



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
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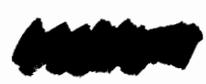
**TO:** Bernardo Garcia

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**COMMENTS:** WIPP language from Defense Bill  
Note Sec 3188 that exempts WIPP from both  
LCR and No Acquisition Determination.



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PL 104-201 9/23/96

**H.R.3230***National Defense Authorization Act for Fiscal Year 1997 (Enrolled Bill (Sent to President))*

mber 30, 2001.

**Subtitle F--Waste Isolation Pilot Plant Land Withdrawal Act Amendments****SEC. 3181. SHORT TITLE.**

This subtitle may be cited as the 'Waste Isolation Pilot Plant Land Withdrawal Amendment Act'.

**SEC. 3182. DEFINITIONS.**

Section 2 of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102-579; 106 Stat. 4777) is amended--

(1) by striking paragraphs (18) and (19); and

(2) by redesignating paragraphs (20), (21), and (22), as paragraphs (18), (19), and (20), respectively.

**SEC. 3183. MANAGEMENT PLAN.**

Section 4(b)(5)(B) of the Waste Isolation Pilot Plant Land Withdrawal Act (106 Stat. 4781) is amended by striking 'or with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)'.

**SEC. 3184. REPEAL OF TEST PHASE AND RETRIEVAL PLANS.**

(a) REPEAL- Section 5 of the Waste Isolation Pilot Plant Land Withdrawal Act (106 Stat. 4782) is repealed.

(b) CLERICAL AMENDMENT- The table of contents in section 1(b) of such Act (106 Stat. 4777) is amended by striking out the item relating to section 5.

**SEC. 3185. TEST PHASE ACTIVITIES.**

Section 6 of the Waste Isolation Pilot Plant Land Withdrawal Act (106 Stat. 4783) is amended--

(1) by repealing subsections (a) and (b);

(2) by repealing paragraph (1) of subsection (c);

(3) by redesignating subsection (c) as subsection (a) and in that subsection--

(A) by repealing subparagraph (A) of paragraph (2);

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http://thomas.loc.gov/cgi-bin/query/87c104..temp/~c104Co5c...1391902:

(B) by striking the subsection heading and the matter immediately following the subsection heading and inserting 'STUDY- The following study shall be conducted:';

(C) by striking '(2) REMOTE-HANDLED WASTE-';

(D) by striking '(B) STUDY-';

(E) by redesignating clauses (i), (ii), and (iii) as paragraphs (1), (2), and (3), respectively; and

(F) by realigning the margins of such clauses to be margins of paragraphs;

(4) in subsection (d), by striking ', during the test phase, a biennial' and inserting 'a' and by striking ', consisting of a documented analysis of' and inserting 'as necessary to demonstrate'; and

(5) by redesignating subsection (d) as subsection (b).

**SEC. 3186. DISPOSAL OPERATIONS.**

Subsection (b) of section 7 of the Waste Isolation Pilot Plant Land Withdrawal Act (106 Stat. 4785) is amended to read as follows:

'(b) REQUIREMENTS FOR COMMENCEMENT OF DISPOSAL OPERATIONS- The Secretary may commence emplacement of transuranic waste underground for disposal at WIPP only upon completion of--

'(1) the Administrator's certification under section 8(d)(1) that the WIPP facility will comply with the final disposal regulations;

'(2) the acquisition by the Secretary (whether by purchase, condemnation, or otherwise) of Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C, unless the Administrator determines under section 4(b)(5) that such acquisition is not required; and

'(3) the 30-day period beginning on the date on which the Secretary notifies Congress that the requirements of section 9(a)(1) have been met.'

**SEC. 3187. ENVIRONMENTAL PROTECTION AGENCY DISPOSAL REGULATIONS.**

(a) SECTION 8(d)(1)- Section 8(d)(1) of the Waste Isolation Pilot Plant Land Withdrawal Act (106 Stat. 4786) is amended--

(1) by amending subparagraph (A) to read as follows:

'(A) APPLICATION FOR COMPLIANCE- Within 30 days after the date of the enactment of the Waste Isolation Pilot Plant Land Withdrawal Amendment Act, the Secretary shall provide to Congress a schedule for the incremental submission of chapters of the application to the Administrator beginning no later than 30 days after the date of the submittal of the schedule.

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The Administrator shall review the submitted chapters and provide requests for additional information from the Secretary as needed for completeness within 45 days of the receipt of each chapter. The Administrator shall notify Congress of such requests. The schedule shall call for the Secretary to submit all chapters to the Administrator no later than October 31, 1996. The Administrator may at any time request additional information from the Secretary as needed to certify, pursuant to subparagraph (B), whether the WIPP facility will comply with the final disposal regulations.'; and

(2) in subparagraph (D), by striking 'after the application is' and inserting 'after the full application has been'.

(b) SECTION 8(d) (2) and (3)- Section 8(d) of such Act is amended by striking paragraphs (2) and (3), by striking '(1) COMPLIANCE WITH DISPOSAL REGULATIONS-' and by redesignating subparagraphs (A), (B), (C), and (D) of paragraph (1) as paragraphs (1), (2), (3), and (4), respectively.

(c) SECTION 8(g)- Section 8(g) of such Act is amended to read as follows:

'(g) ENGINEERED AND NATURAL BARRIERS, ETC- The Secretary shall use both engineered and natural barriers and any other measures (including waste form modifications) to the extent necessary at WIPP to comply with the final disposal regulations.'

### SEC. 3188. COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS.

(a) SECTION 9(a)(1)- Section 9(a)(1) of the Waste Isolation Pilot Plant Land Withdrawal Act (106 Stat. 4788) is amended by adding after and below subparagraph (H) the following: 'With respect to transuranic mixed waste designated by the Secretary for disposal at WIPP, such waste is exempt from treatment standards promulgated pursuant to section 3004(m) of the Solid Waste Disposal Act (42 U.S.C. 6924(m)) and shall not be subject to the land disposal prohibitions in section 3004(d), (e), (f), and (g) of the Solid Waste Disposal Act.'

(b) SECTION 9(b)- Subsection (b) of section 9 of such Act is repealed.

(c) SECTION 9(c)(2)- Subsection (c)(2) of section 9 of such Act is repealed.

(d) SECTION 14- Section 14 of such Act (106 Stat. 4791) is amended-

(1) in subsection (a), by striking 'No provision' and inserting 'Except for the exemption from the land disposal restrictions described in section 9(a)(1), no provision'; and

(2) in subsection (b)(2), by striking 'including all terms and conditions of the No-Migration Determination' and inserting 'except that the transuranic mixed waste designated by the Secretary for disposal at WIPP is exempt from the land disposal restrictions described in section 9(a)(1)'.

**SEC. 3189. SENSE OF CONGRESS ON COMMENCEMENT OF EMPLACEMENT OF TRANSURANIC WASTE.**

(a) IN GENERAL- Section 10 of the Waste Isolation Pilot Plant Land Withdrawal Act (106 Stat. 4789) is amended to read as follows:

**SEC. 10. SENSE OF CONGRESS ON COMMENCEMENT OF EMPLACEMENT OF TRANSURANIC WASTE.**

It is the sense of Congress that the Secretary should complete all actions required under section 7(b) to commence emplacement of transuranic waste underground for disposal at WIPP not later than November 30, 1997, provided that before that date all applicable health and safety standards have been met and all applicable laws have been complied with.

(b) CLERICAL AMENDMENT- The item relating to section 10 in the table of contents in section 1 is amended to read as follows:

'Sec. 10. Sense of Congress on commencement of emplacement of transuranic waste.'

**SEC. 3190. DECOMMISSIONING OF WIPP.**

Section 13 of the Waste Isolation Pilot Plant Land Withdrawal Act (106 Stat. 4791) is amended--

(1) by striking subsection (a); and

(2) by striking '(b) MANAGEMENT PLAN FOR THE WITHDRAWAL AFTER DECOMMISSIONING- Within 5 years after the date of the enactment of this Act, the' and inserting 'The'.

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### SEC. 3191. AUTHORIZATIONS FOR ECONOMIC ASSISTANCE AND MISCELLANEOUS PAYMENTS.

(a) AUTHORIZATION AMENDMENT- Section 15(a) of the Waste Isolation Pilot Plant Land Withdrawal Act (106 Stat. 4791) is amended--

(1) in the subsection caption, by striking '15-YEAR' and inserting '14-YEAR'; and

(2) by striking '15 fiscal years beginning with the fiscal year in which the transport of transuranic waste to WIPP is initiated' and inserting '14 fiscal years beginning with fiscal year 1998'.

(b) REQUIREMENT FOR SEPARATE AUTHORIZATIONS- Such section 15(a) is further amended by adding at the end the following: 'The authorization of appropriations for funds for payments to the State under the preceding sentence shall be separate from any authorization of appropriations of funds for WIPP.'

(c) FISCAL YEAR 1997 FUNDING- Of the amount authorized to be appropriated for the Department of Energy by section 3102(b), \$20,000,000 shall be available for the purpose of a payment by the Secretary of Energy to the State of New Mexico for road improvements in connection with the Waste Isolation Pilot Plant.

### TITLE XXXII--DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

### SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1997, \$17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

### TITLE XXXIII--NATIONAL DEFENSE STOCKPILE

#### Subtitle A--Authorization of Disposals and Use of Funds

Sec. 3301. Definitions.

Sec. 3302. Authorized uses of stockpile funds.

Sec. 3303. Disposal of certain materials in National Defense Stockpile.

#### Subtitle B--Programmatic Change