

NEWS

From Congressman

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For immediate release

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SKEEN INTRODUCES LAND WITHDRAWAL AMENDMENTS; BILL AIMS TO OPEN WIPP SOONER

WASHINGTON, D.C. -- Congressman Joe Skeen, R-NM, today introduced legislation that will pave the way for a more immediate opening of the Waste Isolation Pilot Plant (WIPP) at Carlsbad, New Mexico. WIPP is the nation's first repository for defense-generated transuranic (TRU) nuclear wastes. It is designed for the disposal of millions of cubic feet of TRU wastes at Department of Energy facilities nationwide.

"We have been far too long in opening the WIPP site for testing and storage," Skeen observed. "I hope this legislation will force Congress to take another look at the situation and do what it can to open WIPP in a more timely manner."

Also signing on as original co-sponsors are Congressman Dan Schaefer, R-CO, and Congressman Mike Crapo, R-ID.

Specifically, the bill accomplishes the following:

- * The Department of Energy (DOE), rather than the Environmental Protection Agency (EPA), would certify that the WIPP site is in compliance with applicable law.

"This change streamlines the review process and reduces the duplicative activities that the two agencies were preparing to perform," according to Skeen. "While this change does remove some of the regulatory authority that the EPA was preparing to exert over DOE, it does not remove all such authority. For example, there are still permits that DOE needs to obtain from the State of New Mexico and the EPA for the operation of WIPP. And the State's authority under their hazardous waste program is broad enough to include any requirements that must be implemented during operations or for the post operational period."

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* This legislation reduces the time from 1 year to 2 months that EPA has to review DOE's compliance application and it eliminates the 180 day waiting period after DOE has demonstrated compliance.

"Two months is ample time for EPA to review the compliance application," according to Skeen. "Once the DOE has demonstrated compliance, there is no reason to sit around for six months before starting operations. This would be a ridiculous waste of taxpayer money and serves no real purpose. It is far more important to begin transferring the wastes from the generating sites around the country to WIPP."

* The bill provides an exemption for the land disposal regulations with regard to TRU mixed waste.

The radioactive waste components generated at DOE facilities are covered by the Atomic Energy Act and Nuclear Waste Policy Act, while the hazardous (chemical) components are covered by the Solid Waste Disposal Act and the Resource Conservation and Recovery Act. According to Skeen, this overregulation has unnecessarily delayed opening of the WIPP facility. "This bill would consolidate environmental regulations, without sacrificing environmental protection, and save money at the same time."

Under this legislation, the retrievability requirements would be removed.

According to Skeen, the retrievability requirements in the initial WIPP legislation were included to assure that WIPP would not become a repository by default in the event that DOE could not demonstrate compliance during the test phase. ~~on-site testing has been eliminated, there is no need to demonstrate retrievability. And in fact, requiring retrievability, when disposal is the purpose, unnecessarily complicates the operations and increases risks. The WIPP site will already have demonstrated compliance before the first waste is shipped there.~~

* This bill provides a firm target date for the opening of the WIPP facility.

"Under this legislation, DOE could start moving waste to WIPP by March, 1997, a full year ahead of their current schedule," according to Skeen. "We have simply removed some of the extra time built into the schedule by eliminating the 180 day waiting period, reducing the EPA's regulatory role, and cutting the amount of time EPA has to review the DOE's compliance application. DOE has indicated that this opening date is feasible."

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*** This legislation provides \$20 million to the State of New Mexico upon enactment of the legislation, rather than when the first waste shipments are received.**

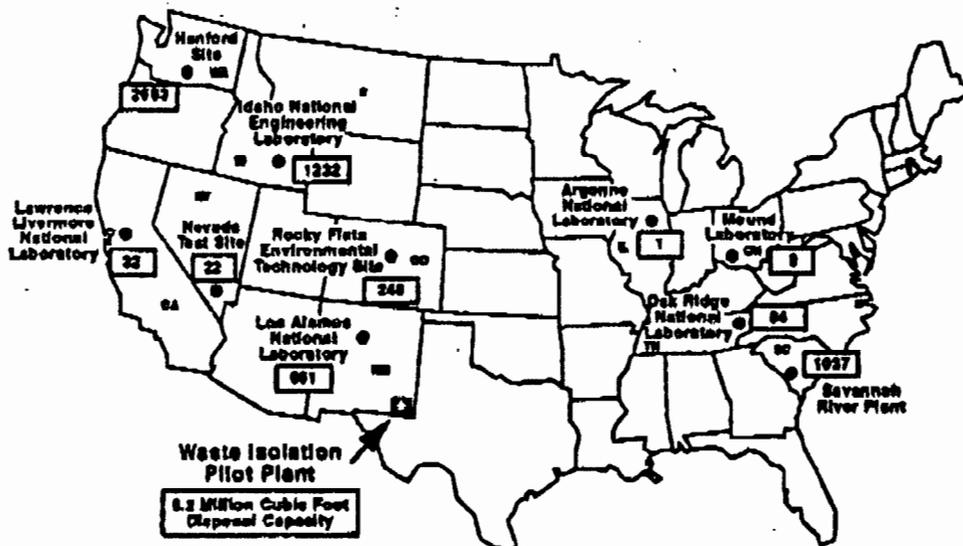
"New Mexico needs this money now to begin making road improvements, constructing bypasses, conducting safety training, and meeting other infrastructure needs," Skeen observed.

"These changes are necessary to speed up the timetable when we can ultimately bring TRU wastes to WIPP from DOE generator sites," said Skeen. "Delays in opening WIPP already cost American taxpayers \$180 million every year plus \$400 million annually for continued storage of the waste at generator sites."

"The salt beds near Carlsbad are dry, remote from population centers, contain little potable water and will provide the kind of safe encapsulation that will protect the American people from health hazards for millions of years to come. This legislation will eliminate the regulatory burdens which have unnecessarily kept us from utilizing WIPP," Skeen concluded.

| <u>DOE Generator Site</u> | <u>Waste Volume (thousands of cubic feet)</u> |
|---|---|
| Idaho National Engineering Laboratory, Idaho* | 1232 |
| Hanford Site, Washington | 2693 |
| Los Alamos National Laboratory, New Mexico | 661 |
| Savannah River Plant, South Carolina | 1037 |
| Rocky Flats Environmental Technology Site, Colorado | 248 |
| Oak Ridge National Laboratory, Tennessee | 84 |
| Lawrence Livermore National Laboratory | 32 |
| Nevada Test Site, Nevada | 22 |
| Argonne National Laboratory, Illinois | 1 |
| Small Sites (9) | 6 |
| Total Projected Volume | 6025 |

*Includes waste volume for Argonne National Lab - West



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104TH CONGRESS
1ST SESSION

H. R. 1663

IN THE HOUSE OF REPRESENTATIVES

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

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

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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).

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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—

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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

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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) SECTION 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—

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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."