97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 97-491
2d Session } { Part 1

PROVIDING FOR REPOSITORIES FOR THE DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE, TRANSURANIC WASTE, AND SPENT NUCLEAR FUEL, TO AMEND PROVISIONS OF THE ATOMIC ENERGY ACT OF 1954 RELATING TO LOW-LEVEL WASTE, TO MODIFY THE PRICE-ANDERSON PROVISIONS OF THE ATOMIC ENERGY ACT OF 1954 AND CERTAIN OTHER PROVISIONS PERTAINING TO FACILITY LICENSING AND SAFETY, AND FOR OTHER PURPOSES.

April 27, 1982.—Ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 3809 which on June 4, 1981, was referred jointly to the Committees on Energy and Commerce, Interior and Insular Affairs, and Rules.]

[Including cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 3809) to provide for repositories for the disposal of high-level radioactive waste, transuranic waste, and spent nuclear fuel, to amend provisions of the Atomic Energy Act of 1954 relating to low-level waste, to modify the Price-Anderson provisions of the Atomic Energy Act of 1954 and certain other provisions pertaining to facility licensing and safety, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, after line 2, strike all after the enacting clause and insert the following:

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SECTION 1. This Act may be cited as the "Nuclear Waste Policy Act of 1982".

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REPOSITORY AS MRS

In practice, it is possible that a deep geologic repository such as will be constructed under H.R. 3809 could provide the economic and safety advantages which might prove desirable in the context of MRS technology. A repository can be designed and constructed in such a way that waste or spent fuel would be air-cooled for long periods of time, as it would be in a surface-sited MRS. In addition, the repository can be designed with total retrievability so that for whatever period is desired a primary protection of the waste would be human monitoring and maintenance. Cooling and total retrievability options are expensive, but might compare favorably with the expense of building separate, additional surface facilities for these purposes. Such designs are being considered by the Department and are understood to be technically feasible. (See Retrieval Options Study, ONWI-63, Department of Energy, March 1980).

MRS AS BACK-UP FOR REPOSITORY PROGRAM

The Committee notes that although there is substantial confidence that the repository development program represented by the Committee amendment will provide safe facilities in a timely manner, it is not possible to resolve all uncertainties or predict all obstacles. The potential for failure or serious delay in the program exists. Monitored Retrievable Storage may be required in the event of failure or long-term delay of the repository development program. Indeed, this need for insurance that some safe technology will be available when nuclear reactors begin being decommissioned is the Committee's primary basis for recommendation of the detailed planning for an MRS program included in the Committee amendment to H.R. 3809.

Defense Nuclear Waste

H.R. 3809 as amended by the Committee does not mandate actions or affect in any way current regulatory requirements or exemptions applicable to repositories or other storage or management facilities for high level waste created by nuclear defense activities or nuclear research activities of the Department of Energy or the Department of Defense. The Committee rejected an amendment proposed to explicitly exempt from the Act any facilities for disposal of defense nuclear wastes, in order to assure that facilities constructed and operated under this Act could be available for disposal of wastes from the Department of Energy or the Department of Defense activities if those agencies should elect to use these facilities.

The Committee intends that the Secretary of Energy develop and operate for the nation at least one permanent disposal facility for high level waste and spent fuel as required under the provisions of H.R. 3809. This legislation does not prohibit the Secretary from constructing and operating another waste disposal facility under some other authority, consistent with other applicable laws. The Secretary is currently undertaking such a program. The Waste Isolation Pilot Plant project has been authorized for development of a facility for disposal of transuranic wastes, which may eventually be converted to a disposal facility for high level wastes. Such a conver-