



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

June 5, 1980

MEMORANDUM FOR: Chairman Ahearne  
Commissioner Gilinsky  
Commissioner Kennedy  
Commissioner Hendrie  
Commissioner Bradford

FROM: Carlton Kammerer Director  
Office of Congressional Affairs

SUBJECT: MARK-UP HEARING ON H.R. 7418 - REPRESENTATIVE MCCORMACK'S  
WASTE MANAGEMENT BILL

*Joe*

*Rob*

*Rehm*  
*2. Council*  
*3. D. C.*  
*By-pass*  
*1. 2. 3.*

On June 3, 1980 the House Subcommittee on Energy Research and Production of the Committee on Science and Technology held a mark-up hearing on H.R. 7418 - the Nuclear Waste Research, Development and Demonstration Act of 1980. The hearing was chaired by Congressman McCormack (D-WA); others in attendance were Congressmen White (D-TX); Lundine (D-NY); Wydler (R-NY); Roth (R-WI); and Forsythe (R-NJ).

Chairman McCormack introduced two technical amendments designed to bring the bill into conformity with authorizing legislation (Enclosure 1). Congressman Wydler introduced three amendments: 1) reference to West Valley is struck out of the bill; 2) no demonstration facility can be used for commercial activities without further legislative action; and 3) the act does not authorize the construction or operation of commercial waste management facilities (see Enclosure 2). All five amendments were adopted on a voice vote. Although the six members present constituted a quorum to adopt the amendments, the bill could not be reported out to the full committee due to a lack of the required nine member quorum. During discussion of the amendments Congressman Wydler stated he is seriously considering the introduction at a later date of amendments on low level waste. Although West Valley was being struck out of this bill, Congressman Wydler indicated that the waste at West Valley would be the subject of other legislation; Congressman Lundine supported this approach.

With regard to the concern over DOE/NRC coordination mentioned on NRC testimony presented on May 29, Chairman McCormack stated that the DOE FY'81 authorization bill (H.R. 6627) clearly specifies that DOE is to consult with NRC on waste repositories. He also indicated that the report language on H.R. 7418 would also highlight the desired coordination between DOE and NRC in this area.

At a full committee mark-up on June 4 Congressman McCormack motioned to have H.R. 7418 as amended in subcommittee brought to the full committee; the motion was adopted on a voice vote. Congressman McCormack also introduced an amendment to H.R. 7418 that would not require an EIA prior to sinking of a shaft for a demonstration waste repository. This amendment was adopted on a voice vote. On a motion by Congressman Wydler, his amendments offered in the subcommittee were adopted by voice vote (see Enclosure 2). In addition he introduced a new amendment to provide a demonstration project for dry storage of spent fuel. This amendment would basically provide approximately \$4M in authorization and utilize about five reactors' worth of spent fuel in the process. The amendment was adopted by voice vote. On a roll call vote, Congressman Wydler's motion to report H.R. 7418 out of full committee was adopted (A-30; N-2).

Enclosure 3 is the NMSS response to the request for comments on the basic H.R. 7418.

Enclosures:  
As stated

cc: EDO  
SECY  
OGC  
OPE  
MPA  
OIA  
CON

TECHNICAL AMENDMENT TO H.R. 7418

OFFERED BY MR. McCORMACK

Page 6, after line 15 insert the following paragraph

(6) There is authorized to be appropriated to the Secretary to carry out this Section (1) for the fiscal year ending September 30, 1981, the sum of \$96,400,000 reduced by such sums as may be authorized for the same purposes in any Department of Energy fiscal year 1981 annual authorization Act, and (2) for subsequent fiscal years such sums as may be authorized by legislation hereafter enacted.

Page 7, strike lines 16 through 22 and insert in lieu thereof the following new paragraph.

(4) There is authorized to be appropriated to the Secretary to carry out this Section (1) for the fiscal year ending September 30, 1981, the sum of \$2,000,000, reduced by such sums as may be authorized for the same purposes in any Department of Energy fiscal year 1981 annual authorization Act, and (2) for subsequent fiscal years such sums as may be authorized by legislation hereafter enacted.



AMENDMENT BY MR. WYDLER

①

On page 3, line 19, strike "." and insert in lieu thereof  
", but in no event shall be used for commercial activities without further  
legislative action."

②

On page 6, strike lines four and five.

③

On page 7, after line 2, insert the following new section:

"Construction of Language

Sec. 6. Nothing in this Act shall be construed to authorize the construction  
or operation of commercial waste management facilities."

SPECIFIC STAFF SUGGESTIONS TO H.R. 7418

OFFICE OF THE SECRETARY OF ENERGY  
WASHINGTON, D.C. 20585

1. Change Section 2(a)(2) to read as follows:

"Present scientific and technical knowledge is adequate to identify potential repository sites for further investigation. No scientific or technical reason is known that would prevent identifying a site that is suitable for a repository provided that the systems view is utilized rigorously to evaluate the suitability of sites and designs and in minimizing the influences of future human activities."

2. Change Section 2(3)-p. 3 line 4, 5 and 6 to read as follows:

"... necessary for the Department to build and operate full-scale high-level radioactive waste repositories pursuant to section 202(3) and (4) of the Energy Reorganization Act of 1974; and"

3. Change Section 3(1) p. 3 (delete lines 20-24) to read as follows:

"... United States. After site screening and prior to site characterization, the Secretary shall select 4 sites for site characterization, deemed suitable for further development into demonstration repositories after having submitted a pre-licensing Site Characterization Report for each prospective technology-demonstration repository to the Director of the Office of Nuclear Material Safety and Safeguards (hereafter referred to as the "Director") of the Nuclear Regulatory Commission (hereafter referred to as the "Commission"). This site characterization report shall include (1) a description of the site(s) to be characterized; (2) a description of the site characterization program including extent of planned excavations, plans for in-situ testing of radioactive and non-radioactive material, investigation activities which may affect the ability of the site to isolate wastes, and provisions to control any adverse, safety-related impacts from site characterization including appropriate quality assurance programs; (3) the criteria used to arrive at candidate areas; (4) the method by which the site(s) was selected for site characterization; (5) identification and location of alternative media and sites on which DOE anticipates submitting subsequent site-characterization reports; (6) a description of the decision process by which the site(s) was selected for characterization, including the means used to obtain public and State reviews during selection; and (7) any issues related to the site selection, alternative candidate areas or sites, or design of the geologic repository operation area which the Secretary wishes the Commission staff to review. This site characterization review by the Commission will help insure that the technology-demonstration repositories could be licensed if one or more were deemed suitable for future full-scale licensed repositories. For purposes of minimizing delays in the . . ."

4. Change Section (1) p. 4 (delete lines 6-12) to read as follows:

"... involved shall be isolated from the biosphere using a multibarrier approach to waste containment that will consist of both the geological medium and engineered barriers. The Secretary shall develop a program to provide: