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From _____

CONGRESSMAN

Nick Rahall

WEST VIRGINIA-4th DISTRICT

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CONGRESS ADOPTS NUCLEAR WASTE BILL RAHALL SAYS "NO BLANK CHECK" PROVIDED FOR MRS

WASHINGTON, D.C. -- U.S. Rep. Nick J. Rahall (D-WV) today announced that Congress has approved revisions to the Nuclear Waste Policy Act of 1982 as part of the Omnibus Budget Reconciliation Act for fiscal year 1988.

"The legislation would authorize a Monitored Retrievable Storage facility only under certain conditions and extremely protracted circumstances," Rahall stated. "This is no blank check to build a MRS just anywhere," Rahall noted.

"It is especially important to note that nothing in this legislation can be construed as meaning that West Virginia is the prime candidate for the MRS. Our state was originally passed over by the Energy Department when it arrived at its recommendation to site the MRS in Tennessee and there are many other areas which have already been studied or which are contenders for this facility. In effect, on the question of where the MRS may, if all conditions are met, eventually be sited the bill is silent."

Under the legislation, a dual system would be established which could lead to the selection of a site for the MRS: 1) A Nuclear Waste Negotiator authorized by the bill would attempt to find a volunteer site. If the Negotiator is successful in reaching an agreement with a State, Congress must enact legislation to implement the deal. 2) The Energy Department would restart the process of finding a site which led to its earlier decision to locate the MRS at Oak Ridge, Tennessee--a decision which the legislation nullifies. Under this procedure, the MRS authorization would be conditioned upon the Nuclear Regulatory Commission issuing a construction license for a permanent nuclear waste repository which the legislation would place in Nevada.

Also established by the legislation would be a three member MRS Review Commission appointed by the Speaker of the House and the President pro tempore of the Senate. The Commission would evaluate the need for a MRS as part of the Nation's nuclear waste program and make recommendations to the Congress by June 1, 1989.

The legislation would also provide \$5 million per year to any State after signing for the MRS and \$10 million per year after the first nuclear waste is accepted at the facility, subject to the annual appropriations process.

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"The legislation first says, yes, we may want a MRS if a state volunteers for it and Congress then authorizes the agreement. At the same time, it says even if a volunteer site cannot be found the Energy Department will go out and find a site as long as the permanent waste repository in Nevada is licensed for construction. But then the legislation second guesses this by telling the Energy Department not to begin surveying sites until a special commission tells us if we should even have a MRS in the first place," Rahall said. "Meanwhile," he added, "there will be this Negotiator out there who may find a host state before the commission study is completed."

Rahall--who has supported the prospect of feasibility studies being conducted for the MRS if requested by state governors--refused to sign the agreement on the nuclear waste bill worked out by a House and Senate conference committee which led to it being included in the budget bill because of the confusing and convoluted system it envisions for finding a site for the MRS.

"My position has been that we should have the facts first, and conduct the studies, before even considering moving forward with legislation which may lead to the construction of a MRS facility," Rahall stated.

Following are additional details on how the legislation would address the MRS:

1. The volunteer site method would require the Nuclear Waste Negotiator, appointed by the President, to attempt to find a state or Indian tribe willing to host the MRS. The Negotiator would negotiate with the governor of any state unless state law authorizes another person other than the governor to negotiate a proposed agreement.

If the Negotiator reaches an agreement with a state, the Energy Department would prepare an Environmental Assessment during which time public hearings would be held in the vicinity of the proposed site. The proposal would then be submitted to Congress. If Congress authorizes the agreement, the Nuclear Regulatory Commission (NRC) would have three years to either approve or disapprove the construction application.

2. The Energy Department selection method would explicitly link the construction of a MRS to the NRC issuing a license to construct the permanent nuclear waste repository in Nevada. The Energy Department would undertake a survey of potentially suitable sites for a MRS facility and could conduct site-specific activities to gather the information needed to support a license application to the NRC. However, this survey could not begin until after the MRS Commission submits its report on June 1, 1989. Once the survey is completed, the Energy Department would select one site, conduct public hearings in the vicinity of the proposed site and complete an Environmental Assessment. Construction of the MRS facility would be subject to licensing by the NRC.

When the Energy Department selects a site, the host state may disapprove the selection. However, the state's disapproval may be overridden by the Congress. It should be noted that since site characterization activities for the permanent repository site in Nevada would not be completed until 1995, no MRS could be authorized until after that time.