

1 Each report shall include the results of the assessment
2 covered by such report, together with such findings and
3 recommendations as the Secretary considers appro-
4 priate.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of that Act is amended by inserting after
7 the item relating to section 662 the following new item:

“Sec. 663. Annual assessment and report on vulnerability of facilities to ter-
rorist attack.”.

8 **Subtitle F—Rocky Flats National**
9 **Wildlife Refuge**

10 **SEC. 3171. SHORT TITLE.**

11 This subtitle may be cited as the “Rocky Flats Na-
12 tional Wildlife Refuge Act of 2001”.

13 **SEC. 3172. FINDINGS AND PURPOSES.**

14 (a) FINDINGS.—Congress finds the following:

15 (1) The Federal Government, through the
16 Atomic Energy Commission, acquired the Rocky
17 Flats site in 1951 and began operations there in
18 1952. The site remains a Department of Energy fa-
19 cility. Since 1992, the mission of the Rocky Flats
20 site has changed from the production of nuclear
21 weapons components to cleanup and closure in a
22 manner that is safe, environmentally and socially re-
23 sponsible, physically secure, and cost-effective.

1 (2) The site has generally remained undisturbed
2 since its acquisition by the Federal Government.

3 (3) The State of Colorado is experiencing in-
4 creasing growth and development, especially in the
5 metropolitan Denver Front Range area in the vicin-
6 ity of the Rocky Flats site. That growth and devel-
7 opment reduces the amount of open space and there-
8 by diminishes for many metropolitan Denver com-
9 munities the vistas of the striking Front Range
10 mountain backdrop.

11 (4) Some areas of the site contain contamina-
12 tion and will require further response action. The
13 national interest requires that the ongoing cleanup
14 and closure of the entire site be completed safely, ef-
15 fectively, and without unnecessary delay and that
16 the site thereafter be retained by the United States
17 and managed so as to preserve the value of the site
18 for open space and wildlife habitat.

19 (5) The Rocky Flats site provides habitat for
20 many wildlife species, including a number of threat-
21 ened and endangered species, and is marked by the
22 presence of rare xeric tallgrass prairie plant commu-
23 nities. Establishing the site as a unit of the National
24 Wildlife Refuge System will promote the preserva-

1 tion and enhancement of those resources for present
2 and future generations.

3 (b) PURPOSES.—The purposes of this subtitle are—

4 (1) to provide for the establishment of the
5 Rocky Flats site as a national wildlife refuge fol-
6 lowing cleanup and closure of the site;

7 (2) to create a process for public input on ref-
8 uge management before transfer of administrative
9 jurisdiction to the Secretary of the Interior; and

10 (3) to ensure that the Rocky Flats site is thor-
11 oughly and completely cleaned up.

12 **SEC. 3173. DEFINITIONS.**

13 In this subtitle:

14 (1) CLEANUP AND CLOSURE.—The term
15 “cleanup and closure” means the response actions
16 and decommissioning activities being carried out at
17 Rocky Flats by the Department of Energy under the
18 1996 Rocky Flats Cleanup Agreement, the closure
19 plans and baselines, and any other relevant docu-
20 ments or requirements.

21 (2) COALITION.—The term “Coalition” means
22 the Rocky Flats Coalition of Local Governments es-
23 tablished by the Intergovernmental Agreement,
24 dated February 16, 1999, among—

25 (A) the city of Arvada, Colorado;

- 1 (B) the city of Boulder, Colorado;
- 2 (C) the city of Broomfield, Colorado;
- 3 (D) the city of Westminster, Colorado;
- 4 (E) the town of Superior, Colorado;
- 5 (F) Boulder County, Colorado; and
- 6 (G) Jefferson County, Colorado.

7 (3) HAZARDOUS SUBSTANCE.—The term “haz-
8 arduous substance” means—

9 (A) any hazardous substance, pollutant, or
10 contaminant regulated under the Comprehen-
11 sive Environmental Response, Compensation,
12 and Liability Act of 1980 (42 U.S.C. 9601 et
13 seq.); and

14 (B) any—

15 (i) petroleum (including any petro-
16 leum product or derivative);

17 (ii) unexploded ordnance;

18 (iii) military munition or weapon; or

19 (iv) nuclear or radioactive material;

20 not otherwise regulated as a hazardous sub-
21 stance under any law in effect on the date of
22 enactment of this Act.

23 (4) POLLUTANT OR CONTAMINANT.—The term
24 “pollutant or contaminant” has the meaning given
25 the term in section 101 of the Comprehensive Envi-

1 ronmental Response, Compensation, and Liability
2 Act of 1980 (42 U.S.C. 9601).

3 (5) REFUGE.—The term “refuge” means the
4 Rocky Flats National Wildlife Refuge established
5 under section 3177.

6 (6) RESPONSE ACTION.—The term “response
7 action” has the meaning given the term “response”
8 in section 101 of the Comprehensive Environmental
9 Response, Compensation, and Liability Act of 1980
10 (42 U.S.C. 9601) or any similar requirement under
11 State law.

12 (7) RFCA.—The term “RFCA” means the
13 Rocky Flats Cleanup Agreement, an intergovern-
14 mental agreement, dated July 19, 1996, among—

15 (A) the Department of Energy;

16 (B) the Environmental Protection Agency;

17 and

18 (C) the Department of Public Health and
19 Environment of the State of Colorado.

20 (8) ROCKY FLATS.—

21 (A) IN GENERAL.—The term “Rocky
22 Flats” means the Rocky Flats Environmental
23 Technology Site, Colorado, a defense nuclear fa-
24 cility, as depicted on the map entitled “Rocky
25 Flats Environmental Technology Site”, dated

1 July 15, 1998, and available for inspection in
2 the appropriate offices of the United States
3 Fish and Wildlife Service.

4 (B) EXCLUSIONS.—The term “Rocky
5 Flats” does not include—

6 (i) land and facilities of the Depart-
7 ment of Energy’s National Wind Tech-
8 nology Center; or

9 (ii) any land and facilities not within
10 the boundaries depicted on the map identi-
11 fied in subparagraph (A).

12 (9) ROCKY FLATS TRUSTEES.—The term
13 “Rocky Flats Trustees” means the Federal and
14 State of Colorado entities that have been identified
15 as trustees for Rocky Flats under section 107(f)(2)
16 of the Comprehensive Environmental Response,
17 Compensation, and Liability Act of 1980 (42 U.S.C.
18 9607(f)(2)).

19 (10) SECRETARY.—The term “Secretary”
20 means the Secretary of Energy.

21 **SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.**

22 (a) FEDERAL OWNERSHIP.—Except as expressly pro-
23 vided in this subtitle or any Act enacted after the date
24 of enactment of this Act, all right, title, and interest of
25 the United States, held on or acquired after the date of

1 enactment of this Act, to land or interest therein, includ-
2 ing minerals, within the boundaries of Rocky Flats shall
3 be retained by the United States.

4 (b) LINDSAY RANCH.—The structures that comprise
5 the former Lindsay Ranch homestead site in the Rock
6 Creek Reserve area of the buffer zone, as depicted on the
7 map referred to in section 3173(8), shall be permanently
8 preserved and maintained in accordance with the National
9 Historic Preservation Act (16 U.S.C. 470 et seq.).

10 (c) PROHIBITION ON ANNEXATION.—Neither the
11 Secretary nor the Secretary of the Interior shall allow the
12 annexation of land within the refuge by any unit of local
13 government.

14 (d) PROHIBITION ON THROUGH ROADS.—Except as
15 provided in subsection (e), no public road shall be con-
16 structed through Rocky Flats.

17 (e) TRANSPORTATION RIGHT-OF-WAY.—

18 (1) IN GENERAL.—

19 (A) AVAILABILITY OF LAND.—On submis-
20 sion of an application meeting each of the con-
21 ditions specified in paragraph (2), the Sec-
22 retary, in consultation with the Secretary of the
23 Interior, shall make available land along the
24 eastern boundary of Rocky Flats for the sole

1 purpose of transportation improvements along
2 Indiana Street.

3 (B) BOUNDARIES.—Land made available
4 under this paragraph may not extend more
5 than 300 feet from the west edge of the Indiana
6 Street right-of-way, as that right-of-way exists
7 as of the date of enactment of this Act.

8 (C) EASEMENT OR SALE.—Land may be
9 made available under this paragraph by ease-
10 ment or sale to 1 or more appropriate entities.

11 (D) COMPLIANCE WITH APPLICABLE
12 LAW.—Any action under this paragraph shall
13 be taken in compliance with applicable law.

14 (2) CONDITIONS.—An application for land
15 under this subsection may be submitted by any
16 county, city, or other political subdivision of the
17 State of Colorado and shall include documentation
18 demonstrating that—

19 (A) the transportation project is con-
20 structed so as to minimize adverse effects on
21 the management of Rocky Flats as a wildlife
22 refuge; and

23 (B) the transportation project is included
24 in the regional transportation plan of the met-
25 ropolitan planning organization designated for

1 the Denver metropolitan area under section
2 5303 of title 49, United States Code.

3 **SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBILITIES**
4 **AND JURISDICTION OVER ROCKY FLATS.**

5 (a) IN GENERAL.—

6 (1) MEMORANDUM OF UNDERSTANDING.—

7 (A) IN GENERAL.—Not later than 1 year
8 after the date of enactment of this Act, the Sec-
9 retary and the Secretary of the Interior shall
10 publish in the Federal Register a draft memo-
11 randum of understanding under which—

12 (i) the Secretary shall provide for the
13 subsequent transfer of administrative jurisdic-
14 tion over Rocky Flats to the Secretary
15 of the Interior; and

16 (ii) the Secretary of the Interior shall
17 manage natural resources at Rocky Flats
18 until the date on which the transfer be-
19 comes effective.

20 (B) REQUIRED ELEMENTS.—

21 (i) IN GENERAL.—Subject to clause
22 (ii), the memorandum of understanding
23 shall—

24 (I) provide for the division of re-
25 sponsibilities between the Secretary

1 and the Secretary of the Interior nec-
2 essary to carry out the proposed
3 transfer of land;

4 (II) for the period ending on the
5 date of the transfer—

6 (aa) provide for the division
7 of responsibilities between the
8 Secretary and the Secretary of
9 the Interior; and

10 (bb) provide for the manage-
11 ment of the land proposed to be
12 transferred by the Secretary of
13 the Interior as a national wildlife
14 refuge, for the purposes provided
15 under section 3177(d)(2);

16 (III) provide for the annual
17 transfer of funds from the Secretary
18 to the Secretary of the Interior for the
19 management of the land proposed to
20 be transferred; and

21 (IV) subject to subsection (b)(1),
22 identify the land proposed to be trans-
23 ferred to the Secretary of the Interior.

24 (ii) NO REDUCTION IN FUNDS.—The
25 memorandum of understanding and the

1 subsequent transfer shall not result in any
2 reduction in funds available to the Sec-
3 retary for cleanup and closure of Rocky
4 Flats.

5 (C) DEADLINE.—Not later than 18
6 months after the date of enactment of this Act,
7 the Secretary and Secretary of the Interior
8 shall finalize and implement the memorandum
9 of understanding.

10 (2) EXCLUSIONS.—The transfer under para-
11 graph (1) shall not include the transfer of any prop-
12 erty or facility over which the Secretary retains ju-
13 risdiction, authority, and control under subsection
14 (b)(1).

15 (3) CONDITION.—The transfer under paragraph
16 (1) shall occur—

17 (A) not earlier than the date on which the
18 Administrator of the Environmental Protection
19 Agency certifies to the Secretary and to the
20 Secretary of the Interior that the cleanup and
21 closure and all response actions at Rocky Flats
22 have been completed, except for the operation
23 and maintenance associated with those actions;
24 but

1 (B) not later than 30 business days after
2 that date.

3 (4) COST; IMPROVEMENTS.—The transfer—

4 (A) shall be completed without cost to the
5 Secretary of the Interior; and

6 (B) may include such buildings or other
7 improvements as the Secretary of the Interior
8 has requested in writing for refuge management
9 purposes.

10 (b) PROPERTY AND FACILITIES EXCLUDED FROM
11 TRANSFERS.—

12 (1) IN GENERAL.—The Secretary shall retain
13 jurisdiction, authority, and control over all real prop-
14 erty and facilities at Rocky Flats that are to be used
15 for—

16 (A) any necessary and appropriate long-
17 term operation and maintenance facility to
18 intercept, treat, or control a radionuclide or any
19 other hazardous substance, pollutant, or con-
20 taminant; and

21 (B) any other purpose relating to a re-
22 sponse action or any other action that is re-
23 quired to be carried out at Rocky Flats.

24 (2) CONSULTATION.—

25 (A) IDENTIFICATION OF PROPERTY.—

1 (i) IN GENERAL.—The Secretary shall
2 consult with the Secretary of the Interior,
3 the Administrator of the Environmental
4 Protection Agency, and the State of Colo-
5 rado on the identification of all property to
6 be retained under this subsection to ensure
7 the continuing effectiveness of response ac-
8 tions.

9 (ii) AMENDMENT TO MEMORANDUM
10 OF UNDERSTANDING.—

11 (I) IN GENERAL.—After the con-
12 sultation, the Secretary and the Sec-
13 retary of the Interior shall by mutual
14 consent amend the memorandum of
15 understanding required under sub-
16 section (a) to specifically identify the
17 land for transfer and provide for de-
18 termination of the exact acreage and
19 legal description of the property to be
20 transferred by a survey mutually sat-
21 isfactory to the Secretary and the Sec-
22 retary of the Interior.

23 (II) COUNCIL ON ENVIRON-
24 MENTAL QUALITY.—In the event the
25 Secretary and the Secretary of the In-

1 terior cannot agree on the land to be
2 retained or transferred, the Secretary
3 or the Secretary of the Interior may
4 refer the issue to the Council on Envi-
5 ronmental Quality, which shall decide
6 the issue within 45 days of such refer-
7 ral, and the Secretary and the Sec-
8 retary of the Interior shall then
9 amend the memorandum of under-
10 standing required under subsection
11 (a) in conformity with the decision of
12 the Council on Environmental Qual-
13 ity.

14 (B) MANAGEMENT OF PROPERTY.—

15 (i) IN GENERAL.—The Secretary shall
16 consult with the Secretary of the Interior
17 on the management of the retained prop-
18 erty to minimize any conflict between the
19 management of property transferred to the
20 Secretary of the Interior and property re-
21 tained by the Secretary for response ac-
22 tions.

23 (ii) CONFLICT.—In the case of any
24 such conflict, implementation and mainte-

1 nance of the response action shall take pri-
2 ority.

3 (3) ACCESS.—As a condition of the transfer
4 under subsection (a), the Secretary shall be provided
5 such easements and access as are reasonably re-
6 quired to carry out any obligation or address any li-
7 ability.

8 (c) ADMINISTRATION.—

9 (1) IN GENERAL.—On completion of the trans-
10 fer under subsection (a), the Secretary of the Inte-
11 rior shall administer Rocky Flats in accordance with
12 this subtitle subject to—

13 (A) any response action or institutional
14 control at Rocky Flats carried out by or under
15 the authority of the Secretary under the Com-
16 prehensive Environmental Response, Compensation,
17 and Liability Act of 1980 (42 U.S.C. 9601
18 et seq.); and

19 (B) any other action required under any
20 other Federal or State law to be carried out by
21 or under the authority of the Secretary.

22 (2) CONFLICT.—In the case of any conflict be-
23 tween the management of Rocky Flats by the Sec-
24 retary of the Interior and the conduct of any re-
25 sponse action or other action described in subpara-

1 graph (A) or (B) of paragraph (1), the response ac-
2 tion or other action shall take priority.

3 (3) CONTINUING ACTIONS.—Except as provided
4 in paragraph (1), nothing in this subsection affects
5 any response action or other action initiated at
6 Rocky Flats on or before the date of the transfer
7 under subsection (a).

8 (d) LIABILITY.—

9 (1) IN GENERAL.—The Secretary shall retain
10 any obligation or other liability for land transferred
11 under subsection (a) under—

12 (A) the Comprehensive Environmental Re-
13 sponse, Compensation, and Liability Act of
14 1980 (42 U.S.C. 9601 et seq.); or

15 (B) any other applicable law.

16 (2) RESPONSE ACTIONS.—

17 (A) IN GENERAL.—The Secretary shall be
18 liable for the cost of any necessary response ac-
19 tions, including any costs or claims asserted
20 against the Secretary, for any release, or sub-
21 stantial threat of release, of a hazardous sub-
22 stance, if the release, or substantial threat of
23 release, is—

24 (i) located on or emanating from
25 land—

1 (I) identified for transfer by this
2 section; or

3 (II) subsequently transferred
4 under this section;

5 (ii)(I) known at the time of transfer;

6 or

7 (II) subsequently discovered; and

8 (iii) attributable to—

9 (I) management of the land by
10 the Secretary; or

11 (II) the use, management, stor-
12 age, release, treatment, or disposal of
13 a hazardous substance on the land by
14 the Secretary.

15 (B) RECOVERY FROM THIRD PARTY.—

16 Nothing in this paragraph precludes the Sec-
17 retary, on behalf of the United States, from
18 bringing a cost recovery, contribution, or other
19 action against a third party that the Secretary
20 reasonably believes may have contributed to the
21 release, or substantial threat of release, of a
22 hazardous substance.

23 **SEC. 3176. CONTINUATION OF ENVIRONMENTAL CLEANUP**
24 **AND CLOSURE.**

25 (a) ONGOING CLEANUP AND CLOSURE.—

1 (1) IN GENERAL.—The Secretary shall—

2 (A) carry out to completion cleanup and
3 closure at Rocky Flats; and

4 (B) conduct any necessary operation and
5 maintenance of response actions.

6 (2) NO RESTRICTION ON USE OF NEW TECH-
7 NOLOGIES.—Nothing in this subtitle, and no action
8 taken under this subtitle, restricts the Secretary
9 from using at Rocky Flats any new technology that
10 may become available for remediation of contamina-
11 tion.

12 (b) RULES OF CONSTRUCTION.—

13 (1) NO RELIEF FROM OBLIGATIONS UNDER
14 OTHER LAW.—

15 (A) IN GENERAL.—Nothing in this sub-
16 title, and no action taken under this subtitle,
17 relieves the Secretary, the Administrator of the
18 Environmental Protection Agency, or any other
19 person from any obligation or other liability
20 with respect to Rocky Flats under the RFCA or
21 any applicable Federal or State law.

22 (B) NO EFFECT ON RFCA.—Nothing in
23 this subtitle impairs or alters any provision of
24 the RFCA.

25 (2) REQUIRED CLEANUP LEVELS.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), nothing in this subtitle af-
3 fects the level of cleanup and closure at Rocky
4 Flats required under the RFCA or any Federal
5 or State law.

6 (B) NO EFFECT FROM ESTABLISHMENT AS
7 NATIONAL WILDLIFE REFUGE.—

8 (i) IN GENERAL.—The requirements
9 of this subtitle for establishment and man-
10 agement of Rocky Flats as a national wild-
11 life refuge shall not reduce the level of
12 cleanup and closure.

13 (ii) CLEANUP LEVELS.—The Sec-
14 retary shall conduct cleanup and closure of
15 Rocky Flats to the levels established for
16 soil, water, and other media, following a
17 thorough review, by the parties to the
18 RFCA and the public (including the
19 United States Fish and Wildlife Service
20 and other interested government agencies),
21 of the appropriateness of the interim levels
22 in the RFCA.

23 (3) NO EFFECT ON OBLIGATIONS FOR MEAS-
24 URES TO CONTROL CONTAMINATION.—Nothing in
25 this subtitle, and no action taken under this subtitle,

1 affects any long-term obligation of the United
2 States, acting through the Secretary, relating to
3 funding, construction, monitoring, or operation and
4 maintenance of—

5 (A) any necessary intercept or treatment
6 facility; or

7 (B) any other measure to control contami-
8 nation.

9 (c) PAYMENT OF RESPONSE ACTION COSTS.—Noth-
10 ing in this subtitle affects the obligation of a Federal de-
11 partment or agency that had or has operations at Rocky
12 Flats resulting in the release or threatened release of a
13 hazardous substance or pollutant or contaminant to pay
14 the costs of response actions carried out to abate the re-
15 lease of, or clean up, the hazardous substance or pollutant
16 or contaminant.

17 (d) CONSULTATION.—In carrying out a response ac-
18 tion at Rocky Flats, the Secretary shall consult with the
19 Secretary of the Interior to ensure that the response ac-
20 tion is carried out in a manner that—

21 (1) does not impair the attainment of the goals
22 of the response action; but

23 (2) minimizes, to the maximum extent prac-
24 ticable, adverse effects of the response action on the
25 refuge.

1 **SEC. 3177. ROCKY FLATS NATIONAL WILDLIFE REFUGE.**

2 (a) ESTABLISHMENT.—Not later than 30 days after
3 the transfer of jurisdiction under section 3175(a), the Sec-
4 retary of the Interior shall establish at Rocky Flats a na-
5 tional wildlife refuge to be known as the “Rocky Flats Na-
6 tional Wildlife Refuge”.

7 (b) COMPOSITION.—The refuge shall consist of the
8 real property subject to the transfer of administrative ju-
9 risdiction under section 3175(a)(1).

10 (c) NOTICE.—The Secretary of the Interior shall pub-
11 lish in the Federal Register a notice of the establishment
12 of the refuge.

13 (d) ADMINISTRATION AND PURPOSES.—

14 (1) IN GENERAL.—The Secretary of the Inte-
15 rior shall manage the refuge in accordance with ap-
16 plicable law, including this subtitle, the National
17 Wildlife Refuge System Administration Act of 1966
18 (16 U.S.C. 668dd et seq.), and the purposes speci-
19 fied in that Act.

20 (2) REFUGE PURPOSES.—At the conclusion of
21 the transfer under section 3175(a)(3), the refuge
22 shall be managed for the purposes of—

23 (A) restoring and preserving native eco-
24 systems;

1 (B) providing habitat for, and population
2 management of, native plants and migratory
3 and resident wildlife;

4 (C) conserving threatened and endangered
5 species (including species that are candidates
6 for listing under the Endangered Species Act of
7 1973 (16 U.S.C. 1531 et seq.)); and

8 (D) providing opportunities for compatible,
9 wildlife-dependent environmental scientific re-
10 search.

11 (3) MANAGEMENT.—In managing the refuge,
12 the Secretary shall ensure that wildlife-dependent
13 recreation and environmental education and inter-
14 pretation are the priority public uses of the refuge.

15 **SEC. 3178. COMPREHENSIVE CONSERVATION PLAN.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, in developing a comprehen-
18 sive conservation plan in accordance with section 4(e) of
19 the National Wildlife Refuge System Administration Act
20 of 1966 (16 U.S.C. 668dd(e)), the Secretary of the Inte-
21 rior, in consultation with the Secretary, the members of
22 the Coalition, the Governor of the State of Colorado, and
23 the Rocky Flats Trustees, shall establish a comprehensive
24 planning process that involves the public and local commu-
25 nities.

1 (b) OTHER PARTICIPANTS.—In addition to the enti-
2 ties specified in subsection (a), the comprehensive plan-
3 ning process shall include the opportunity for direct in-
4 volvement of entities not members of the Coalition as of
5 the date of enactment of this Act, including the Rocky
6 Flats Citizens' Advisory Board and the cities of Thornton,
7 Northglenn, Golden, Louisville, and Lafayette, Colorado.

8 (c) DISSOLUTION OF COALITION.—If the Coalition
9 dissolves, or if any Coalition member elects to leave the
10 Coalition during the comprehensive planning process
11 under this section—

12 (1) the comprehensive planning process under
13 this section shall continue; and

14 (2) an opportunity shall be provided to each en-
15 tity that is a member of the Coalition as of Sep-
16 tember 1, 2000, for direct involvement in the com-
17 prehensive planning process.

18 (d) CONTENTS.—In addition to the requirements
19 under section 4(e) of the National Wildlife Refuge System
20 Administration Act of 1966 (16 U.S.C. 668dd(e)), the
21 comprehensive conservation plan required by this section
22 shall address and make recommendations on the following:

23 (1) The identification of any land described in
24 section 3174(e) that could be made available for
25 transportation purposes.

1 (2) The potential for leasing any land in Rocky
2 Flats for the National Renewable Energy Labora-
3 tory to carry out projects relating to the National
4 Wind Technology Center.

5 (3) The characteristics and configuration of any
6 perimeter fencing that may be appropriate or com-
7 patible for cleanup and closure, refuge, or other pur-
8 poses.

9 (4) The feasibility of locating, and the potential
10 location for, a visitor and education center at the
11 refuge.

12 (5) Any other issues relating to Rocky Flats.

13 (e) REPORT.—Not later than 3 years after the date
14 of enactment of this Act, the Secretary of the Interior
15 shall submit to the Committee on Armed Services of the
16 Senate and the Committee on Resources of the House of
17 Representatives—

18 (1) the comprehensive conservation plan pre-
19 pared under this section; and

20 (2) a report that—

21 (A) outlines the public involvement in the
22 comprehensive planning process; and

23 (B) to the extent that any input or rec-
24 ommendation from the comprehensive planning
25 process is not accepted, clearly states the rea-

1 sons why the input or recommendation is not
2 accepted.

3 **SEC. 3179. PROPERTY RIGHTS.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (c), nothing in this subtitle limits any valid, existing prop-
6 erty right at Rocky Flats that is owned by any person
7 or entity, including, but not limited to—

8 (1) any mineral right;

9 (2) any water right or related easement; and

10 (3) any facility or right-of-way for a utility.

11 (b) ACCESS.—Except as provided in subsection (c),
12 nothing in this subtitle affects any right of an owner of
13 a property right described in subsection (a) to access the
14 owner's property.

15 (c) REASONABLE CONDITIONS.—

16 (1) IN GENERAL.—The Secretary or the Sec-
17 retary of the Interior may impose such reasonable
18 conditions on access to property rights described in
19 subsection (a) as are appropriate for the cleanup
20 and closure of Rocky Flats and for the management
21 of the refuge.

22 (2) NO EFFECT ON APPLICABLE LAW.—Noth-
23 ing in this subtitle affects any other applicable Fed-
24 eral, State, or local law (including any regulation)

1 relating to the use, development, and management of
2 property rights described in subsection (a).

3 (3) NO EFFECT ON ACCESS RIGHTS.—Nothing
4 in this subsection precludes the exercise of any ac-
5 cess right, in existence on the date of enactment of
6 this Act, that is necessary to perfect or maintain a
7 water right in existence on that date.

8 (d) PURCHASE OF MINERAL RIGHTS.—

9 (1) IN GENERAL.—The Secretary shall seek to
10 acquire any and all mineral rights at Rocky Flats
11 through donation or through purchase or exchange
12 from willing sellers for fair market value.

13 (2) FUNDING.—The Secretary and the Sec-
14 retary of the Interior—

15 (A) may use for the purchase of mineral
16 rights under paragraph (1) funds specifically
17 provided by Congress; but

18 (B) shall not use for such purchase funds
19 appropriated by Congress for the cleanup and
20 closure of Rocky Flats.

21 (e) UTILITY EXTENSION.—

22 (1) IN GENERAL.—The Secretary or the Sec-
23 retary of the Interior may allow not more than one
24 extension from an existing utility right-of-way on
25 Rocky Flats, if necessary.

1 (2) CONDITIONS.—An extension under para-
2 graph (1) shall be subject to the conditions specified
3 in subsection (c).

4 (f) EASEMENT SURVEYS.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 until the date that is 180 days after the date of en-
7 actment of this Act, an entity that possesses a de-
8 creed water right or prescriptive easement relating
9 to land at Rocky Flats may carry out such surveys
10 at Rocky Flats as the entity determines are nec-
11 essary to perfect the right or easement.

12 (2) LIMITATION ON CONDITIONS.—An activity
13 carried out under paragraph (1) shall be subject
14 only to such conditions as are imposed—

15 (A) by the Secretary of Energy, before the
16 date on which the transfer of management re-
17 sponsibilities under section 3175(a)(3) is com-
18 pleted, to minimize interference with the clean-
19 up and closure of Rocky Flats; and

20 (B) by the Secretary of the Interior, on or
21 after the date on which the transfer of manage-
22 ment responsibilities under section 3175(a)(3)
23 is completed, to minimize adverse effects on the
24 management of the refuge.

1 **SEC. 3180. ROCKY FLATS MUSEUM.**

2 (a) MUSEUM.—In order to commemorate the con-
3 tribution that Rocky Flats and its worker force provided
4 to the winning of the Cold War and the impact that the
5 contribution has had on the nearby communities and the
6 State of Colorado, the Secretary may establish a Rocky
7 Flats Museum.

8 (b) LOCATION.—The Rocky Flats Museum shall be
9 located in the city of Arvada, Colorado, unless, after con-
10 sultation under subsection (c), the Secretary determines
11 otherwise.

12 (c) CONSULTATION.—The Secretary shall consult
13 with the city of Arvada, other local communities, and the
14 Colorado State Historical Society on—

15 (1) the development of the museum;

16 (2) the siting of the museum; and

17 (3) any other issues relating to the development
18 and construction of the museum.

19 (d) REPORT.—Not later than three years after the
20 date of enactment of this Act, the Secretary, in coordina-
21 tion with the city of Arvada, shall submit to the Com-
22 mittee on Armed Services of the Senate and the appro-
23 priate committee of the House of Representatives a report
24 on the costs associated with the construction of the mu-
25 seum and any other issues relating to the development and
26 construction of the museum.

1 **SEC. 3181. REPORT ON FUNDING.**

2 At the time of submission of the first budget of the
3 United States Government submitted by the President
4 under section 1105 of title 31, United States Code, after
5 the date of enactment of this Act, and annually thereafter,
6 the Secretary and the Secretary of the Interior shall report
7 to the Committee on Armed Services and the Committee
8 on Appropriations of the Senate and the appropriate com-
9 mittees of the House of Representatives on—

10 (1) the costs incurred in implementing this sub-
11 title during the preceding fiscal year; and

12 (2) the funds required to implement this sub-
13 title during the current and subsequent fiscal years.

14 **TITLE XXXII—DEFENSE NU-**
15 **CLEAR FACILITIES SAFETY**
16 **BOARD**

17 **SEC. 3201. AUTHORIZATION.**

18 There are authorized to be appropriated for fiscal
19 year 2002, \$18,500,000 for the operation of the Defense
20 Nuclear Facilities Safety Board under chapter 21 of the
21 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).