

Public Law 95-509  
95th Congress

An Act

To authorize appropriations for the Department of Energy for national security programs for fiscal year 1979, and for other purposes.

Oct. 24, 1978

[H.R. 11686]

*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 1979".

Department of  
Energy National  
Security and  
Military  
Applications of  
Nuclear Energy  
Authorization Act  
of 1979.

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are hereby authorized to be appropriated to the Department of Energy (hereinafter in this title referred to as the "Department") for fiscal year 1979 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 as follows:

- (1) For Weapons Activities, \$1,237,194,000;
- (2) For Special Materials Production, \$514,500,000;
- (3) For Inertial Confinement Fusion, \$104,000,000;
- (4) For Naval Reactor Development, \$265,600,000;
- (5) For Defense Intelligence and Arms Control, \$32,600,000;
- (6) For Nuclear Materials Security and Safeguards, \$45,089,000; and
- (7) For Program Direction and Management Support Related to National Security Programs, \$47,151,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are hereby authorized to be appropriated to the Department for fiscal year 1979, 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 weapons activities:
  - Project 79-7-a Tonopah Test Range upgrade, Phase II, Sandia Laboratories, Albuquerque, New Mexico, \$4,000,000.
  - Project 79-7-b, fire protection improvements, Los Alamos Scientific Laboratory, Los Alamos, New Mexico (A-E and long lead procurement only), \$2,000,000.
  - Project 79-7-c, proton storage ring, Los Alamos Scientific Laboratory, Los Alamos, New Mexico, \$5,000,000.
  - Project 79-7-d, water cooling station upgrade, Lawrence Livermore Laboratory, Livermore, California, \$2,300,000.
  - Project 79-7-e, production and assembly facilities, Pantex Plant, Amarillo, Texas, \$10,000,000.
  - Project 79-7-f, stockpile quality evaluation facility, Y-12 Plant, Oak Ridge, Tennessee, \$2,300,000.

Project 79-7-l, Systems R&D Lab, Sandia Laboratories, Albuquerque, New Mexico (A-E), \$1,000,000.

Project 79-7-m, Weapons Materials Analytical Lab, Pantex Plant, Amarillo, Texas, \$1,500,000.

Project 79-7-n, utility systems restoration, Y-12 Plant, Oak Ridge, Tennessee, \$2,200,000.

Project 79-7-o, universal pilot plant, high explosives, Pantex Plant, Amarillo, Texas, \$3,500,000.

Project 79-7-p, facilities for new modern strategic bomb, various locations, \$28,000,000.

(2) For special materials production:

Project 79-7-h, utilities replacement and expansion, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho Falls, Idaho, \$10,500,000.

Project 79-7-i, transmission and distribution systems upgrading, Richland, Washington, \$7,000,000.

Project 79-7-j, pollutant discharge elimination, Savannah River, South Carolina, \$9,000,000.

(3) For defense waste management:

Project 79-7-k, waste management facilities, Savannah River, South Carolina, \$25,000,000.

(4) For project 79-6, general plant projects—

(A) for weapons activities, \$26,400,000;

(B) for special materials production, \$15,250,000;

(C) for naval reactor development, \$3,000,000; and

(D) for waste management, \$5,950,000.

(5) For project 79-8, plant engineering and design—

(A) for special materials production, \$1,500,000;

(B) for defense waste management, \$12,000,000;

(C) for military application, \$32,000,000; and

(D) for inertial confinement fusion, \$1,000,000.

(6) For capital equipment not related to construction—

(A) for weapons activities, \$86,400,000;

(B) for special materials production, \$32,000,000;

(C) for waste management, \$8,000,000;

(D) for inertial confinement fusion, \$8,200,000;

(E) for naval reactor development, \$22,000,000;

(F) for nuclear material security and safeguards, \$3,000,000;

and

(G) for program direction and management support, \$300,000.

ADDITIONAL AUTHORIZATIONS FOR PREVIOUSLY AUTHORIZED PROJECTS

SEC. 103. Funds are hereby authorized to be appropriated to the Department for fiscal year 1979, for national security projects previously authorized by law, as follows:

(1) For project 74-1-b, replacement ventilation air filter, F Chemical Separations Area, Savannah River, South Carolina, \$2,100,000; for a total authorization of \$7,300,000.

(2) For project 75-7-c, intermediate-level waste management facilities, Oak Ridge National Laboratory, Oak Ridge, Tennessee, \$1,000,000; for a total authorization of \$11,500,000.

(3) For project 77-13-a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho Falls, Idaho, \$50,000,000; for a total authorization of \$65,000,000.

(4) For project 77-13-f, waste isolation pilot plant, Delaware Basin, southeast New Mexico, \$40,000,000; for a total authorization of \$68,000,000.

(5) For project 77-13-g, safeguards and security upgrading, production facilities, multiple sites, \$3,800,000; for a total authorization of \$20,200,000.

(6) For project 78-4-a, a high energy laser facility (NOVA), Lawrence Livermore Laboratory, Livermore, California, \$187,000,000; for a total authorization of \$195,000,000.

(7) For project 78-16-c, high explosive flash radiography facility, Lawrence Livermore Laboratory, Livermore, California, \$5,900,000; for a total authorization of \$10,900,000.

(8) For project 78-16-d, weapons safeguards, various locations, \$9,000,000; for a total authorization of \$26,000,000.

(9) For project 78-16-g, radioactive liquid waste improvement, Los Alamos Scientific Laboratory, Los Alamos, New Mexico, \$5,700,000; for a total authorization of \$6,300,000.

(10) For project 78-16-i; laboratory support complex, Los Alamos Scientific Laboratory, Los Alamos, New Mexico, \$14,000,000; for a total authorization of \$16,000,000.

(11) For project 78-17-a, production component warehouse, Pantex Plant, Amarillo, Texas, \$2,550,000; for a total authorization of \$2,800,000.

(12) For project 78-17-c, core facilities office building, utilities and roads, Lawrence Livermore Laboratory, Livermore, California, \$11,000,000; for a total authorization of \$12,300,000.

(13) For project 78-17-d, steam plant improvements, Y-12 Plant, Oak Ridge, Tennessee, \$7,000,000; for a total authorization of \$10,000,000.

(14) For project 78-18-a, high level waste storage and waste management facilities, Richland, Washington, \$9,000,000; for a total authorization of \$27,000,000.

(13) For project 78-18-c, environmental, safety and security improvements to waste management and materials processing facilities, Richland, Washington, \$13,000,000; for a total authorization of \$28,500,000.

## TITLE II—GENERAL PROVISIONS

### REPROGRAMMING

SEC. 201. 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 30 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 appropriate committees of Congress of notice given by 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.

#### PROJECT COST VARIATION PROVISION

SEC. 202. (a) No project for which appropriations are authorized in section 102 (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 Secretary 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. 203. The Secretary is authorized to start any project set forth under section 102(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 Secretary 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.

#### AVAILABILITY OF FUNDS

SEC. 204. Subject to the provisions of appropriations Acts, amounts appropriated pursuant to sections 101 and 102 of this Act for policy and management activities, for general plant projects, and for plant engineering and design are available for use, when necessary, in connection with all national security programs of the Department of Energy.

#### AUTHORIZATION TO PERFORM CONSTRUCTION DESIGN SERVICES

SEC. 205. The Secretary is authorized to perform construction design services for any construction project of the Department of Energy in support of national security programs which have been presented to, or requested of, the Congress in amounts not in excess of the amount specified in section 102(5). In any case in which the estimated design cost for any project is in excess of \$300,000, the Secretary shall notify the appropriate Committees of Congress in writing of the estimated design cost for such project at least 30 days before any funds are obligated for design services for such project.

Notification to congressional committees.

#### ADJUSTMENTS FOR PAY INCREASES

SEC. 206. 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.

## RESTRICTIONS ON THE B43 BOMB

SEC. 207. No funds authorized to be appropriated by this Act may be used for the testing, modernization, rebuilding, or replacement of any component of the B43 bomb, except that such funds may be used for quality and reliability testing of such bomb and for the replacement of limited-life components of such bomb.

## FUTURE REQUESTS OF AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 208. The Secretary shall submit to the Congress for fiscal year 1980, and for each subsequent fiscal year, a single request for authorizations for appropriations for all programs of the Department of Energy involving scientific research and development in support of the armed forces, military applications of nuclear energy, strategic and critical materials necessary for the common defense, and other programs which involve the common defense and security of the United States.

Submittal to  
Congress.  
42 USC 7271.

## STUDY OF CAPITAL INVESTMENT REQUIREMENTS

SEC. 209. (a) The Secretary shall conduct a study of the status of all Government-owned, contractor-operated, plant, capital equipment, facilities, and utilities which support the United States nuclear weapons program and submit the results of such study to the Congress at the same time that the Department of Energy authorization request for fiscal year 1980 is submitted to the Congress.

Submittal to  
Congress.  
42 USC 7271  
note.

(b) The Secretary shall include in such report—

- (1) an analysis of the measures required to restore the nuclear weapons complex of the United States to a satisfactory condition, and
- (2) a plan containing proposed schedules for carrying out and funding any restoration found to be necessary.

## REQUIREMENT FOR MILITARY PERSONNEL DETAILED TO THE DEPARTMENT OF ENERGY TO BE INCLUDED IN AUTHORIZED END STRENGTHS

SEC. 210. Section 625(b) of the Department of Energy Organization Act (91 Stat. 598) is amended by striking out the second sentence.

42 USC 7235.

## RESTRICTIONS ON SM-2 WARHEAD

SEC. 211. None of the funds authorized to be appropriated by this or any other Act may be obligated or expended for the development of a nuclear warhead for the SM-2 standard missile until an arms control impact statement for such warhead has been filed with the Congress.

Approved October 24, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1108 (Comm. on Armed Services).  
SENATE REPORT No. 95-961 accompanying S. 2693 (Comm. on Armed Services) and  
(Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 124 (1978):  
May 16, 17, considered and passed House.  
Sept. 30, considered and passed Senate, amended, in lieu of S. 2693.  
Oct. 11, House concurred in Senate amendment.