



H.R.2637 - Waste Isolation Pilot Plant Withdrawal Act

102nd Congress (1991-1992)

Sponsor: [Rep. Kostmayer, Peter H. \[D-PA-8\]](#) (Introduced 06/13/1991)

Committees: House - Armed Services; Energy and Commerce; Interior and Insular Affairs

Committee Reports: H.Rept 102-241 Part 1; H.Rept 102-241 Part 2; H.Rept 102-241 Part 3

Latest Action: House - 07/21/1992 Laid on the table. See [S. 1671](#) for further action. ([All Actions](#))

Roll Call Votes: There have been [3 roll call votes](#)

Tracker: Introduced **Passed House**

Text: H.R.2637 — 102nd Congress (1991-1992)

[All Information](#) (Except Text)

There are 2 versions: ▼

Text available as: TXT | Bill and resolution texts for 1989-1992 (101st-102nd Congresses) [predate authenticated digital publishing](#).

Shown Here: Reported in House

Union Calendar No. 239
102d CONGRESS
1st Session
H. R. 2637
[Report No. 102-241, Parts I, II, and III]
A BILL
To withdraw lands for the Waste Isolation Pilot Plant, and for other purposes.
NOVEMBER 27 (legislative day, NOVEMBER 26), 1991
Reported from the Committee on Energy and Commerce with an amendment,
committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

HR 2637 RH
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[Report No. 102-241, Parts I, II, and III]
To withdraw lands for the Waste Isolation Pilot Plant, and for other purposes.
IN THE HOUSE OF REPRESENTATIVES
June 13, 1991

Mr. KOSTMAYER (for himself and Mr. MILLER of California) introduced the following bill; which was referred jointly to the Committees on Interior and Insular Affairs, Energy and Commerce, and Armed Services
OCTOBER 7, 1991
Reported from the Committee on Interior and Insular Affairs with amendments
[Omit the part struck through in brackets and insert the part printed in italic]
November 26, 1991
Reported from the Committee on the Armed Services with an amendment
[Strike out all after the enacting clause and insert the part printed in boldface roman]
NOVEMBER 27 (legislative day, NOVEMBER 26), 1991
Reported from the Committee on Energy and Commerce with an amendment,
committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed
[Strike out all after the enacting clause and insert the part printed in boldface italic]
A BILL

to withdraw lands for the waste isolation pilot plant, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[Struck out->] SECTION 1. SHORT TITLE. [] This Act may be cited as the `Waste Isolation Pilot Plant

Land Withdrawal Act'. [] SEC. 2. DEFINITIONS. [] As used in this Act-- [] (1) `Administrator' means the Administrator of the Environmental Protection Agency; [] (2) `Agreement' means the July 1, 1981, Agreement for

Consultation and Cooperation, as amended by the November 30, 1984 `First Modification' [Struck out->][[Struck out->] and the August 4, 1987

`Second Modification,' or as]][[Struck out->] LAND WITHDRAWAL, JURISDICTION, AND RESERVATION-

[Struck out->][(1) LAND WITHDRAWAL- Subject to valid existing rights, the limitation described in paragraph (3), and except as otherwise provided in this Act, the lands described in subsection (c) are withdrawn from all forms of entry, appropriation, and disposal under the general land laws, including without limitation the mineral leasing laws, the geothermal leasing laws, the material sale laws (except as provided in section 4(b)(4) of this Act), and the mining laws.

[Struck out->][(2) RESERVATION- Such lands are reserved for use by the Secretary for conducting test phase activities.

[Struck out->][(3) LIMITATION- The land withdrawal described in paragraph (1) shall be in effect for a period not to exceed 10 years from the date of the enactment of this Act.

[Struck out->][(b) REVOCATION OF PUBLIC LAND ORDERS- Public Land Order 6403 of June 29, 1983, as modified by Public Land Order 6826 of January 28, 1991, and the memorandum of understanding accompanying Public Land Order 6826, are revoked.

[Struck out->][(c) LAND DESCRIPTION-

[Struck out->][(1) BOUNDARIES- The boundaries depicted on the map issued by the Bureau of Land Management of the Department of the Interior, entitled `WIPP Withdrawal Site Map,' dated October 9, 1990, and on file with the Bureau of Land Management, New Mexico State Office, are established as the boundaries of the Withdrawal.

[Struck out->][(2) LEGAL DESCRIPTION AND MAP- Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall--

[Struck out->][(A) publish in the Federal Register a notice containing a legal description of the Withdrawal;

[Struck out->][(B) file copies of the map described in paragraph (1) and the legal description of the Withdrawal with the Committees on Energy and Natural Resources and Armed Services of the United States Senate, the Committees on Interior and Insular Affairs, Energy and Commerce, and Armed Services of the United States House of Representatives, the Secretary of Energy, the Governor of the State of New Mexico, and the Archivist of the United States.

[Struck out->][(d) TECHNICAL CORRECTIONS- The map and legal description referred to in subsection (c) shall have the same force and effect as if they were included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

[Struck out->][(e) WATER RIGHTS- This Act does not establish a reservation to the United States with respect to any water or water rights on the Withdrawal. Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of New Mexico on or before the date of the enactment of this Act.

[Struck out->][SEC. 4. ESTABLISHMENT OF MANAGEMENT RESPONSIBILITIES.

[Struck out->][(a) GENERAL AUTHORITY- The Secretary of the Interior shall be responsible for the management of the Withdrawal pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), this Act, and other applicable law, and shall consult with the Secretary of Energy and the State of New Mexico in discharging such responsibility and any other responsibility required by this Act.

[Struck out->][(b) MANAGEMENT PLAN-

[Struck out->][(1) DEVELOPMENT- Within one year after the date of the enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Energy and the State of New Mexico, shall develop a management plan for the use of the Withdrawal until the end of the decommissioning phase.

[Struck out->][(2) PRIORITY OF WIPP-RELATED USES- Any use of the Withdrawal for activities not associated with WIPP shall be subject to such conditions and restrictions as may be necessary to permit the conduct of WIPP-related activities.

[Struck out->][(3) NON-WIPP RELATED USES- The management plan developed under paragraph (1) shall provide for the maintenance of wildlife habitat and shall provide that the Secretary of the Interior may permit such non-WIPP related uses of the Withdrawal as the Secretary of the Interior determines to be appropriate, including domestic livestock grazing and hunting and trapping in accordance with the following requirements:

[Struck out->][(A) GRAZING- The Secretary of the Interior may permit

grazing to continue where established before the date of the enactment of this Act subject to such regulations, policies, and practices as the Secretary of the Interior, in consultation with the Secretary of Energy, determines to be necessary or appropriate. The management of grazing shall be conducted in accord with applicable grazing laws, including--
[Struck out->] (i) the Act entitled 'An Act to stop injury to public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes,' approved June 28, 1934 (43 U.S.C. 315 et seq., commonly referred to as the 'Taylor Grazing Act');

[Struck out->] (ii) title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.);

[Struck out->] (iii) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1902 et seq.); and

[Struck out->] [Struck out->] (iv) Executive Order 12548 (51 Fed. Reg. 5985). [] (B) HUNTING AND TRAPPING- The Secretary of the Interior may permit hunting and trapping within the Withdrawal in accordance with applicable laws and regulations of the United States and the State of New Mexico, except that the Secretary of the Interior, after consultation with the Secretary of Energy and the State of New Mexico, may issue regulations designating zones where, and establishing periods when, no hunting or trapping is permitted for reasons of public safety, administration, or public use and enjoyment.

[Struck out->] (4) DISPOSAL OF SALT TAILINGS- The Secretary of the Interior shall dispose of salt tailings extracted from the Withdrawal that the Secretary of Energy determines are not needed for backfill at WIPP. Disposition of such tailings shall be made under sections 2 and 3 of the Act of July 31, 1947, (30 U.S.C 602, 603; commonly referred to as the 'Materials Act of 1947').

[Struck out->] (5) PROHIBITION ON MINING- No surface or subsurface mining, including slant drilling from outside the boundaries of the Withdrawal, shall be permitted at any time (including after decommissioning) on lands on or under the Withdrawal.

[Struck out->] (c) CLOSURE TO THE PUBLIC- If the Secretary of Energy determines in consultation with the Secretary of the Interior that the health and safety of the public or the common defense and security require the closure to the public use of any road, trail, or other portion of the Withdrawal, the Secretary of Energy may take whatever action he determines to be necessary to effect and maintain the closure and shall provide notice to the public of such closure.

[Struck out->] (d) MEMORANDUM OF UNDERSTANDING- The Secretary of the Interior and the Secretary of Energy shall enter into a memorandum of understanding to implement the management plan developed under subsection (b). Such memorandum shall remain in effect until the end of the decommissioning phase.

[Struck out->] (e) SUBMISSION OF PLAN- Within one year after the date of the enactment of this Act, the Secretary of the Interior shall submit the management plan developed under subsection (b) to the Committee on Interior and Insular Affairs of the United States House of Representatives, the Committee on Energy and Natural Resources of the United States Senate, and the State of New Mexico. Any amendments to the plan shall be submitted promptly to those Committees and the State of New Mexico. [] - The Secretary shall issue and submit to the Administrator for his review a detailed retrieval plan to be implemented by the Secretary in the event of noncompliance during the test phase with the disposal standards or certain hazardous waste regulations, as provided under sections 7(c) and 9(b)(2), respectively. [] The Administrator shall complete such review not later than 90 days after receiving such plan. [] request the National Academy of Sciences to []