

Union Calendar No. 307

104TH CONGRESS
2^D SESSION

H. R. 1663

[Report No. 104-540, Part I]

A BILL

To amend the Waste Isolation Pilot Plant Land
Withdrawal Act.

JUNE 14, 1996

Committee on National Security discharged; committed
to the Committee of the Whole House on the State of
the Union and ordered to be printed

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To amend the Waste Isolation Pilot Plant Land Withdrawal Act.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 1995

Mr. SKEEN (for himself, Mr. SCHAEFER, and Mr. CRAPO) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on National Security, 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

APRIL 25, 1996

Reported from the Committee on Commerce with an amendment
[Strike out all after the enacting clause and insert the part printed in *italic*]

APRIL 25, 1996

Referral to the Committee on National Security extended for a period ending not later than June 14, 1996

JUNE 14, 1996

Committee on National Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 17, 1995]

A BILL

To amend the Waste Isolation Pilot Plant Land Withdrawal Act.

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. SHORT TITLE AND REFERENCE.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Waste Isolation Pilot Plant Land Withdrawal Amendment*
6 *Act”.*

7 (b) *REFERENCE.*—*Except as otherwise expressly pro-*
8 *vided, whenever in this Act an amendment or repeal is ex-*
9 *pressed in terms of an amendment to, or repeal of, a section*
10 *or other provision, the reference shall be considered to be*
11 *made to a section or other provision of the Waste Isolation*
12 *Pilot Plant Land Withdrawal Act (Public Law 102–579).*

13 **SEC. 2. DEFINITIONS.**

14 *Paragraphs (18) and (19) of section 2 are repealed.*

15 **SEC. 3. TEST PHASE AND RETRIEVAL PLANS.**

16 *Section 5 and the item relating to such section in the*
17 *table of contents are repealed.*

18 **SEC. 4. MANAGEMENT PLAN.**

19 *Section 4(b)(5)(B) is amended by striking “or with the*
20 *Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)”.*

21 **SEC. 5. TEST PHASE ACTIVITIES.**

22 *Section 6 is amended—*

23 (1) *by repealing subsections (a) and (b),*

24 (2) *by repealing paragraph (1) of subsection (c),*

1 (3) by redesignating subsection (c) as subsection
2 (a) and in that subsection—

3 (A) by repealing subparagraph (A) of para-
4 graph (2),

5 (B) by striking the subsection heading and
6 the matter immediately following the subsection
7 heading and inserting “STUDY.—The following
8 study shall be conducted:”,

9 (C) by striking “(2) REMOTE-HANDLED
10 WASTE.—”,

11 (D) by striking “(B) STUDY.—”,

12 (E) by redesignating clauses (i), (ii), and
13 (iii) as paragraphs (1), (2), and (3), respec-
14 tively, and

15 (F) by realigning the margins of such
16 clauses to be margins of paragraphs,

17 (5) in subsection (d), by striking “, during the
18 test phase, a biennial” and inserting “a” and by
19 striking “, consisting of a documented analysis of”
20 and inserting “as necessary to demonstrate”, and

21 (6) by redesignating subsection (d) as subsection
22 (b).

23 **SEC. 6. DISPOSAL OPERATIONS.**

24 Section 7(b) is amended to read as follows:

1 “(b) *REQUIREMENTS FOR COMMENCEMENT OF DIS-*
 2 *POSAL OPERATIONS.*—*The Secretary may commence em-*
 3 *placement of transuranic waste underground for disposal*
 4 *at WIPP only upon completion of—*

5 “(1) *the Administrator’s certification under sec-*
 6 *tion 8(d)(1) that the WIPP facility will comply with*
 7 *disposal regulations; and*

8 “(2) *the acquisition by the Secretary (whether by*
 9 *purchase, condemnation, or otherwise) of Federal Oil*
 10 *and Gas Leases No. NMNM 02953 and No. NMNM*
 11 *02953C, unless the Administrator determines, under*
 12 *section 4(b)(5), that such acquisition is not re-*
 13 *quired.”.*

14 **SEC. 7. ENVIRONMENTAL PROTECTION AGENCY DISPOSAL**
 15 **REGULATIONS.**

16 (a) *SECTION 8(d)(1).*—*Section 8(d)(1) is amended—*
 17 (1) *by amending subparagraph (A) to read as*
 18 *follows:*

19 “(A) *APPLICATION FOR COMPLIANCE.*—
 20 *Within 30 days after the date of the enactment*
 21 *of the Waste Isolation Pilot Plant Land With-*
 22 *drawal Amendment Act, the Secretary shall pro-*
 23 *vide to Congress a schedule for the incremental*
 24 *submission of chapters of the application to the*
 25 *Administrator beginning no later than 30 days*

1 *after such date. The Administrator shall review*
2 *the submitted chapters and provide requests for*
3 *additional information from the Secretary as*
4 *needed for completeness within 45 days of the re-*
5 *ceipt of each chapter. The Administrator shall*
6 *notify Congress of such requests. The schedule*
7 *shall call for the Secretary to submit all chapters*
8 *to the Administrator no later than October 31,*
9 *1996.”; and*

10 *(2) in subparagraph (D), by striking “after the*
11 *application is” and inserting “after the full applica-*
12 *tion has been”.*

13 *(b) SECTION 8(d) (2), (3).—Section 8(d) is amended*
14 *by striking paragraphs (2) and (3), by striking “(1) COM-*
15 *PLIANCE WITH DISPOSAL REGULATIONS.—”, and by redес-*
16 *ignating subparagraphs (A), (B), (C), and (D) of para-*
17 *graph (1) as paragraph (1), (2), (3), and (4), respectively.*

18 *(c) SECTION 8(g).—Section 8(g) is amended to read*
19 *as follows:*

20 *“(g) ENGINEERED AND NATURAL BARRIERS, ETC.—*
21 *The Secretary shall use both engineered and natural bar-*
22 *riers and any other measures to the extent necessary at*
23 *WIPP to comply with final disposal regulations.”.*

1 **SEC. 8. COMPLIANCE WITH ENVIRONMENTAL LAWS AND**
2 **REGULATIONS.**

3 (a) *SECTION 9(a)(1).*—Section 9(a)(1) is amended by
4 adding after and below subparagraph (H) the following:
5 “With respect to transuranic mixed waste designated by the
6 Secretary for disposal at WIPP, such waste is exempt from
7 the land disposal restrictions published at part 268 of 40
8 C.F.R. because compliance with the environmental radi-
9 ation protection standards published at part 191 of 40
10 C.F.R. renders compliance with the land disposal restric-
11 tions unnecessary to achieve desired environmental protec-
12 tion and a no migration variance is not required for dis-
13 posal of transuranic mixed waste at WIPP.”.

14 (b) *SECTION 9(b).*—Subsection (b) of section 9 is re-
15 pealed.

16 (c) *SECTION 9(c).*—Subsection (c) of section 9 is re-
17 pealed.

18 (d) *SECTION 14.*—Section 14 is amended—

19 (1) in subsection (a), by striking “No provision”
20 and inserting “Except for the exemption from the
21 land disposal restrictions described in section 9(a)(1),
22 no provision”; and

23 (2) in subsection (b)(2), by striking “including
24 all terms and conditions of the No-Migration Deter-
25 mination” and inserting “except that the transuranic
26 mixed waste designated by the Secretary for disposal

1 *at WIPP is exempt from the land disposal restrictions*
2 *described in section 9(a)(1)”.*

3 **SEC. 9. RETRIEVABILITY.**

4 (a) *SECTION 10.—Section 10 is amended to read as*
5 *follows:*

6 **“SEC. 10. TRANSURANIC WASTE.**

7 *“It is the intent of Congress that a decision will be*
8 *made by the Secretary with respect to the disposal of trans-*
9 *uranic waste no later than November 30, 1997.”.*

10 (b) *CONFORMING AMENDMENT .—The item relating to*
11 *section 10 in the table of contents is amended to read as*
12 *follows:*

“Sec. 10. Transuranic waste.”.

13 **SEC. 10. DECOMMISSIONING OF WIPP.**

14 *Section 13 is amended—*

15 (1) *by repealing subsection (a), and*

16 (2) *in subsection (b), by striking “(b) MANAGE-*
17 *MENT PLAN FOR THE WITHDRAWAL AFTER DECOM-*
18 *MISSIONING.—Within 5 years after the date of the en-*
19 *actment of this Act, the” and inserting “The”.*

20 **SEC. 11. ECONOMIC ASSISTANCE AND MISCELLANEOUS**
21 **PAYMENTS.**

22 *Section 15(a) is amended—*

23 (1) *by striking “to the Secretary for payments to*
24 *the State \$20,000,000 for each of the 15 fiscal years*
25 *beginning with the fiscal year in which the transport*

1 *of transuranic waste to WIPP is initiated” and in-*
2 *serting “to the State \$20,000,000 for each of the 15*
3 *fiscal years beginning with the date of the enactment*
4 *of the Waste Isolation Pilot Plant Land Withdrawal*
5 *Amendment Act”, and*

6 *(2) by adding at the end the following: “An ap-*
7 *propriation to the State shall be in addition to any*
8 *appropriation for WIPP.”.*

9 **SEC. 12. NON-DEFENSE WASTE.**

10 *Section 7(a) is amended by redesignating paragraph*
11 *(3) as paragraph (4) and by inserting after paragraph (2)*
12 *the following:*

13 *“(3) NON-DEFENSE WASTE.—Within the limits*
14 *prescribed in paragraphs (1) and (2) and within the*
15 *capacity prescribed by paragraph (4), WIPP may re-*
16 *ceive transuranic waste from the Secretary which did*
17 *not result from a defense activity.”.*