

Public Law 96-540
96th Congress

An Act

To authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes.

Dec. 17, 1980
[S. 3074]

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 "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981".

Department of
Energy National
Security and
Military
Applications of
Nuclear Energy
Authorization
Act of 1981.

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed services, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For the defense inertial confinement fusion program, \$141,775,000, to be allocated as follows:

(A) For glass laser experiments, \$69,800,000.

(B) For gas laser experiments, \$38,000,000.

(C) For particle beam experiments, \$15,700,000.

(D) For supporting research and experiments, \$17,000,000, none of which may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for inertial confinement fusion experiments and inertial confinement fusion systems.

(E) For program direction, \$1,275,000.

(2) For the naval reactors development program, \$250,350,000, including \$10,350,000 for program direction.

(3) For weapons activities, \$1,836,823,000, to be allocated as follows:

(A) For research and development, \$501,064,000.

(B) For weapons testing, \$318,000,000.

(C) For production and surveillance, \$980,100,000.

(D) For program direction, \$37,659,000.

(4) For verification and control technology, \$38,591,000, including \$1,765,000 for program direction.

(5) For the defense nuclear materials production and byproducts management program, to be administered by the Assistant Secretary for Defense Programs, \$709,255,000, to be allocated as follows:

(A) For production reactor expenses, \$226,907,000.

(B) For the processing of defense nuclear materials, \$104,419,000.

(C) For supporting services, \$93,739,000, of which \$15,000,000 shall be used for the fiscal year 1981 increment

of startup costs for the Purex chemical processing plant and N-reactor mode conversion at Richland, Washington.

(D) For fluorinel processing of nonproduction fuels and related activities, \$26,890,000.

(E) For special isotope separations research, \$14,815,000.

(F) For decontamination and decommissioning, \$4,000,000.

(G) For interim waste operations, \$149,940,000.

(H) For long term waste management technology, \$75,500,000, of which \$5,000,000 shall be used only for the waste isolation pilot plant as authorized by section 213 of Public Law 96-164.

(I) For transportation research and development, \$5,000,000.

(J) For program direction \$3,045,000, of which \$1,330,000 shall be used for materials production and \$1,715,000 shall be used for byproducts management.

(6) For nuclear materials security and safeguards technology development program (defense program), \$43,304,000, including \$3,795,000 for program direction.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for plant and capital equipment (including planning, construction, acquisition and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs, as follows:

(1) For defense inertial confinement fusion:

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, New Mexico, \$36,750,000.

Project 80-AE-11, target fabrication facility, Los Alamos National Scientific Laboratory, New Mexico, \$14,300,000, for a total project authorization of \$15,300,000.

Project 80-AE-12, target fabrication facility, Ernest Orlando Lawrence Livermore National Laboratory, California, \$6,600,000 for a total project authorization of \$7,600,000.

Project 75-3-b, high energy laser facility, Los Alamos National Scientific Laboratory, New Mexico, an additional sum of \$8,000,000, for a total project authorization of \$62,500,000.

(2) For naval reactors development:

Project 81-T-111, general plant projects, various locations, \$3,300,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, \$103,000,000.

Project 81-T-113, fuel materials examination area upgrading, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, \$2,700,000.

(3) For weapons activities:

Project 81-D-102, general plant projects, various locations, \$28,900,000.

Project 81-D-103, plant engineering and design, various locations, \$4,600,000.

Project 81-D-104, heavy duty drill repair facility, Nevada Test Site, Nevada, \$1,700,000.

Project 81-D-105, engineering office building, Nevada Test Site, Nevada, \$1,800,000.

Project 81-D-106, weaponization facilities, Ernest Orlando Lawrence Livermore National Laboratory, California, \$6,600,000.

Project 81-D-107, utilities and equipment restoration, replacement, and upgrade, various locations, \$31,000,000.

Project 81-D-108, reactor support facilities, Sandia National Laboratories, New Mexico, \$9,000,000.

Project 81-D-110, upgrade industrial liquid waste treatment plants, Los Alamos National Scientific Laboratory, New Mexico, \$8,000,000.

Project 81-D-111, water system upgrade, Los Alamos National Scientific Laboratory, New Mexico, \$9,000,000.

Project 81-D-112, tritium handling facility, Los Alamos National Scientific Laboratory, New Mexico, \$4,100,000.

Project 81-D-115, MX warhead production facilities, various locations, \$10,000,000.

Project 81-D-116, utilities and equipment restoration, replacement, and upgrade, Phase II, various locations, \$75,000,000.

Project 81-D-119, reclamation facility improvements, Savannah River Plant, Aiken, South Carolina, \$1,200,000.

Project 81-D-120, control of effluents and pollutants, Y-12 Plant, Oak Ridge, Tennessee, \$3,000,000.

Project 81-D-121, upgrade weapons staging area roads, Pantex Plant, Texas, \$1,600,000.

Project 81-D-133, earthquake damage restoration, Ernest Orlando Lawrence Livermore National Laboratory, California, \$3,000,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratory at Livermore, California, \$2,000,000.

Project 80-AE-5, ground launched cruise missile (GLCM) warhead production facilities, various locations, an additional sum of \$3,000,000, for a total project authorization of \$7,000,000.

Project 80-AE-6, utilities and equipment restoration, replacement, and upgrade, various locations, an additional sum of \$29,900,000 for a total project authorization of \$69,300,000.

Project 79-7-e production and assembly facilities, Pantex plant, Amarillo, Texas, an additional sum of \$13,000,000, for a total project authorization of \$23,000,000.

Project 79-7-p, facilities for new modern strategic bomb, various locations, an additional sum of \$7,000,000 for a total project authorization of \$35,000,000.

(4) For materials production and byproducts management:

Project 81-D-123, general plant projects, various locations, \$14,600,000.

Project 81-D-124, plant engineering and design, various locations, \$4,200,000.

Project 81-D-125, N-reactor safety and environmental improvements, security and surveillance, Richland, Washington, \$5,100,000.

Project 81-D-126, pollution abatement facilities, Richland, Washington, \$1,000,000.

Project 81-D-128, restoration of production capabilities, various locations, \$35,000,000.

Project 81-D-131, remote analytical facility upgrade and expansion, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$28,500,000.

Project 81-D-141, hangers for N-reactor irradiated fuel storage, Richland, Washington, \$5,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, \$7,000,000.

Project 81-D-143, L-reactor upgrade, Savannah River, South Carolina, \$49,000,000.

Project 77-13-a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, an additional sum of \$34,000,000, for a total project authorization of \$149,400,000.

Project 81-T-101, general plant projects, various locations, \$9,140,000.

Project 81-T-102, plant engineering and design, various locations, \$5,130,000.

Project 81-T-103, sixth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$15,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, \$20,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, \$10,000,000.

Project 81-T-106, transuranic waste treatment facility, Idaho National Engineering Laboratory, Idaho, \$10,000,000 (AE only).

Project 77-13-f, waste isolation pilot plant, Delaware Basin, southeast New Mexico, an additional sum of \$29,000,000, for a total project authorization of \$119,000,000.

(5) For capital equipment not related to construction—

(A) for defense inertial confinement fusion, \$11,000,000;

(B) for naval reactors development, \$39,000,000;

(C) for weapons activities, \$113,700,000;

(D) for verification and control technology, \$800,000;

(E) for materials production and byproducts management, \$75,507,000 of which \$53,000,000 shall be used for materials production and \$22,507,000 shall be used for byproducts management; and

(F) for nuclear materials security and safeguards development, \$3,400,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMMING

SEC. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or \$10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, 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 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") 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 Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this Act exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed \$1,000,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised due to unforeseen cost variations and the revised cost of the project exceeds \$1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this Act exceed the total amount authorized to be appropriated for such projects by this Act.

Report to
congressional
committees.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, the project may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be

merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a)(1) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed \$2,000,000.

Notification to congressional committees.

(2) In any case in which the total estimated cost for such planning and design exceeds \$300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds \$2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES

42 USC 7272.

SEC. 210. None of the funds authorized to be appropriated by this 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.

**RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR
ACT**

42 USC 7273.

SEC. 211. None of the funds authorized to be appropriated by this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement resulting from a failure to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any defense activity of the Department of Energy if (1) the Secretary finds that compliance is physically impossible within the time prescribed for compliance, or (2) the President has specifically requested appropriations for compliance and the Congress has failed to appropriate funds for such purpose.

ENHANCED RADIATION WARHEADS

SEC. 212. The Secretary of Energy shall produce and stockpile the nuclear materials and the warhead components necessary to enable the rapid conversion of the W70-3 and W79-1 warheads to an enhanced radiation capability.

URANIUM MILL TAILINGS PLAN

SEC. 213. The Secretary of Energy shall develop a plan for a cooperative program to provide assistance in the stabilization and management of uranium mill tailings which have resulted from ore processing to extract uranium under contract with the United States for use primarily in defense programs and which are now commingled with other tailings. In developing the plan, the Secretary shall establish the amount and condition of the tailings resulting from such Federal contracts at each currently operating or currently licensed extraction site in order to permit calculation of the federally contracted share of the total tailings which must be stabilized and managed over time. The plan shall include a methodology for establishing the extent of Federal assistance appropriate to meet the costs for stabilizing and managing such tailings at each such site in order to comply with a requirement of Federal law or regulation imposed after termination of such Federal contracts. The Secretary shall consult with the owners and operators of each such site and shall submit the plan and his recommendations to the Armed Services Committees of the Congress not later than October 1, 1981.

Submission to
congressional
committees.

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-947 accompanying H.R. 7265 (Comm. on Armed Services).

SENATE REPORT No. 96-920 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Sept. 30, considered and passed Senate.

Nov. 20, H.R. 7265 considered and passed House; passage vacated and S. 3074, amended, passed in lieu.

Nov. 25, Senate agreed to House amendment with an amendment.

Dec. 1, House concurred in Senate amendment.