

107TH CONGRESS  
2D SESSION

# H. R. 4744

To make it more likely that the cleanup and closure of the Rocky Flats Environmental Technology Site will be completed on or before December 15, 2006.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2002

Mr. UDALL of Colorado (for himself, Mr. TANCREDO, and Mr. HEFLEY) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To make it more likely that the cleanup and closure of the Rocky Flats Environmental Technology Site will be completed on or before December 15, 2006.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS AND PURPOSE.**

4       (a) FINDINGS.—The Congress finds the following:

5               (1) The United States and the State of Colo-  
6       rado have a compelling interest in achieving the safe  
7       and effective cleanup and closure of the Rocky Flats

1 Environmental Technology Site, Colorado, without  
2 unnecessary delay.

3 (2) When the Rocky Flats site has been cleaned  
4 up and closed, additional resources can be redirected  
5 to meet needs of other present and former nuclear  
6 weapons sites in States other than Colorado.

7 (3) The cleanup plan for Rocky Flats calls for  
8 removal of all plutonium from the site and for such  
9 plutonium to be rendered unsuitable for weapons  
10 use, in accordance with an agreement for mutual re-  
11 ductions of weapons-grade plutonium between the  
12 United States and the Russian Federation. Comple-  
13 tion of this process is in the national security inter-  
14 est of the United States.

15 (4) The Department of Energy has been seek-  
16 ing to complete cleanup and closure of the Rocky  
17 Flats site on or before December 15, 2006, and it  
18 is in the national interest for that objective to be  
19 met.

20 (5) Recent developments, including revisions to  
21 the Department of Energy's strategy for disposal of  
22 surplus plutonium, have created new obstacles to  
23 achieving cleanup and closure of Rocky Flats on or  
24 before December 15, 2006.

1 (b) PURPOSE.—The purpose of this Act is to increase  
2 the likelihood that cleanup and closure of the Rocky Flats  
3 Environmental Technology Site, Colorado, will be accom-  
4 plished on or before December 15, 2006.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) The term “Rocky Flats” means the Rocky  
8 Flats Environmental Technology Site of the Depart-  
9 ment of Energy.

10 (2) The term “Secretary” means the Secretary  
11 of Energy.

12 (3) The term “special nuclear material” has the  
13 meaning given such term in section 11 of the Atomic  
14 Energy Act of 1954 (42 U.S.C. 2014), except that  
15 such term also includes weapons grade plutonium.

16 (4) The term “Record of Decision” means the  
17 Record of Decision dated January 11, 2000, for the  
18 Department of Energy’s Surplus Plutonium Disposi-  
19 tion Program, as amended by the Amended Record  
20 of Decision dated April 15, 2002, for that program.

21 **SEC. 3. EXAMINATION OF ALTERNATIVES.**

22 If the transfer of special nuclear materials identified  
23 for removal from Rocky Flats for disposal or processing  
24 into mixed-oxide fuel has not commenced as of July 1,  
25 2002, the Secretary shall reopen the Record of Decision

1 and shall examine all possible alternatives that will result  
2 in accomplishing this removal in an expeditious and effec-  
3 tive manner. Nothing in this section shall be construed  
4 to require the Secretary to delay transfer of any special  
5 nuclear material from Rocky Flats to any other location.

6 **SEC. 4. REPORT.**

7 If the Secretary commences the examination of alter-  
8 natives referred to in section 3, the Secretary shall, not  
9 later than 180 days after commencing such examination,  
10 submit to Congress a report on the results of such exam-  
11 ination and the extent to which selection of any alternative  
12 examined would facilitate or delay completion of the clean-  
13 up and closure of Rocky Flats on or before December 15,  
14 2006.

15 **SEC. 5. INCENTIVE FOR REMOVAL.**

16 If the transfer of all of the special nuclear materials  
17 identified for removal from Rocky Flats for disposal or  
18 processing into mixed-oxide fuel has not been completed  
19 as of November 1, 2003, the Secretary shall, from funds  
20 available to the Secretary, pay economic/impact assistance  
21 to the State of Colorado in the amount of \$1,000,000 per  
22 day, not to exceed \$100,000,000 per calendar year, until  
23 all such special nuclear materials have been removed from  
24 Rocky Flats.

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