

103D CONGRESS
1ST SESSION

S. 1255

To authorize appropriations for the Department of Energy for national security programs for fiscal year 1994, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16 (legislative day, JUNE 30), 1993

Mr. NUNN (for himself and Mr. THURMOND) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To authorize appropriations for the Department of Energy for national security programs for fiscal year 1994, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Department of Energy
4 National Security Programs Authorization Act for Fiscal
5 Year 1994".

1 Project GPD-121, general plant projects, var-
2 ious locations, \$7,700,000.

3 Project 94-D-102, nuclear weapons research,
4 development, and testing facilities revitalization,
5 Phase V, various locations, \$11,110,000.

6 Project 94-D-124, hydrogen fluoride supply
7 system, Oak Ridge Y-12 Plant, Oak Ridge, Ten-
8 nessee, \$5,000,000.

9 Project 94-D-125, upgrade life safety, Kansas
10 City Plant, Kansas City, Missouri, \$1,000,000.

11 Project 94-D-127, emergency notification sys-
12 tem, Pantex Plant, Amarillo, Texas, \$1,000,000.

13 Project 94-D-128, environmental safety and
14 health analytical laboratory, Pantex Plant, Amarillo,
15 Texas, \$800,000.

16 Project 93-D-102, Nevada support facility,
17 North Las Vegas, Nevada, \$4,000,000.

18 Project 93-D-122, life safety upgrades, Y-12
19 Plant, Oak Ridge, Tennessee, \$5,000,000.

20 Project 93-D-123, complex-21, various loca-
21 tions, \$25,000,000.

22 Project 92-D-102, nuclear weapons research,
23 development, and testing facilities revitalization,
24 Phase IV, various locations, \$27,479,000.

1 Project 92-D-126, replace emergency notifica-
2 tion systems, various locations, \$10,500,000.

3 Project 90-D-102, nuclear weapons research,
4 development, and testing facilities revitalization,
5 Phase III, various locations, \$30,805,000.

6 Project 88-D-106, nuclear weapons research,
7 development, and testing facilities revitalization,
8 Phase II, various locations, \$39,624,000.

9 Project 88-D-122, facilities capability assur-
10 ance program, various locations, \$27,100,000.

11 Project 88-D-123, security enhancements,
12 Pantex Plant, Amarillo, Texas, \$20,000,000.

13 (c) CAPITAL EQUIPMENT.—Funds are authorized to
14 be appropriated to the Department of Energy for fiscal
15 year 1994 for capital equipment not related to construc-
16 tion for weapons activities necessary for national security
17 programs in the amount of \$123,034,000, to be allocated
18 as follows:

19 (1) For research and development,
20 \$82,879,000.

21 (2) For testing, \$24,400,000.

22 (3) For stockpile support, \$12,136,000.

23 (4) For program direction, \$3,619,000.

24 (d) ADJUSTMENTS.—The total amount authorized to
25 be appropriated pursuant to this section is the sum of the

1 amounts specified in subsections (a) through (c) reduced
2 by \$353,641,000 for use of prior year balances.

3 **SEC. 102. ENVIRONMENTAL RESTORATION AND WASTE**
4 **MANAGEMENT.**

5 (a) **OPERATING EXPENSES.**—Funds are authorized
6 to be appropriated to the Department of Energy for fiscal
7 year 1994 for operating expenses incurred in carrying out
8 environmental restoration and waste management activi-
9 ties necessary for national security programs in the
10 amount of \$4,832,213,000, to be allocated as follows:

11 (1) For corrective activities, \$2,170,000.

12 (2) For environmental restoration,
13 \$1,536,027,000.

14 (3) For waste management, \$2,275,441,000.

15 (4) For technology development, \$371,150,000.

16 (5) For transportation management,
17 \$19,730,000.

18 (6) For program direction, \$82,427,000.

19 (7) For facility transition, \$545,268,000.

20 (b) **PLANT PROJECTS.**—Funds are authorized to be
21 appropriated to the Department of Energy for fiscal year
22 1994 for plant projects (including maintenance, restora-
23 tion, planning, construction, acquisition, modification of
24 facilities, and the continuation of projects authorized in
25 prior years, and land acquisition related thereto) that are

1 necessary for national security programs and are associ-
2 ated with environmental restoration and waste manage-
3 ment activities as follows:

4 Project GPD-171, general plant projects, var-
5 ious locations, \$49,015,000.

6 Project 94-D-122, underground storage tanks,
7 Rocky Flats, Colorado, \$700,000.

8 Project 94-D-400, high explosive wastewater
9 treatment system, Los Alamos National Laboratory,
10 Los Alamos, New Mexico, \$1,000,000.

11 Project 94-D-401, emergency response facility,
12 Idaho National Engineering Laboratory, Idaho,
13 \$1,190,000.

14 Project 94-D-402, liquid waste treatment sys-
15 tem, Nevada Test Site, Nevada, \$491,000.

16 Project 94-D-404, Melton Valley storage tank
17 capacity increase, Oak Ridge National Laboratory,
18 Oak Ridge, Tennessee, \$9,400,000.

19 Project 94-D-405, central neutralization facil-
20 ity pipeline extension project, K-25, Oak Ridge,
21 Tennessee, \$1,714,000.

22 Project 94-D-406, low-level waste disposal fa-
23 cilities, K-25, Oak Ridge, Tennessee, \$6,000,000.

24 Project 94-D-407, initial tank retrieval sys-
25 tems, Richland, Washington, \$7,000,000.

1 Project 94-D-408, office facilities-200 East,
2 Richland, Washington, \$1,200,000.

3 Project 94-D-411, solid waste operation com-
4 plex, Richland, Washington, \$7,100,000.

5 Project 94-D-412, 300 area process sewer pip-
6 ing upgrade, Richland, Washington, \$1,100,000.

7 Project 94-D-414, site 300 explosive waste
8 storage facility, Lawrence Livermore National Lab-
9 oratory, Livermore, California, \$370,000.

10 Project 94-D-415, medical facilities, Idaho Na-
11 tional Engineering Laboratory, Idaho, \$1,110,000.

12 Project 94-D-416, solvent storage tanks instal-
13 lation, Savannah River, South Carolina, \$1,500,000.

14 Project 94-D-417, intermediate level and low
15 activity waste vaults, Savannah River Site, Aiken,
16 South Carolina, \$1,000,000.

17 Project 94-D-451, infrastructure replacement,
18 Rocky Flats Plant, Golden, Colorado, \$6,600,000.

19 Project 93-D-172, electrical upgrade, Idaho
20 National Engineering Laboratory, Idaho,
21 \$9,600,000.

22 Project 93-D-174, plant drain waste water
23 treatment upgrades, Y-12 Plant, Oak Ridge, Ten-
24 nessee, \$3,500,000.

1 Project 93-D-175, industrial waste compaction
2 facility, Y-12 Plant, Oak Ridge, Tennessee,
3 \$1,800,000.

4 Project 93-D-176, Oak Ridge reservation stor-
5 age facility, Oak Ridge, Tennessee, \$6,039,000.

6 Project 93-D-177, disposal of K-1515 sanitary
7 water treatment plant waste, K-25, Oak Ridge,
8 Tennessee, \$7,100,000.

9 Project 93-D-178, building 374 liquid waste
10 treatment facility, Rocky Flats Plant, Golden, Colo-
11 rado, \$1,000,000.

12 Project 93-D-181, radioactive liquid waste line
13 replacement, Richland, Washington, \$6,700,000.

14 Project 93-D-182, replacement of cross-site
15 transfer system, Richland, Washington, \$6,500,000.

16 Project 93-D-183, multi-function waste reme-
17 diation facility, Richland, Washington, \$52,615,000.

18 Project 93-D-184, 325 facility compliance/ren-
19 ovation, Pacific Northwest Laboratory, Richland,
20 Washington, \$3,500,000.

21 Project 93-D-185, landlord program safety
22 compliance, Phase II, Richland, Washington,
23 \$1,351,000.

1 Project 93-D-187, high-level waste removal
2 from filled waste tanks, Savannah River, South
3 Carolina, \$13,230,000.

4 Project 93-D-188, new sanitary landfill, Sa-
5 vannah River, South Carolina, \$1,020,000.

6 Project 92-D-125, master safeguards and secu-
7 rity agreement/materials surveillance task force se-
8 curity upgrades, Rocky Flats Plant, Golden, Colo-
9 rado, \$3,900,000.

10 Project 92-D-172, hazardous waste treatment
11 and processing facility, Pantex Plant, Amarillo,
12 Texas, \$300,000.

13 Project 92-D-173, NO_x abatement facility,
14 Idaho Chemical Processing Plant, Idaho National
15 Engineering Laboratory, Idaho, \$10,000,000.

16 Project 92-D-177, tank 101-AZ waste re-
17 trieval system, Richland, Washington, \$7,000,000.

18 Project 92-D-181, fire and safety improve-
19 ments, Idaho National Engineering Laboratory,
20 Idaho, \$5,000,000.

21 Project 92-D-182, sewer system upgrade,
22 Idaho National Engineering Laboratory, Idaho,
23 \$1,450,000.

1 Project 92-D-183, transportation complex,
2 Idaho National Engineering Laboratory, Idaho,
3 \$7,198,000.

4 Project 92-D-184, Hanford infrastructure un-
5 derground storage tanks, Richland, Washington,
6 \$300,000.

7 Project 92-D-186, steam system rehabilitation,
8 Phase II, Richland, Washington, \$4,300,000.

9 Project 92-D-187, 300 area electrical distribu-
10 tion conversion and safety improvements, Phase II,
11 Richland, Washington, \$10,276,000.

12 Project 92-D-188, waste management environ-
13 ment, safety and health, and compliance activities,
14 various locations, \$8,568,000.

15 Project 92-D-403, tank upgrade project, Law-
16 rence Livermore National Laboratory, California,
17 \$3,888,000.

18 Project 91-D-171, waste receiving and process-
19 ing facility, module 1, Richland, Washington,
20 \$17,700,000.

21 Project 91-D-175, 300 area electrical distribu-
22 tion, conversion, and safety improvements, Phase I,
23 Richland, Washington, \$1,500,000.

24 Project 90-D-172, aging waste transfer line,
25 Richland, Washington, \$5,600,000.

1 Project 90-D-175, landlord program safety
2 compliance Phase I, Richland, Washington,
3 \$1,800,000.

4 Project 90-D-177, RWMC transuranic waste
5 characterization and storage facility, Idaho National
6 Engineering Laboratory, Idaho, \$21,700,000.

7 Project 89-D-172, Hanford environmental
8 compliance, Richland, Washington, \$11,700,000.

9 Project 89-D-173, tank farm ventilation up-
10 grade, Richland, Washington, \$1,800,000.

11 Project 89-D-174, replacement high-level waste
12 evaporator, Savannah River, South Carolina,
13 \$23,974,000.

14 Project 89-D-175, hazardous waste/mixed
15 waste disposal facility, Savannah River, South Caro-
16 lina, \$7,000,000.

17 Project 88-D-173, Hanford waste vitrification
18 plant, Richland, Washington, \$85,000,000.

19 Project 87-D-181, diversion box and pump pit
20 containment buildings, Savannah River, South Caro-
21 lina, \$2,137,000.

22 Project 86-D-103, decontamination and waste
23 treatment facility, Lawrence Livermore National
24 Laboratory, Livermore, California, \$10,260,000.

1 Project 83-D-148, non-radioactive hazardous
2 waste management, Savannah River, South Caro-
3 lina, \$9,769,000.

4 Project 81-T-105, defense waste processing fa-
5 cility, Savannah River, South Carolina, \$43,873,000.

6 (c) CAPITAL EQUIPMENT.—Funds are authorized to
7 be appropriated to the Department of Energy for fiscal
8 year 1994 for capital equipment not related to construc-
9 tion for environmental restoration and waste management
10 activities necessary for national security programs in the
11 amount of \$203,826,000, to be allocated as follows:

12 (1) For corrective activities, \$600,000.

13 (2) For waste management, \$138,781,000.

14 (3) For technology development, \$29,850,000.

15 (4) For transportation management, \$400,000.

16 (5) For program direction, \$9,469,000.

17 (6) For facility transition and management,
18 \$24,726,000.

19 (d) ADJUSTMENTS.—The total amount authorized to
20 be appropriated pursuant to this section is the sum of the
21 amounts specified in subsections (a) through (c) reduced
22 by \$86,600,000 for use of prior year balances.

1 **SEC. 103. NUCLEAR MATERIALS SUPPORT AND OTHER DE-**
2 **FENSE PROGRAMS.**

3 (a) **OPERATING EXPENSES.**—Funds are authorized
4 to be appropriated to the Department of Energy for fiscal
5 year 1994 for operating expenses incurred in carrying out
6 nuclear materials support and other defense programs
7 necessary for national security programs in the amount
8 of \$2,221,039,000, to be allocated as follows:

9 (1) For nuclear materials support,
10 \$901,166,000.

11 (2) For verification and control technology,
12 \$344,741,000.

13 (3) For nuclear safeguards and security,
14 \$86,246,000.

15 (4) For security investigations, \$53,335,000.

16 (5) For office of security evaluations,
17 \$14,961,000.

18 (6) For office of nuclear safety, \$24,859,000.

19 (7) For worker training and adjustment,
20 \$100,000,000.

21 (8) For naval reactors, including enrichment
22 materials, \$695,731,000.

23 (b) **PLANT PROJECTS.**—Funds are authorized to be
24 appropriated to the Department of Energy for fiscal year
25 1994 for plant projects (including maintenance, restora-
26 tion, planning, construction, acquisition, modification of

1 facilities, and the continuation of projects authorized in
2 prior years, and land acquisition related thereto) that are
3 necessary for national security programs and are associ-
4 ated with materials support and other defense programs
5 activities as follows:

6 (1) For materials support:

7 Project GPD-146, general plant projects,
8 various locations, \$31,760,000.

9 Project 93-D-147, domestic water system
10 upgrade, Phase I, Savannah River, South Caro-
11 lina, \$7,720,000.

12 Project 93-D-148, replace high-level drain
13 lines, Savannah River, South Carolina,
14 \$1,800,000.

15 Project 93-D-152, environmental modi-
16 fication for production facilities, Savannah
17 River, South Carolina, \$20,000,000.

18 Project 92-D-140, F&H canyon exhaust
19 upgrades, Savannah River, South Carolina,
20 \$15,000,000.

21 Project 92-D-142, nuclear material proc-
22 essing training center, Savannah River, South
23 Carolina, \$8,900,000.

1 Project 92-D-143, health protection in-
2 strument calibration facility, Savannah River,
3 South Carolina, \$9,600,000.

4 Project 92-D-150, operations support fa-
5 cilities, Savannah River, South Carolina,
6 \$26,900,000.

7 Project 92-D-153, engineering support fa-
8 cility, Savannah River, South Carolina,
9 \$9,500,000.

10 Project 90-D-149, plantwide fire protec-
11 tion, Phases I and II, Savannah River, South
12 Carolina, \$25,950,000.

13 Project 86-D-149, productivity retention
14 program, Phases I, II, III, IV, V, and VI, var-
15 ious locations, \$3,700,000.

16 (2) For verification and control technology:

17 Project 90-D-186, center for national se-
18 curity and arms control, Sandia National Lab-
19 oratories, Albuquerque, New Mexico,
20 \$8,515,000.

21 (3) For naval reactors development:

22 Project GPN-101, general plant projects,
23 various locations, \$7,500,000.

1 Project 93-D-200, engineering services fa-
2 cilities, Knolls Atomic Power Laboratory,
3 Niskayuna, New York, \$7,000,000.

4 Project 92-D-200, laboratories facilities
5 upgrades, various locations, \$2,800,000.

6 Project 90-N-102, expended core facility
7 dry cell project, Naval Reactors Facility, Idaho,
8 \$7,800,000.

9 (c) CAPITAL EQUIPMENT.—Funds are authorized to
10 be appropriated to the Department of Energy for fiscal
11 year 1994 for capital equipment not related to construc-
12 tion for nuclear materials support and other defense pro-
13 grams necessary for national security programs in the
14 amount of \$141,833,000, to be allocated as follows:

15 (1) For materials support, \$75,209,000.

16 (2) For verification and control technology,
17 \$15,573,000.

18 (3) For nuclear safeguards and security,
19 \$4,101,000.

20 (4) For office of nuclear safety, \$50,000.

21 (5) For naval reactors, \$46,900,000.

22 (d) ADJUSTMENTS.—The total amount authorized
23 that may be appropriated pursuant to this section is the
24 sum of the amounts specified in subsections (a) through
25 (c) reduced by—

1 (1) \$100,000,000 for recovery of overpayment
2 to the Savannah River Pension Fund;

3 (2) \$251,065,000 for use of prior-year balances,
4 from the Materials Support and Other Defense Pro-
5 grams appropriation;

6 (3) \$100,067,000 for use of prior-year balances
7 from the New Production Reactor appropriation;
8 and

9 increased by \$58,000,000 for education programs.

10 **SEC. 104. DEFENSE NUCLEAR WASTE DISPOSAL.**

11 Funds are authorized to be appropriated to the De-
12 partment of Energy for fiscal year 1994 for operating ex-
13 penses incurred in carrying out the nuclear waste fund
14 program in the amount of \$120,000,000.

15 **Subtitle B—Recurring General Provisions**

16 **SEC. 201. REPROGRAMMING.**

17 (a) NOTICE TO CONGRESS.—(1) Except as otherwise
18 provided in this title—

19 (A) no amount appropriated pursuant to this
20 Act may be used for any program in excess of the
21 lesser of—

22 (i) 105 percent of the amount authorized
23 for that program by this Act; or

24 (ii) \$10,000,000 more than the amount
25 authorized for that program by this Act; and

1 (B) no amount appropriated pursuant to this
2 Act may be used for any program which has not
3 been presented to, or requested of, the Congress.

4 (2) An action described in paragraph (1) may not be
5 taken until—

6 (A) the Secretary of Energy has submitted to
7 the congressional defense committees a report con-
8 taining a full statement of the action proposed to be
9 taken and the facts and circumstances relied upon
10 in support of such proposed action; and

11 (B) a period of 30 days has elapsed after the
12 date on which the report is received by the commit-
13 tees.

14 (3) In the computation of the thirty-day period under
15 paragraph (2), there shall be excluded each day on which
16 either House of Congress is not in session because of an
17 adjournment of more than three calendar days to a day
18 certain.

19 (b) **LIMITATION ON AMOUNT OBLIGATED.**—In no
20 event may the total amount of funds obligated pursuant
21 to this Act exceed the total amount authorized to be ap-
22 propriated by this Act.

23 **SEC. 202. LIMITS ON GENERAL PLANT PROJECTS.**

24 (a) **IN GENERAL.**—The Secretary of Energy may
25 carry out any construction project under the general plant

1 projects provisions authorized by this Act if the total esti-
2 mated cost of the construction project does not exceed
3 \$2,500,000.

4 (b) REPORT TO CONGRESS.—If, at any time during
5 the construction of any general plant project authorized
6 by this Act, the estimated cost of the project is revised
7 because of unforeseen cost variations and the revised cost
8 of the project exceeds \$2,500,000, the Secretary shall im-
9 mediately furnish a complete report to the congressional
10 defense committees explaining the reasons for the cost
11 variation.

12 **SEC. 203. LIMITS ON CONSTRUCTION PROJECTS.**

13 (a) IN GENERAL.—

14 (1) Except as provided in paragraph (2), con-
15 struction on a construction project may not be start-
16 ed or additional obligations incurred in connection
17 with the project above the total estimated cost,
18 whenever the current estimated cost of the construc-
19 tion project, which is authorized by sections 101,
20 102, and 103 of this Act, or which is in support of
21 national security programs of the Department of
22 Energy and was authorized by any previous Act, ex-
23 ceeds by more than 25 percent the higher of—

24 (A) the amount authorized for the project;

25 or

1 (B) the amount of the total estimated cost
2 for the project as shown in the most recent
3 budget justification data submitted to Congress.

4 (2) An action described in paragraph (1) may
5 be taken if—

6 (A) the Secretary of Energy has submitted
7 to the congressional defense committees a re-
8 port on the actions and the circumstances mak-
9 ing such actions necessary; and

10 (B) a period of thirty days has elapsed
11 after the date on which the report is received by
12 the committees.

13 (3) In the computation of the thirty-day period
14 under paragraph (2), there shall be excluded each
15 day on which either House of Congress is not in ses-
16 sion because of an adjournment of more than three
17 calendar days to a day certain.

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

21 **SEC. 204. FUND TRANSFER AUTHORITY.**

22 Funds appropriated pursuant to subtitles A and B
23 of this Act may be transferred to other agencies of the
24 Government for the performance of the work for which
25 the funds were appropriated, and funds so transferred

1 may be merged with the appropriations of the agency to
2 which the funds are transferred.

3 **SEC. 205. AUTHORITY FOR CONSTRUCTION DESIGN.**

4 (a) IN GENERAL.—

5 (1) Within the amounts authorized by this Act
6 for plant engineering and design, the Secretary of
7 Energy may carry out advance planning and con-
8 struction design (including architectural and engi-
9 neering services) in connection with any proposed
10 construction project if the total estimated cost for
11 such planning and design does not exceed
12 \$2,000,000.

13 (2) In the case of any project in which the total
14 estimated cost for advance planning and design ex-
15 ceeds \$500,000, the Secretary shall notify the con-
16 gressional defense committees in writing of the de-
17 tails of such project at least thirty days before any
18 funds are obligated for design services for such
19 project.

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

1 **SEC. 206. AUTHORITY FOR EMERGENCY PLANNING, DE-**
2 **SIGN, AND CONSTRUCTION ACTIVITIES.**

3 (a) **AUTHORITY.**—The Secretary of Energy may use
4 any funds available to the Department of Energy, includ-
5 ing those funds authorized to be appropriated for advance
6 planning and construction design under sections 101, 102,
7 103, and 104, to perform planning, design, and construc-
8 tion activities for any Department of Energy defense activ-
9 ity construction project that, as determined by the Sec-
10 retary, must proceed expeditiously in order to protect pub-
11 lic health and safety, meet the needs of national defense,
12 or protect property.

13 (b) **LIMITATION.**—The Secretary may not exercise
14 the authority under subsection (a) in the case of any con-
15 struction project until the Secretary has submitted to the
16 congressional defense committees a report on the activities
17 that the Secretary intends to carry out under this section
18 and the circumstances making such activities necessary.

19 (c) **SPECIFIC AUTHORITY.**—The requirement of sec-
20 tion 205(b) does not apply to emergency planning, design,
21 and construction activities conducted under this section.

22 (d) **REPORT.**—The Secretary of Energy shall prompt-
23 ly report to the congressional defense committees any ex-
24 ercise of authority under this section.

1 **SEC. 207. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY**
2 **PROGRAMS OF THE DEPARTMENT OF EN-**
3 **ERGY.**

4 Subject to the provisions of appropriation Acts and
5 section 201, amounts appropriated pursuant to this Act
6 for management and support activities and for general
7 plant projects are available for use, when necessary, in
8 connection with all national security programs of the De-
9 partment of Energy.

10 **SEC. 208. AVAILABILITY OF FUNDS.**

11 When so specified in an appropriation Act, amounts
12 appropriated for operating expenses or for plant and cap-
13 ital equipment may remain available until expended.

14 **Subtitle C—Fiscal Year 1995 Authorization**

15 **SEC. 301. AUTHORIZATION OF FUNDS FOR 1995.**

16 There are authorized to be appropriated to the De-
17 partment of Energy such sums as may be necessary for
18 fiscal year 1995 to carry out national security programs
19 and environmental restoration and waste management
20 programs.

○