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RESPONSIBLE DISPOSAL REAUTHORIZATION ACT OF 2019

SEPTEMBER 10, 2019.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 347]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 347) to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978 relating to the disposal site in Mesa County, Colorado, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 347 is to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978 (Public Law 95-604) relating to the disposal site in Mesa County, Colorado.

BACKGROUND AND NEED

Grand Junction, Colorado, is home to a former uranium processing site known as the Climax uranium mill that closed in 1970. The mill operated for 19 years and produced 2.2 million tons of radioactive tailings, the material that remained after most of the uranium metal had been extracted from uranium ore. From 1950 to 1966, mill tailings were available to private citizens to use as construction materials and more than 4,000 private and commercial properties in the Grand Junction area utilized the radioactive tailings (these buildings are referred to as vicinity properties). In 1966, the Colorado Department of Health sampled the tailings from the site uncovering elevated levels of radon-222.

In 1978, Congress found that uranium mill tailings located at uranium mill sites may pose a potential and significant hazard to the public. Congress enacted the Uranium Mill Tailings Radiation Control Act of 1978 to address the hazard. Title I of the Act authorized the Secretary of Energy (Secretary) to remediate the tailings and other residual radioactive material at 22 designated inactive uranium mill sites and their associated vicinity properties. Remediation of these sites resulted in the construction of 19 disposal cells that are used to stabilize and contain the mill tailings and associated material.

The 94-acre Cheney disposal cell (now the Grand Junction disposal site) is one of the 19 disposal cells built pursuant to the 1978 Act. It was constructed in 1990 and was chosen by the Department of Energy (DOE) “because it was remote, lacked significant groundwater, and was underlain by a thick, impermeable layer of Mancos shale.” An initial 4.4 million cubic yards of contaminated processing site materials, including vicinity property materials, was transported to the disposal cell by 1994 and that portion of the cell was closed.

Congress has previously extended the original deadline for the Secretary to complete site remediation three times. Section 112 of the Act, as amended, required the Secretary to complete work at most of the mill sites by September 30, 1998. But it expressly authorizes the Secretary to continue receiving and disposing of residual radioactive material at the Cheney disposal site until it is filled to capacity or until September 30, 2023, whichever comes first.

The exception was made for the Cheney disposal site because over one million cubic yards of tailings had been used as fill material in road beds and along utility corridors in and around Grand Junction. Under environmental protection standards for uranium mill tailings issued by the Environmental Protection Agency, these tailings were left in place because they did not pose a clear present or future hazard and the environmental harm or cost of removing them would have exceeded any public health benefits. Congress recognized that these tailings would eventually be disturbed during future excavations for road or utility repairs, at which time, they could be disposed of in the Cheney disposal cell. Consequently, in 1996, Congress amended section 112 to provide for their disposal at the site. (S. Rept. 104–301).

DOE testified that uranium mill tailings previously used in roads, sidewalks, and even homes continue to be excavated from vicinity properties around Grand Junction and require disposal. In addition, the Secretary has permanent authority to perform groundwater treatment systems under the Act, and those operations still generate waste that is eligible for disposal at the Cheney disposal site. According to DOE, the site receives approximately 2,700 cubic yards of waste per year and has sufficient space to receive an estimated additional 235,000 cubic yards, indicating the site could operate for 87 more years at current rates. DOE recommended reauthorizing the site to make use of this valuable and necessary disposal capacity.

LEGISLATIVE HISTORY

H.R. 347 was introduced by Representatives Scott Tipton (R-CO) and Diana DeGette (D-CO) in the House of Representatives on

January 8, 2019. H.R. 347 passed the House of Representatives by voice vote on March 5, 2019.

In the 115th Congress, Senator Gardner introduced similar legislation, S. 1059, on May 4, 2017. The Subcommittee on Energy held a hearing on the bill on October 13, 2017. The Committee on Energy and Natural Resources met in open business session on March 8, 2018, and ordered S. 1059 favorably reported without amendment. S. Rept. 115–247. An identical bill, H.R. 2278, was introduced by Representative Tipton in the House of Representatives on May 1, 2017, and was reported by the Energy and Commerce Committee on September 7, 2018. H. Rept. 115–925. The House passed H.R. 2278 on September 25, 2018 with an amendment.

In the 114th Congress, similar legislation, S. 3312, was introduced by Senator Gardner on September 12, 2016. A hearing was held on the bill on September 22, 2016. Representative Tipton introduced similar legislation, H.R. 5950, in the House of Representatives on September 7, 2016, which was referred to the Energy and Commerce Committee.

The Committee on Energy and Natural Resources met in open business session on July 16, 2019, and ordered H.R. 347 favorably reported without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 16, 2019, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 347.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 sets forth the short title of the bill.

Sec. 2. Authorization

Section 2 reauthorizes the disposal site in Mesa County, Colorado, through September 30, 2031.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

H.R. 347, Responsible Disposal Reauthorization Act of 2019			
As ordered reported by the Senate Committee on Energy and Natural Resources on July 16, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 347 would amend the Uranium Mill Tailings Radiation Control Act of 1978 to extend, through September 30, 2031, the government's authority to operate the Cheney disposal cell in Mesa County, Colorado. That facility, administered by the Department of Energy (DOE), serves as a repository for mill tailings—radioactive waste generated during the conversion of uranium into fuel for nuclear reactors. Under current law, DOE's authority to accept additional materials at that site is scheduled to expire on September 30, 2023.

Using information from DOE, CBO estimates that the costs associated with receiving and disposing of additional materials at the Cheney facility average less than \$500,000 annually; such spending is subject to appropriation. Because DOE already is authorized to accept materials through fiscal year 2023, CBO estimates that enacting H.R. 347 would have no effect on the department's costs until 2024. The cost of implementing the bill in 2024 would not be significant, CBO estimates.

The CBO staff contact for this estimate is Kathleen Gramp. The estimate was reviewed by Theresa A. Gullo, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 347. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 347, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

H.R. 347, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of Energy at the October 3, 2017, hearing on S. 1059, similar legislation, follows:

TESTIMONY OF DEPUTY GENERAL COUNSEL BERNARD
MCNAMEE, U.S. DEPARTMENT OF ENERGY

Chairman Gardner, Ranking Member Manchin, and Members of the Subcommittee, it is a privilege and an honor to serve at the Department of Energy, an agency tasked with, among other important responsibilities: assuring our nuclear readiness, overseeing the Nation's energy supply, carrying out the environmental clean-up from the nuclear mission, and managing the Department's 17 National Laboratories. Thank you for the opportunity to testify today on behalf of the Department of Energy (DOE) regarding legacy waste cleanup responsibilities, expanding the U.S.'s ethane storage infrastructure, commercializing DOE National Lab developed technologies, and accelerating the maturation of advanced nuclear energy.

In support of the Administration's goals of establishing energy dominance and economic competitiveness, resources within DOE's energy and science programs are focused on research and development (R&D) across a variety of technologies that support American energy independence and domestic job-growth. Through careful prioritization and ensuring funding goes to the most promising research, DOE, through its National Laboratories, will continue to support the world's best enterprise of scientists and engineers who create innovations to drive American prosperity, security and competitiveness for the next generation. I have been asked to testify on multiple bills today, which the Administration continues to review.

The Department appreciates the ongoing bipartisan efforts to address our Nation's energy challenges, and looks forward to working with the Committee on the legislation on today's agenda and any future legislation.

S. 1059, Responsible Disposal Reauthorization Act of 2017 Legacy waste cleanup is a top priority for the Department of Energy. The Grand Junction, Colorado disposal site was authorized by Congress as part of the Uranium Mill Tailings Radiation Control Act of 1978.

The disposal site is the only active site available for receiving uranium mill tailings managed by DOE's Office of Legacy Management (LM). The Department works closely with local, state, and federal officials to ensure the protection of public health, safety, and the environment by moving contaminated materials away from public places.

The Grand Junction Disposal Site contains about 4.5 million cubic yards of low-level radioactive waste and receives approximately 2,700 cubic yards of waste per year. The disposal site has sufficient space to receive an additional estimated 235,000 cubic yards indicating the site could operate for 87 more years at current rates.

New waste materials come from numerous locations—primarily the City of Grand Junction continues to excavate waste tailings previously used in roads, sidewalks, and homes. DOE–LM operates groundwater treatment systems at several sites that will continue to generate waste eligible for disposal in the Grand Junction Disposal Site, and that valuable capacity should continue to be utilized.

The Department of Energy looks forward to continuing to work with this subcommittee on responsible disposal management of the Nation’s legacy sites.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the changes in existing law made by the original Act, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978

Public Law 95–604, as Amended

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TITLE I—REMEDIAL ACTION PROGRAM

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TERMINATION; AUTHORIZATION

SEC. 112. (a)(1) The authority of the Secretary to perform remedial action under this subchapter shall terminate on September 30, 1998, except that—

(A) the authority of the Secretary to perform groundwater restoration activities under this subchapter is without limitation, and

(B) the Secretary may continue operation of the disposal site in Mesa County, Colorado (known as the Cheney disposal cell) for receiving and disposing of residual radioactive material from processing sites and of byproduct material from property in the vicinity of the uranium milling site located in Monticello, Utah, until the Cheney disposal cell has been filled to the

capacity for which it was designed, or **【September 30, 2023】**
September 30, 2031, whichever comes first.

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