L. 107-314, div. D, title XLIII, §4307, as added Pub. L. 110-181, div. C, title XXXI, §3129(a)(1), Jan. 28, 2008, 122 Stat. 584.)

§ 2573. International agreements on information on radioactive materials

The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations—

- (1) to acquire for the materials information program of the Department of Energy validated information on the physical characteristics of radioactive material produced, used, or stored at various locations, in order to facilitate the ability to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon; and
- (2) to obtain access to information described in paragraph (1) in the event of—

- (A) a nuclear detonation; or
- (B) the interdiction or discovery of a nuclear device or weapon or nuclear material.

(Pub. L. 107-314, div. D, title XLIII, §4308, as added Pub. L. 110-181, div. C, title XXXI, §3129(a)(1), Jan. 28, 2008, 122 Stat. 584.)

§ 2574. Repealed. Pub. L. 117-263, div. C, title XXXI, § 3132(b)(3), Dec. 23, 2022, 136 Stat. 3060

Section, Pub. L. 110-417, div. C, title XXXI, §3114, Oct. 14, 2008, 122 Stat. 4756, related to enhancing nuclear forensics capabilities with a research and development plan.

§ 2575. Defense nuclear nonproliferation management plan

(a) Plan required

The Administrator shall develop and annually update a five-year management plan for activities associated with the defense nuclear nonproliferation programs of the Administration to