

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2523

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 SENATE OF THE UNITED STATES

MAY 15 (legislative day, MAY 9), 2002

Mr. ALLARD introduced the following bill; which was read twice and referred to the Committee on Armed Services

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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  
8        Environmental Technology Site, Colorado, without  
9        unnecessary delay.

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

5           (3) The Department of Energy has been seek-  
6 ing to complete cleanup and closure of the Rocky  
7 Flats site on or before December 15, 2006, and it  
8 is in the national interest for that objective to be  
9 met.

10          (4) Recent developments, including revisions to  
11 the Department of Energy’s strategy for disposal of  
12 surplus plutonium, have created new obstacles to  
13 achieving cleanup and closure of Rocky Flats on or  
14 before December 15, 2006.

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

19 **SEC. 2. DEFINITIONS.**

20          In this Act:

21           (1) The term “Rocky Flats” means the Rocky  
22 Flats Environmental Technology Site of the Depart-  
23 ment of Energy.

24           (2) The term “Secretary” means the Secretary  
25 of Energy.

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

5           (4) The term “Record of Decision” means the  
6           Record of Decision dated January 11, 2000, for the  
7           Department of Energy’s Surplus Plutonium Disposi-  
8           tion Program, as amended by the Amended Record  
9           of Decision dated April 15, 2002, for that program.

10 **SEC. 3. EXAMINATION OF ALTERNATIVES.**

11           If the transfer of special nuclear materials identified  
12           for removal from Rocky Flats for disposal or processing  
13           into mixed-oxide fuel has not commenced as of July 1,  
14           2002, the Secretary shall reopen the Record of Decision  
15           and shall examine all possible alternatives that will result  
16           in accomplishing this removal in an expeditious and effec-  
17           tive manner.

18 **SEC. 4. REPORT.**

19           If the Secretary commences the examination of alter-  
20           natives referred to in section 3, the Secretary shall, not  
21           later than 180 days after commencing such examination,  
22           submit to Congress a report on the results of such exam-  
23           ination and the extent to which selection of any alternative  
24           examined would facilitate or delay completion of the clean-

1 up and closure of Rocky Flats on or before December 15,  
2 2006.

3 **SEC. 5. INCENTIVE FOR REMOVAL.**

4       If the transfer of all of the special nuclear materials  
5 identified for removal from Rocky Flats for disposal or  
6 processing into mixed-oxide fuel has not been completed  
7 as of November 1, 2003, the Secretary shall, from funds  
8 available to the Secretary, pay economic/impact assistance  
9 to the State of Colorado in the amount of \$1,000,000 per  
10 day, not to exceed \$100,000,000 per calendar year, until  
11 all such special nuclear materials have been removed from  
12 Rocky Flats.

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