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Congress of the United States
House of Representatives
Committee on Interstate and Foreign Commerce
Room 2125, Rayburn House Office Building
Washington, D.C. 20515

W. E. WILLIAMSON, CHIEF CLERK AND STAFF DIRECTOR

March 21, 1980

Chairman
Nuclear Regulatory Commission
1717 E Street
Washington, D. C. 20555

Sir:

Enclosed are three copies of H.R. 6570

which the Committee would appreciate a prompt report,
together with such comment as you may desire to make.

Would you kindly transmit your reply in
triplicate.

Respectfully,

Harley D. Staggers
Chairman

Enc.

96TH CONGRESS
2D SESSION

H. R. 6570

To provide Federal assistance, through research and development and otherwise (including the use of Federal grounds by States on a transitional basis), for the development by the States of grounds for the burial of low-level radioactive wastes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1980

Mr. WYDLER introduced the following bill; which was referred jointly to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and Science and Technology

A BILL

To provide Federal assistance, through research and development and otherwise (including the use of Federal grounds by States on a transitional basis), for the development by the States of grounds for the burial of low-level radioactive wastes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Low-Level Radioactive
- 4 Waste Burial Act of 1980".

FINDINGS

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SEC. 2. The Congress finds that—

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(1) there is a critical shortage of low-level radioactive waste burial facilities throughout the country, and the development of such burial facilities in adequate numbers and locations is essential to the national security of the United States and to the health, safety, and welfare of its people;

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(2) the Nation has only three commercial burial facilities, currently accepting low-level radioactive wastes (two of which are subject to restrictions on what wastes are accepted and two of which were recently closed temporarily by the Governors of the States involved), necessitating the transportation of low-level wastes through needlessly long distances;

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(3) more extensive low-level radioactive waste research and development can improve knowledge of low-level radioactive wastes and improve techniques for site selection and for construction and operation of low-level radioactive waste facilities;

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(4) there are numerous locations throughout the United States that are technologically and geologically suitable for development as low-level waste burial facilities;

1 moved on circuitous routes as a result of transportation
2 restrictions by States and localities;

3 PURPOSE

4 SEC. 3. It is the purpose of this Act—

5 (1) to provide for the development by the Federal
6 Government of methods for helping individual States to
7 establish and operate facilities for burial of low-level
8 radioactive wastes;

9 (2) to provide onsite Federal assistance and advice
10 to States in identifying sites for low-level radioactive
11 waste burial facilities, developing the burial procedures,
12 and evaluating the operation of such facilities and the
13 effectiveness of such procedures;

14 (3) to provide for the conduct of Federal research
15 and development relating to the identification, design,
16 and construction of these burial facilities and the evalu-
17 ation of their operation, when requested by the States;
18 and

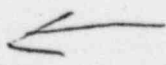
19 (4) to provide, on a transitional basis, during spec-
20 ified periods of time, permanent burial of civilian low-
21 level radioactive wastes at Federal burial facilities
22 while the States are identifying, designing, and con-
23 structing their own burial facilities for such wastes.

1 (5) low-level radioactive wastes result from
2 common medical practices in all fifty States with
3 nuclear materials used for treatment of about half of all
4 hospital patients in the United States; similar amounts
5 of low-level radioactive wastes result from industrial
6 and nuclear-energy applications;

7 (6) the Governors of two of the States currently
8 operating burial facilities for low-level radioactive
9 wates, along with the Chairman of the Nuclear Regu-
10 latory Commission, have testified that, since all States
11 generate low-level radioactive wastes, each either indi-
12 vidually or through regional associations should bear
13 the responsibility for burial of its wastes;

14 (7) the Department of Energy is currently operat-
15 ing many low-level radioactive waste burial facilities at
16 various locations geographically distributed throughout
17 the Nation, and if these were used on an interim basis
18 for commercial low-level waste burial, they would sig-
19 nificantly reduce the transportation required from
20 source to burial;

21 (8) the primary criteria for choosing transportation
22 routes for low-level radioactive wastes should be
23 enhancement of public health and safety and economic
24 efficiency. The public health and safety is endangered
25 when low-level radioactive waste transportation is



1 USE BY STATES OF FEDERAL BURIAL FACILITIES DURING
2 TRANSITIONAL PERIOD

3 SEC. 4. (a) The Secretary of Energy (hereinafter in this
4 Act referred to as the "Secretary") shall use one or more
5 Federal burial facilities for burial of civilian low-level radio-
6 active wastes, and provide necessary services in connection
7 therewith, on the conditions and for the transitional period or
8 periods specified in this section.

9 (b) The Secretary shall permit one or more Federal
10 burial facilities to be used for burial of civilian low-level ra-
11 dioactive wastes from specified geographical areas within the
12 United States for a period of eighteen months beginning on
13 the date of his approval of a signed statement from the Gov-
14 ernor of a State, declaring the intention of that State to have
15 in operation within its borders within three and one-half
16 years a facility or facilities for burial of future wastes from
17 those areas over a reasonable period of time. The statement
18 shall assure that the intended burial facilities when developed
19 and placed in operation shall accept low-level radioactive
20 wastes of all types and from all sources within the specified
21 geographical area, subject only to such restrictions based
22 upon the risks or dangers inherent in particular wastes as the
23 Secretary may approve.

1 (c) The Secretary shall permit an eighteen-month exten-
2 sion of the burial arrangement for such wastes upon fulfill-
3 ment of the conditions—

4 (1) approval by the Secretary of a plan provided
5 by the Governor of such State for the development of
6 the facility and a schedule for carrying out the plan;
7 and

8 (2) satisfactory evidence that all license applica-
9 tions required by law with respect to the burial facility
10 or facilities have been properly prepared and submitted
11 to the appropriate licensing agency.

12 (d) The Secretary shall permit an additional six-month
13 extension of burial arrangements in subsection (b) for such
14 wastes upon his determination that the license application or
15 applications in subsection (c) have been approved and that
16 the site or sites for the burial facility or facilities have been
17 selected and acquired by the State defined in subsection (b).

18 (e) Upon the specific request of the Governor of the
19 State in subsections (b), any of the periods specified in sub-
20 section (b), (c), and (d) may be extended for a cumulative
21 total of six months upon a finding by the Secretary of extenu-
22 ating circumstances.

23 (f) Any State which uses a Federal burial facility for
24 low-level radioactive wastes during the transitional period
25 under this section shall be required to pay a fee therefor in an

1 amount equal to the higher of (1) an amount equal to the full
2 cost to the Federal Government of providing the services in-
3 volved, or (2) the current fair market value in the United
4 States of comparable commercial radioactive waste burial
5 services, as determined by the Secretary.

6 (g) As a condition of any State using a Federal burial
7 facility for low-level radioactive wastes during the transition-
8 al period under this section, the Governor of the State from
9 which the wastes originated shall provide satisfactory assur-
10 ances that the transportation of wastes involved will not be
11 unduly impeded by State or local law, ordinance, or practice,
12 with realistic progress being made toward eliminating any
13 restrictions on or impediments to such transportation.

14 (h) The necessary arrangements for the use of any Fed-
15 eral facility for the burial of low-level radioactive wastes
16 originating in any State during the transitional period under
17 this section may be negotiated by the Governor or other ap-
18 propriate officer of the State or, with the approval of the
19 Governor, by the person or persons originating the wastes,
20 but only upon a determination by the Secretary that the
21 State has been unable to acquire a commitment for disposal
22 of these wastes at existing commercial or State-operated
23 burial facilities which are in the same geographical region as
24 the source of the wastes.

1 (i) The Congress hereby gives its consent to any com-
2 pact or agreement which may be entered into between States
3 in any region for the burial of low-level wastes at commercial
4 or State-operated burial facilities located in that region, with
5 or without preference for wastes originating in that region,
6 whether such burial grounds are developed and operated with
7 assistance under this Act or otherwise.

8 RESEARCH, DEVELOPMENT, AND OTHER ASSISTANCE TO
9 STATES

10 SEC. 5. (a) In order to assist States in selecting sites for
11 low-level radioactive waste facilities, and in planning, design-
12 ing, constructing, developing, testing, and operating such
13 facilities, the Secretary at the request of one or more States
14 or on his own initiative, may—

15 (1) conduct research and development specifically
16 designed to assist States in selecting sites for facilities
17 and performing engineering and testing activities with
18 respect thereto;

19 (2) provide onsite assistance to States with re-
20 spect to site evaluation, site development, and any re-
21 lated demonstrations;

22 (3) conduct research studies with respect to the
23 quantities and types of low-level radioactive wastes
24 which are expected to be generated in various States

1 and regions, and provide each State with the relevant
2 information derived from such studies; and

3 (4) take such other actions, conduct such other
4 activities, and disseminate such other information as
5 may be necessary or appropriate to carry out the pur-
6 poses and achieve the objectives of this Act.

7 (b) In addition, the Secretary shall accelerate the con-
8 duct of research and development and the performance of
9 related activities with respect to the compacting and immobi-
10 lization of low-level radioactive wastes to aid States in their
11 planning and related activities under this Act.

12 SPECIAL PROVISIONS RELATING TO ENVIRONMENTAL
13 IMPACT STATEMENTS

14 SEC. 6. For purposes of assisting in preparation of any
15 environmental impact statements which may be required by
16 law in connection with development of low-level radioactive
17 waste facilities as described in this Act—

18 (1) the planning activities in preparation for the
19 selection of a site for such burial grounds shall not be
20 considered as a major Federal action under such law;

21 (2) alternative means of disposing of low-level ra-
22 dioactive wastes need not be considered in any such
23 statement; and

24 (3) any action brought in any court in connection
25 with such statement shall be assigned for hearing and

1 completed at the earliest possible date, and shall to the
2 greatest extent possible take precedence over all other
3 cases then pending before the court and such actions
4 shall be expedited by such court.

5 MISCELLANEOUS PROVISIONS

6 SEC. 7. Notwithstanding any other provision of law, the
7 Secretary shall keep the appropriate committees of the
8 House of Representatives and the Senate fully and currently
9 informed with respect to all activities under this Act.

10 DEFINITIONS

11 SEC. 8. Facility shall include the low-level radioactive
12 waste burial site and all buildings, equipment, plant, utilities,
13 machinery, and improvements to land on that site related to
14 handling and burial of those wastes.

15 APPROPRIATIONS

16 SEC. 9. There are authorized to be appropriated to the
17 Secretary to carry out this Act the sum of \$1,000,000 for the
18 fiscal year 1980, and such sums as may hereafter be provided
19 for in annual authorization Acts for the fiscal year 1981 and
20 subsequent fiscal years.