

106TH CONGRESS
1ST SESSION

H. R. 3151

To provide funding for the Portsmouth and Paducah, Tennessee, gaseous diffusion plants.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1999

Mr. STRICKLAND (for himself and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To provide funding for the Portsmouth and Paducah,
Tennessee, gaseous diffusion plants.

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. URANIUM ENRICHMENT DECONTAMINATION**

4 **AND DECOMMISSIONING FUND.**

5 (a) EXPENDITURES BEGINNING OCTOBER 1, 1999.—

6 Notwithstanding any other law, beginning on October 1,

7 1999, the Secretary of Energy may expend amounts col-

8 lected under subsections (c) and (d) of section 1802 of

9 the Atomic Energy Act of 1954 (42 U.S.C. section 2297g—

10 1 (c), (d)) for the purposes set forth in subsections (b)

1 and (c) of section 1803 of such Act (42 U.S.C. 2297g–
2 2 (b), (c)) without further appropriation and without fiscal
3 year limitation.

4 (b) EXPENDITURES BEGINNING OCTOBER 1, 2008.—
5 Notwithstanding any other law, beginning October 1,
6 2008, the Secretary of Energy may expend amounts in
7 the fund established by section 1801 of the Atomic Energy
8 Act of 1954 (42 U.S.C. 2297g) for the purposes set forth
9 in subsections (b) and (c) of section 1803 of such Act (42
10 U.S.C. section 2297g–1 (c), (d)) without further appro-
11 priation and without fiscal year limitation but subject to
12 limitations that may be included in appropriations Acts.

13 **SEC. 2. ALLOCATION OF FUNDS.**

14 (a) IN GENERAL.—The funds referred to in section
15 1 shall be allocated to each decontamination and decom-
16 missioning program of the 3 gaseous diffusion plants in,
17 Portsmouth, Ohio, Paducah, Kentucky, and Oak Ridge,
18 Tennessee, proportional to the total number of Separative
19 Work Units processed at each such site. Such units shall
20 be calculated as of the date of enactment of this Act. The
21 Secretary of Energy shall report the allocation to Congress
22 within 60 days of such date of enactment.

23 (b) ADVANCE NOTIFICATION OF TERMINATION OF
24 LEASE.—Upon receiving advance notification that the
25 United States Enrichment Corporation, or its affiliates,

1 is terminating all or part of its lease with the Department
2 of Energy at the gaseous diffusion plant at Portsmouth,
3 Ohio, or Paducah, Kentucky, the Department of Energy
4 shall notify local and State officials, the congressional del-
5 egation, employee representatives, and community reuse
6 organizations (if any).

7 (c) DECONTAMINATION AND DECOMMISSIONING PRO-
8 GRAM.—If such a lease is terminated, in whole or in part,
9 the Department of Energy shall, within 60 days, make a
10 determination whether it will lease the facility involved in
11 the lease to a successor entity, operate the facility as a
12 government enterprise, operate the facility on standby, or
13 close all or part of the operations of the facility. In the
14 event that the Department of Energy determines that it
15 will no longer operate or lease all or part of a gaseous
16 diffusion plant, the Department of Energy shall imme-
17 diately initiate a decontamination and decommissioning
18 program. Within 30 days of such decision, the Department
19 of Energy shall immediately commence all required envi-
20 ronmental reviews, including compliance with the National
21 Environmental Policy Act of 1969.

22 (d) REPORT.—The Secretary of Energy shall trans-
23 mit to Congress a decontamination and decommissioning
24 program for the Portsmouth, Ohio and Paducah, Ken-
25 tucky, gaseous diffusion plants no later than 180 days

1 after the date a decision has been made to close all or
2 part of one of the gaseous diffusion plants.

3 **SEC. 3. PORTSMOUTH AND PADUCAH OPERATIONS OFFICE.**

4 (a) IN GENERAL.—The Department of Energy shall
5 establish, not later than March 30, 2000, a Portsmouth
6 and Paducah Operations Office. The office shall manage
7 the environmental restoration, nuclear energy, and ura-
8 nium enrichment program activities at such 2 sites. The
9 office shall be provided with budget authority and con-
10 tracting authority over existing contracts and authority to
11 award new contracts. The office shall manage and direct,
12 among other projects, the depleted uranium hexafluoride
13 conversion program and decontamination and decommis-
14 sioning program. The office shall also have its own capac-
15 ity to perform environmental, safety, health, and financial
16 oversight.

17 (b) PLAN.—The Department shall submit, not later
18 than 60 days after the date of enactment of this Act, a
19 plan for establishing the Portsmouth and Paducah Oper-
20 ations Office. The plan shall describe actions required to
21 transfer functions from the Oak Ridge Operations Office
22 to the Portsmouth and Paducah Operations Office. The
23 plan shall outline the personnel transfers, full-time equiva-
24 lent requirements, budget requirements, physical space re-
25 quirements, and identify the source of funds to accomplish

1 the transfer of personnel, documents, and support sys-
2 tems. The plan shall include the provision for legal counsel
3 and chief financial officer and describe the reporting rela-
4 tionships to the Headquarters Program Office. The plan
5 shall detail which Operations Office functions shall be lo-
6 cated at the Portsmouth Plant Area Office versus the Pa-
7 ducah Plant Area Office.

8 (c) PRESIDENT'S BUDGET.—The President's Budget
9 request for fiscal year 2001 and for each fiscal year there-
10 after shall include funding for the Portsmouth and Padu-
11 cah Operations Office as a separate line item from the
12 Oak Ridge Operations Office budget.

13 **SEC. 4. CLOSURE OF GASEOUS DIFFUSION PLANT.**

14 The Department of Energy shall minimize the social
15 and economic impacts of any decisions related to the clo-
16 sure of all or part of a gaseous diffusion plant at Ports-
17 mouth, Ohio, or Paducah, Kentucky. As part of this effort,
18 all contracts and subcontracts for safe shutdown, deactiva-
19 tion, decontamination, and decommissioning work at such
20 Department of Energy's gaseous diffusion plants shall in-
21 clude requirements that—

22 (1) consistent with site seniority practices, con-
23 tractors and subcontractors of all tiers directly pro-
24 vide a continuing right of first refusal for available
25 work to gaseous diffusion plant employees and De-

1 partment of Energy contractor employees who were
2 employed on the date of enactment of this Act and
3 are displaced or facing displacement and are quali-
4 fied or can qualify with a reasonable amount of
5 training;

6 (2) contractors and subcontractors provide req-
7 uisite training and retraining for incumbent employ-
8 ees not to exceed \$10,000 per worker, excluding
9 wages and time spent in training;

10 (3) pay wages and benefits not less than wages
11 and fringes provided under the Service Contract Act
12 of 1965, and provide pension and retiree health care
13 benefit continuity using the Multiple Employer Pen-
14 sion Plan now in place at the Portsmouth, Ohio, Pa-
15 ducah, Kentucky, and Oak Ridge, Tennessee sites or
16 an equivalent instrument;

17 (4) comply with the workforce restructuring
18 plan promulgated by the Department of Energy pur-
19 suant to section 3161 of the National Defense Au-
20 thorization Act for Fiscal Year 1993 (42 U.S.C.
21 7274h); and

22 (5) suits alleging violations of this section may
23 be brought in any district court of the United States
24 having jurisdiction over the parties, without regard

- 1 to the amount in controversy or citizenship of the
- 2 parties.

