H.R.2637 - Waste Isolation Pilot Plant Withdrawal Act

102nd Congress (1991-1992)

Committees: House - Armed Services; Energy and Commerce; Interior and Insular Affairs
Committee Reports: H.Rept 102-241 Part 1; H.Rept 102-241 Part 2; H.Rept 102-241 Part 3
Roll Call Votes: There have been 3 roll call votes
Tracker: Introduced Passed House


All Information (Except Text)

There are 2 versions: Reported in House

Text available as: TXT Bill and resolution texts for 1989-1992 (101st-102nd Congresses) pre-date authenticated digital publishing.

Shown Here:
Reported in House

Union Calendar No. 239
102d CONGRESS
1st Session
H. R. 2637
[Report No. 102-241, Parts I, II, and III]

A BILL
To withdraw lands for the Waste Isolation Pilot Plant, and for other purposes.

NOVEMBER 27 (legislative day, NOVEMBER 26), 1991
Reported from the Committee on Energy and Commerce with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

June 13, 1991

Mr. KOSTMAKER (for himself and Mr. MILLER of California) introduced the following bill; which was referred jointly to the Committees on Interior and Insular Affairs, Energy and Commerce, and Armed Services

OCTOBER 7, 1991
Reported from the Committee on Interior and Insular Affairs with amendments

[Omit the part struck through in brackets and insert the part printed in italic]

November 26, 1991
Reported from the Committee on the Armed Services with an amendment

[Strike out all after the enacting clause and insert the part printed in boldface roman]

NOVEMBER 27 (legislative day, NOVEMBER 26), 1991
Reported from the Committee on Energy and Commerce with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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A BILL

To withdraw lands for the waste isolation pilot plant, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE. This Act may be cited as the 'Waste Isolation Pilot Plant Land Withdrawal Act'.

SEC. 2. DEFINITIONS. As used in this Act--

(1) 'Administrator' means the Administrator of the Environmental Protection Agency; (2) 'Agreement' means the July 1, 1981, Agreement for Consultation and Cooperation, as amended by the November 30, 1984 'First Modification' and the August 4, 1987 'Second Modification,' or as [Struck out->]

(A) GRAZING- The Secretary of the Interior may permit hunting and trapping in accordance with the following requirements:

(1) DEVELOPMENT- Within one year after the date of the enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Energy and the Governor of the State of New Mexico, shall develop a management plan for the use of the Withdrawal until the end of the decommissioning phase.

(2) MANAGEMENT PLAN- Within one year after the date of the enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Energy and the State of New Mexico, shall develop a management plan for the use of the Withdrawal until the end of the decommissioning phase.

(3) LAND DESCRIPTION- The boundaries depicted on the map issued by the Bureau of Land Management of the Department of the Interior, entitled 'WIPP Withdrawal Site Map,' dated October 9, 1990, and on file with the Bureau of Land Management, New Mexico State Office, are established as the boundaries of the Withdrawal.

(4) WATER RIGHTS- This Act does not establish a reservation to the United States with respect to any water or water rights on the Withdrawal. Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of New Mexico on or before the date of the enactment of this Act.

SEC. 2. DEFINITIONS. (1) 'Administrator' means the Administrator of the Environmental Protection Agency; (2) 'Agreement' means the July 1, 1981, Agreement for Consultation and Cooperation, as amended by the November 30, 1984 'First Modification' and the August 4, 1987 'Second Modification,' or as [Struck out->]

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grazing to continue where established before the date of the enactment of this Act subject to such regulations, policies, and practices as the Secretary of the Interior, in consultation with the Secretary of Energy, determines to be necessary or appropriate. The management of grazing shall be conducted in accord with applicable grazing laws, including—

(i) the Act entitled 'An Act to stop injury to public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes,' approved June 28, 1934 (43 U.S.C. 315 et seq., commonly referred to as the 'Taylor Grazing Act');


(iii) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1902 et seq.); and


(B) HUNTING AND TRAPPING—The Secretary of the Interior may permit hunting and trapping within the Withdrawal in accordance with applicable laws and regulations of the United States and the State of New Mexico, except that the Secretary of the Interior, after consultation with the Secretary of Energy and the State of New Mexico, may issue regulations designating zones where, and establishing periods when, no hunting or trapping is permitted for reasons of public safety, administration, or public use and enjoyment.

(4) DISPOSAL OF SALT TAILINGS—The Secretary of the Interior shall dispose of salt tailings extracted from the Withdrawal that the Secretary of Energy determines are not needed for backfill at WIPP. Disposition of such tailings shall be made under sections 2 and 3 of the Act of July 31, 1947, (30 U.S.C 602, 603; commonly referred to as the 'Materials Act of 1947').

(5) PROHIBITION ON MINING—No surface or subsurface mining, including slant drilling from outside the boundaries of the Withdrawal, shall be permitted at any time (including after decommissioning) on lands on or under the Withdrawal.

(c) CLOSURE TO THE PUBLIC—If the Secretary of Energy determines in consultation with the Secretary of the Interior that the health and safety of the public or the common defense and security require the closure to the public use of any road, trail, or other portion of the Withdrawal, the Secretary of Energy may take whatever action he determines to be necessary to effect and maintain the closure and shall provide notice to the public of such closure.

(d) MEMORANDUM OF UNDERSTANDING—The Secretary of the Interior and the Secretary of Energy shall enter into a memorandum of understanding to implement the management plan developed under subsection (b). Such memorandum shall remain in effect until the end of the decommissioning phase.

(e) SUBMISSION OF PLAN—Within one year after the date of the enactment of this Act, the Secretary of the Interior shall submit the management plan developed under subsection (b) to the Committee on Interior and Insular Affairs of the United States House of Representatives, the Committee on Energy and Natural Resources of the United States Senate, and the State of New Mexico. Any amendments to the plan shall be submitted promptly to those Committees and the State of New Mexico.[] - The Secretary shall issue and submit to the Administrator for his review a detailed retrieval plan to be implemented by the Secretary in the event of noncompliance during the test phase with the disposal standards or certain hazardous waste regulations, as provided under sections 7(c) and 9(b)(2), respectively.[] The Administrator shall complete such review not later than 90 days after receiving such plan.[] request the National Academy of Sciences to