

104TH CONGRESS
1ST SESSION

H. R. 1663

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

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 Amend-
6 ment Act”.

7 (b) REFERENCE.—Except as otherwise expressly pro-
8 vided, whenever in this Act an amendment or repeal is
9 expressed in terms of an amendment to, or repeal of, a

1 section or other provision, the reference shall be consid-
2 ered to be made to a section or other provision of the
3 Waste Isolation Pilot Plant Land Withdrawal Act (Public
4 Law 102-579).

5 **SEC. 2. DEFINITIONS.**

6 Paragraphs (18) and (19) of section 2 are repealed.

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

8 Section 5 is repealed.

9 **SEC. 4. TEST PHASE ACTIVITIES.**

10 Section 6 is amended—

11 (1) by repealing subsections (a) and (b),

12 (2) by repealing paragraph (1) of subsection
13 (c),

14 (3) by repealing subparagraph (A) of paragraph
15 (2) of subsection (c),

16 (4) by redesignating subsection (c) as sub-
17 section (a), by striking the subsection heading and
18 the matter before paragraph (1) and inserting
19 “STUDY.—The following study shall be conducted:”,
20 by striking “(B) STUDY.—”, and by redesignating
21 clauses (i), (ii), and (iii) as paragraphs (1), (2), and
22 (3), respectively, and

23 (5) by redesignating subsection (d) as sub-
24 section (b).

1 **SEC. 5. DISPOSAL OPERATIONS.**

2 Section 7(b) is repealed.

3 **SEC. 6. ENVIRONMENTAL PROTECTION AGENCY DISPOSAL**
4 **REGULATIONS.**

5 (a) SECTION 8(d)(1).—Section 8(d)(1) is amended by
6 striking subparagraphs (B), (C), and (D) and by adding
7 after subparagraph (A) the following:

8 “(B) Within 2 months of receipt of the ap-
9 plication under subparagraph (A), the Adminis-
10 trator shall provide the Secretary with any com-
11 ments on the Secretary’s application. Within
12 one month of the receipt of such comments, the
13 Secretary shall, to the extent practicable, incor-
14 porate the Administrator’s comments in the
15 Secretary’s application. The comments of the
16 Administrator provided to the Secretary should
17 also be transmitted to the appropriate commit-
18 tees of jurisdiction in the House of Representa-
19 tives and the Senate.”.

20 (b) SECTION 8(d) (2), (3).—Section 8(d) is amended
21 by striking paragraphs (2) and (3), by striking “(1) COM-
22 PLIANCE WITH DISPOSAL REGULATIONS.—”, and by re-
23 designating subparagraphs (A), (B), (C), and (D) of para-
24 graph (1) as paragraph (1), (2), (3), and (4), respectively.

25 (c) SECTION 8(f).—Subsection (f) of section 8 is
26 amended—

1 (1) by amending the subsection heading to read
2 “PERIODIC REVIEW”, and

3 (2) by amending paragraph (2) to read as fol-
4 lows:

5 “(2) REVIEW BY THE ADMINISTRATOR.—The
6 Administrator shall, not later than 6 months after
7 receiving a submission under paragraph (1), com-
8 ment on whether or not the WIPP facility continues
9 to be in compliance with the final disposition regula-
10 tions.”.

11 (d) SECTION 8(g).—Section 8(g) is amended to read
12 as follows:

13 “(g) ENGINEERED AND NATURAL BARRIERS, ETC.—
14 The Secretary should determine whether or not engineered
15 barriers or natural barriers, or both, will be required at
16 WIPP consistent with regulations published as part 191
17 of 40 C.F.R.

18 **SEC. 7. COMPLIANCE WITH ENVIRONMENTAL LAWS AND**
19 **REGULATIONS.**

20 (a) SECTION 9(a)(1).—Section 9(a)(1) is amended by
21 adding after and below subparagraph (H) the following:
22 “With respect to transuranic mixed waste designated by
23 the Secretary for disposal at WIPP, such waste is exempt
24 from the land disposal restrictions published at part 268
25 of 40 C.F.R. because compliance with the environmental

1 radiation protection standards published at part 191 of
2 40 C.F.R. renders compliance with the land disposal re-
3 strictions unnecessary to achieve desired environmental
4 protection and a no migration variance is not required for
5 disposal of transuranic mixed waste at WIPP.”.

6 (b) SECTION 9(b).—Subsection (b) of section 9 is re-
7 pealed.

8 (c) SECTIONS 9(c), (d).—Subsections (c) and (d) of
9 section 9 are repealed.

10 **SEC. 8. RETRIEVABILITY.**

11 Section 10 is amended to read as follows:

12 **“SEC. 10. TRANSURANIC WASTE.**

13 “It is the intent of Congress that a decision will be
14 made by the Secretary with respect to the disposal of
15 transuranic waste no later than March 31, 1997.”.

16 **SEC. 9. DECOMMISSIONING OF WIPP.**

17 Section 13 is amended—

18 (1) by repealing subsection (a), and

19 (2) in subsection (b), by striking “(b) MANAGE-
20 MENT PLAN FOR THE WITHDRAWAL AFTER DECOM-
21 MISSIONING.—Within 5 years after the date of the
22 enactment of this Act, the” and inserting “The”.

23 **SEC. 10. ECONOMIC ASSISTANCE AND MISCELLANEOUS**
24 **PAYMENTS.**

25 Section 15(a) is amended—

1 (1) by striking “to the Secretary for payments
2 to the State \$20,000,000 for each of the 15 fiscal
3 years beginning with the fiscal year in which the
4 transport of transuranic waste to WIPP is initiated”
5 and inserting “to the State \$20,000,000 for each of
6 the 15 fiscal years beginning with the date of the en-
7 actment of the Waste Isolation Pilot Plant Land
8 Withdrawal Amendment Act”, and

9 (2) by adding at the end the following: “An ap-
10 propriation to the State shall be in addition to any
11 appropriation for WIPP.”.

12 **SEC. 11. NON-DEFENSE WASTE.**

13 Section 7(a) is amended by redesignating paragraph
14 (3) as paragraph (4) and by inserting after paragraph (2)
15 the following:

16 “(3) NON-DEFENSE WASTE.—Within the capac-
17 ity prescribed by paragraph (4), WIPP may receive
18 transuranic waste from the Secretary which did not
19 result from a defense activity.”.

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