

the constitutional amendment, if it is ratified, of course, becomes part of the Constitution. Then we will have more discipline in the Congress when it comes to spending taxpayers' money and when it comes to ordering priorities.

Beyond that, anything else that should occur, we will make an announcement on the Senate floor this afternoon.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak up to 5 minutes each, with Senator DASCHLE, or his designee, in control of the first 90 minutes, and Senator COVERDELL, or his designee, in control of the second 90 minutes.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to speak for about 10 to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOW-LEVEL RADIOACTIVE WASTE STORAGE IN CALIFORNIA

Mr. MURKOWSKI. Mr. President, I wish you a good morning. I ask you to imagine the following situation: You are stricken with bone cancer. Unfortunately, your doctor informs you that radiation therapy is no longer an option because it creates low-level radioactive waste and they simply cannot store any more.

Or another one: A loved one tests HIV positive. Sadly, we learn that breakthrough research using radioactive materials to find a cure for AIDS is being suspended. Why? Because we cannot store any more waste.

Finally, imagine this: You are the parent of a student at the University of California. You're informed that a fire occurred in a radioactive storage waste building on campus and exposed your son or daughter to radiation released by the fire.

These are not farfetched situations, Mr. President. In fact, radioactive waste is piling up on college campuses, hospitals, and businesses at some 800 sites in California alone.

This chart tries to depict the distribution of low-level radioactive waste that is stored today in California. The current situation shows that it is virtually all over—in the bay area, the Sacramento area, southern California, Los Angeles, San Diego, and so forth. There are 2,254 material licensees who store waste at some 800 sites in populated areas, endangered by the threat of fires, earthquakes, and floods. It is an extraordinary expense and duplication of effort.

Over 2,000 colleges, hospitals, and businesses in California alone are licensed to use radioactive materials. I have a list of them. There are radioactive materials or waste in San Francisco, as a matter of fact, at the Golden Gate Park in San Francisco; in Chinatown, at 845 Jackson Street, to be specific; the University of San Francisco at 2130 Fulton Street; in Santa Monica at 2200 Santa Monica Boulevard; in Beverly Hills at 9400 Brighton Way.

These are just a few of the research centers, the hospitals, the biotechnical firms, and the cancer treatment centers that use radioactive materials. These materials are needed and used to improve and prolong our lives.

But we endanger our opportunity to enjoy these benefits when we do not allow the State of California to carry out the radioactive trash for proper disposal. That is exactly what is happening today because our Interior Secretary, Bruce Babbitt, will not allow the State of California to dispose of its low-level waste at Ward Valley, which is the site California has licensed for this waste.

Mr. President, let me show you the second chart. This is California without those 800-plus sites, with 1 site designated as a repository for low-level waste, 1 site in a remote area away from the populated areas, away from the area of southern California, away from the bay area. This was a site selected after a 7-year process of scientific study and public input. It is a site secure from fires, earthquakes, and floods. It is carefully monitored and regulated, meeting all Federal and State health and safety protection standards.

Is it not better, Mr. President, to just have 1 site for low-level radioactivity instead of over 800 sites? Certainly it is. Soon we could reach a point where advanced medical treatment for cancers and other medical research will be curtailed or even halted due to a failure to deal with the waste problem.

Is this a sane situation? Certainly not. Unfortunately, many of the temporary sites used for storage of radioactive waste across California are vulnerable to exposure such as fires, earthquakes, or floods, which could cause an accidental release of radioactivity in urban or suburban neighborhoods. Doctors are worried that the storage problem will impact, if you will, future cancer treatment. Researchers are worried that it will impact medical research. Educators are wondering how they will explain to the parents of students that their children live on campus that stores low-level radioactive waste.

Clearly, Mr. President, California has an environmental problem. But to California's credit, California has acted in good faith to address this problem.

Mr. President, as chairman of the Energy and Natural Resources Committee, which has the oversight for this matter of both low-level and high-level radioactive waste, I commend the

Governor and the State of California for the manner in which they have attempted to live under the Federal law which has given the States the authority to address low-level waste.

Acting in accordance with the Low Level Radioactive Waste Policy Act and all applicable environmental laws and regulations, California has found a solution. California wants this radioactive waste, used, again, by more than 2,200 licensees in California, they want it to be removed from those 800 suburban and urban locations to a safe, licensed monitoring location at Ward Valley in the Mojave Desert, which I have shown on the chart here.

Let us go back and look at a little of the history. After an 8-year effort under the NRC guidelines, the Nuclear Regulatory Commission guidelines, and the expenditure of over \$45 million, the California Department of Health Services issued a license for a low-level waste site at Ward Valley. The California Department of Health had the authority to issue the license. The Federal Government gave them the authority. They issued it.

But even with that license in hand, the operator of the site has been unable to begin construction and operation because radical antinuclear activists have launched a crusade to stop Ward Valley. Those activists have used every conceivable method. They have sued. They have demonstrated. They have occupied the site. They have made outrageous and scientifically indefensible claims.

But these groups are wrong. They have been proven wrong. All of their radical lawsuits challenging the licenses have been heard, and they have been dismissed. Their legal challenges have been exhausted.

Two environmental impact statements have shown their radical claims about Ward Valley's environmental impacts to be absolutely inaccurate, just plain wrong. The two biological opinions from the Endangered Species Act have shown their radical claims about Ward Valley's impact on the desert tortoise are simply wrong. They have reached out under every conceivable avenue in an attempt to find an excuse to stop going ahead with Ward Valley.

In a special scientific report which was prepared for Secretary of the Interior Babbitt, the National Academy of Sciences concluded, on the issue of ground water contamination which was certainly a legitimate consideration, that there is a highly unlikely prospect of any potential threat of ground water contamination in this area with so little rainfall out in the Mojave Desert.

They further stated that there is no health threat posed to Colorado River drinking water as some of the radical opponents continue to erroneously claim. They claim that somehow this is going to seep down into the ground water and get into the Colorado River. They will reach out and conclude almost anything, Mr. President.

As the chairman of the National Academy's committee recently wrote:

... none of the data reviewed by the Committee support further delay or opposition to construction of this facility, provided the oversight and monitoring recommendations of the Committee are in place.

On the merits, the radical anti-nuclear activists have been slammed. But merits are not enough in this process, Mr. President, as we both know. As the Senator from Wyoming and myself, the Senator from Alaska, have seen time and time again, you can win on the merits and you can lose on the emotional arguments.

But on this issue, the activists have lost every battle. They have been proven wrong again and again and again.

But the BLM land for the Ward Valley site has not been transferred to the State of California. This is BLM, Bureau of Land Management, land in California. It has not been transferred. Why? The waste still sits in the neighborhoods, still sits in the schools, still sits in the hospitals.

Why has it not been done? It has not been done because the antinuclear activists have convinced the Interior Department to stand in the way of the transfer. At each opportunity they present a new twist, a new obstacle. The latest twist involves the discovery of elevated levels of tritium gas at an old low-level waste site in Beatty, NV. Opponents of Ward Valley claim that this somehow proves that the same thing will happen at Ward Valley. The Interior Department is now using this as an excuse for further delay at Ward Valley.

It is interesting to note what Secretary Babbitt's own Director of the U.S. Geological Survey, in a memorandum dated February 14, had to say about the supposed links between the Beatty site and Ward Valley:

... the observed tritium distribution at Beatty is probably the result of the burial of liquid wastes and the fact that some disposal trenches at Beatty were left open for years until filled, allowing accumulation and infiltration of precipitation. ... The [Ward Valley] license does not permit disposal of radioactive waste in liquid form and requires that only the minimum amount of open trench necessary for the safe and efficient operation shall be excavated at any one time. Because of the differences in waste burial practices at the Beatty site compared to those intended for the Ward Valley site ... extrapolations of the results from Beatty to Ward Valley are too tenuous to have much scientific value.

The day after receiving this memo, the Deputy Secretary of the Interior called for further tests, further delays, even though the scientific advice he received was to the contrary.

Now, what you have here is a rather interesting situation. You have the State of California, who has gone through a process of expending over \$40 million on the evaluation, the application, and the licensing. Who has a greater responsibility to the health and welfare of the people of California than the Governor and the California Department of Health that have approved this site? They are certainly competent in determining whether or not the rec-

ommendations by the scientific community are carried out, all Federal and State laws are mandated in compliance with regulations. The Secretary somehow seems to dismiss this.

Why would the Interior Department want to take this attitude? Some suggest they made a political calculation that Ward Valley can yet be another environment issue that can be shaped to make perhaps Congress look bad with respect to protecting the environment.

I am here to say that their political calculation is wrong, Mr. President. On the issue of Ward Valley, the radical and antinuclear activists and their friends in the administration have simply gone too far. I think they have crossed the line, because they are jeopardizing the environment, because they are jeopardizing human health and safety, because they evidently would rather keep radioactive waste near the schools and the neighborhoods than at a licensed site in the remote desert, a remote area where people are far away, where children do not play and people do not work.

Put simply, they have gone too far because their radicalism has reached the point where it will start harming the safety of the people. They think they can get away with that, because they believe Ward Valley can be spun as an issue where the so-called environmentalists are keeping Congress from thrashing the environment. Sooner or later, even in this town, even with the media perception being what it is with respect to radioactivity, I have to believe that the plain and simple truth will eventually defeat this misinformation.

The plain and simple truth is this, Mr. President: We have an obligation to protect the environment. We want to protect the environment. If you want to maintain important medical research, advance treatment, and so forth, if you want to get stored radioactivity waste out of schools, hospitals, and neighborhoods to a site that the National Academy of Sciences and the State of California says is best, opening Ward Valley is the right thing to do.

Just do not take my word for it, Mr. President. Take the word of the National Association of Cancer Patients; the Association of American Medical Colleges; the American College of Nuclear Physicians; the California Medical Association; the American Medical Association; the Southwestern Low-Level Radioactivity Waste Commission, representing California, Arizona, North Dakota, and South Dakota; the Southeast Compact Commission, representing Alabama, Florida, Georgia, Mississippi, North Carolina, Tennessee, Virginia; the Midwest Interstate Low-Level radioactivity Waste Commission, representing Indiana, Iowa, Minnesota, Missouri, Iowa, Wisconsin; the Northwest Interstate Low-Level Radioactivity Commission, representing Alaska, Hawaii, Idaho, Montana, Oregon,

Utah, Washington, and Wyoming; the State of California Department of Health; University of California at Los Angeles, UCLA; University of Southern California; Stanford University—and more, Mr. President, too numerous to name, who all support Ward Valley.

Mr. President, this should not be a partisan issue. We have not sought to make it a partisan issue. Senate bill 1596, a bill to transfer the land to the Ward Valley site, was introduced by both a Democrat and Republican. It was voted out of committee by bipartisan voice vote.

Let me warn those who attempt to make this a partisan issue. If you oppose the bill for partisan political purposes, you are on the wrong side of science. You will be on the wrong side of the environment. You will be on the wrong side of human health and safety. You will endanger the viability of the Low-Level Radioactivity Waste Policy Act. The result of that might mean that the next low-level waste will be in your State. I invite any and all my colleagues to join me in cosponsoring Senate bill 1596.

Mr. President, the point I want to make here—and I think it is very important—this is an issue that is in the interest not just of the State of California but of the entire Nation. It is going to set the threshold for just what we do with low-level waste, whether we continue, like the ostrich, to bury our head in the sand and simply ignore it.

We have seen, in this chart, in the State of California we have over 800 sites. If those critics propose no other alternative, or whether we have one site that is approved by the State, supported by the Governor, addressed by the National Academy of Science, then we can proceed with this. That will set, if you will, policy in other States where we have the same set of circumstances, perhaps not as acute in California. I suggest New York and other areas where we have a concentration of population and advanced medical and technical experiments going on. It is not a partisan issue.

It is an environmental issue. It is a responsible environmental issue. And this administration and this Secretary of the Interior by not coming up with an alternative that is better than that proposed by the State of California after the Federal Government has given the States the authority to proceed with disposing the low-level waste is acting irresponsibly.

What has happened here? I do not criticize President Clinton. But I criticize the bad advice that he has been given by Secretary Babbitt because the White House, in following the advice of the Secretary of the Interior, has made this a partisan political issue, and they should not have done so. The issue is science. Science is on our side. The public health and the safety arguments are on our side.

Ward Valley is the legitimate site. If we are going to give the States the responsibility, as we have done, and then

turn around and not let them exercise that responsibility, then the enemy, as is often the case, is us.

We have an opportunity to do something about it, Mr. President. Senate bill 1596 is just that. It would legislate because the Secretary of the Interior refuses to proceed the land exchange mandating that the Federal Government make this site available to the State of California.

Mr. President, I could not be more outspoken in my frustration, and joining with the State of California in a matter in which this issue—which affects the health and the welfare, and sets the precedent for the manner in which we are going to address the eventual disposition of low-level nuclear waste—is to be addressed.

How can we, Mr. President, think we will resolve the issue of managing the high-level radioactive waste that has been generated around this country by our national defense facilities as well as our nuclear powerplants if we cannot even agree on what to do with low-level waste? That is the situation we are facing today.

We have a proposal before this body to designate the Nevada test site as the site for a temporary high-level nuclear waste storage facility. What is this all about, Mr. President?

What we have done over the last 15 years or so is expend over \$5 billion to investigate the suitability of Yucca Mountain, NV, as a site for a permanent geologic repository for high-level nuclear waste. Yucca Mountain is adjacent to the Nevada test site, which, for the last 50 years or so, has been used for a series of above and below ground tests of atomic bombs. The Nevada test site is an area of Nevada that is still off limits to the public because of the activities that have taken place there. I have been there. I have been in the tunnel that is being dug into Yucca Mountain to evaluate the permanent repository site. Currently the test tunnel is nearly 3 miles long. However, the prospect of the geologic repository being the answer to our immediate high-level waste storage problem is fraught with the same bureaucratic inefficiencies associated with the Ward Valley low-level waste facility that I just discussed.

The crux of the current situation is that we have waste stored throughout the Nation adjacent to our nuclear powerplants. About 20 percent of our country's power generation comes from nuclear powerplants. This waste is stored at the plant sites. On-site storage is licensed by the Nuclear Regulatory Commission. But the fact is that the Federal Government made a contractual commitment to take that waste away from the reactor sites by the year 1998. Under those contracts, the Federal Government has collected about \$11 billion from America's ratepayers to pay for a government facility to store the nuclear fuel. Under the existing program, we are not going to be able to meet the Government's com-

mitment to take waste in 1998 or anytime in the near future. Already, there are lawsuits that have been filed against the Federal Government for nonperformance.

So here we sit, with a program that is continuing to pursue a permanent geologic repository with no other alternatives in sight. We will spend perhaps another \$4 to \$5 billion before the Department of Energy will make a decision as to whether or not it should apply for a license for Yucca Mountain for use as a permanent repository. Then we have to actually get it licensed. Although the odds on the site being found suitable by the Department of Energy have been set at 80 percent, the odds on actually getting a license from the Nuclear Regulatory Commission have been set at 50-50. This gives you some idea of the gamble we are taking with the ratepayer's money.

So what many of us have proposed is that the Nevada test site be used for an interim storage site for spent nuclear fuel until there is a determination of whether or not Yucca Mountain can be licensed for permanent storage.

There are some interesting things going on in the area of nuclear waste disposal. Japan, France, and England operate under an entirely different theory. Legitimate concerns over nuclear weapons proliferation arise because nuclear reactors generate small amounts of plutonium mixed into their spent nuclear fuel. It is a policy in the United States that we take this high-level waste and bury it. In France and Japan the practice is to recover it, and through a MOX fuel process, put it back into the nuclear reactors, burn it, and thereby reduce the proliferation risk. Each country's ultimate disposition of its high-level waste is an interesting comparison, to say the least. The French and the Japanese, of course, have the theory of burning plutonium by injecting it into the reactor with depleted uranium. This disposes of the proliferation threat because the high-level waste that result does not contain plutonium. You have a residue that is a glass-like substance. The point is that this kind of material cannot be reprocessed and an explosive device made out of it.

So while it is a rather complex concept, Mr. President, the theory is that you can either choose to bury your high-level waste permanently in the belief that you can build a site that can be proven to withstand earthquakes, that will withstand flooding, if it ever should occur, or some other natural event that might interfere with the storage site, or whether you use an advanced technical process and burn the plutonium and, therefore, eliminate the threat of proliferation.

Although other countries have chosen this different approach, I would like to point out that, in S. 1271, we are proposing that a temporary storage site be built in Nevada, and that the plan to build a permanent repository

facility continue. Why Nevada, Mr. President? As I have said, the site would be in that portion of Nevada that has been used for tests of atomic bombs over the last 50 years. It is a site that obviously carries a great deal of experience with radioactive materials and seems to meet—at least as far as we can tell after 5 billion dollars' worth of research—the test as a viable site for a permanent repository. Having one interim storage facility would remove this material from the areas where it is currently stored near the nuclear power stations in some 41 States. We have over 80 storage areas in those 41 States. Illinois, for example, has several in their State. Centralizing all of that spent fuel in one location is really what we are talking about in designating the Nevada test site as a temporary storage site.

My good friends from Nevada are opposed to this. Why are they opposed to this? Well, unfortunately, we only have 50 States, Mr. President. You have to put nuclear waste somewhere. Where is the best place to put it? Well, in my mind, it seems to me that Nevada is the best place because the Nevada test site, used for nuclear materials testing for so long, is remote and is because of its use in the past, must be secured by the Government for the foreseeable future.

So why not use this site as a temporary repository until we can determine where our permanent repository will be? If the permanent repository site at Yucca Mountain is found to be suitable and the Department of Energy decides to go forward to try to get a license, we will need an interim storage facility at that site. Even after a suitability decision is made, we are going to have to spend another \$4.5 or \$5 billion to determine whether that site meets our licensing requirements for a permanent repository. That decision will be years down the line.

There is another activity going on here that I want to point out to my colleagues. Some groups see this as a way to terminate, if you will, the operations of many of our nuclear power generating reactors around the country because the spent fuel storage at those sites is almost filled to capacity. The Nuclear Regulatory Commission licenses them to a specific capacity, and when they are filled, why, obviously, they cannot add more spent fuel without violating their license. Building additional on-site storage requires State approval. Because the Federal Government is not able to fulfill its promise to take the fuel away, getting that approval usually becomes a very contentious process.

Of course, the utilities' plans to store spent nuclear fuel on-site were dependent on the Federal Government meeting its commitment to take that high-level nuclear waste from the power generators at those sites by the year 1998. However, we do not have the ability to meet that commitment; we do not have a permanent site licensed or

built. So temporary storage is an interim alternative that makes a lot of sense.

My colleagues from Nevada have suggested that interim storage is an impractical alternative because you are moving spent nuclear fuel from areas around the country where it is currently stored to one site in the State of Nevada. They have suggested that if it is decided that the permanent storage site will be somewhere else, you will have to move it again.

That is a bit presumptuous, because the site at Yucca Mountain is the best site that we have been able to come up with so far in all the 50 States. There is every reason to believe that ultimately Yucca Mountain will be determined the permanent site. In any case, we must move the spent nuclear fuel out of the other 80 sites where it is stored now and put it in one concentrated area until such time as a final decision is made about a permanent site. The Nevada test site is the best site. It will go across the country in casks that are engineered in such a way as to withstand any imaginable accident, including railroad derailments. These are very highly engineered containers. A great deal of expertise has gone into their design. So the exposure to the public from the standpoint of transportation is virtually nil. The risk can be almost eliminated. We can, therefore, safely take this waste that is in the 41 affected States, move it to Nevada, and temporarily store it until we have a permanent repository. That is what the legislation is all about.

As time goes on, I will urge the leadership to take up the legislation designating the Nevada test site as the site for a temporary storage facility, and I will proceed with extensive floor statements describing the sites around the United States where we have nuclear powerplants, the concentration of nuclear waste that is stored, and the merits of why the Nevada test site is the most logical and practical site and why we should do it now.

As I indicated earlier with my discussion of the Ward Valley low-level waste situation, this is yet another serious environmental issue where we are being urged by some to put our head in the sand rather than address a critical problem. This waste already exists. Further, we need the 20-percent electricity that is generated by the nuclear power industry. If we are to shut down those reactors, what are we going to replace it with? Are we going to replace it with coal or oil? That energy must come from some other source.

We need the nuclear power generating industry and its contribution to the electric supply of the United States. We cannot do without it. But whether or not we continue to have nuclear power, the question is how we can responsibly relieve the existing spent nuclear fuel that has accumulated over an extended period of time. How can we meet the Federal Government's obligation? The Federal Government has

been paid \$11 billion by ratepayers to take this waste by 1998, and we will not be able to do it under the existing program.

The only responsible alternative is to proceed and designate the Nevada test site as a temporary repository site until such time as a permanent repository can be licensed. So it is my hope we can schedule this legislation in the not too distant future and proceed with legislation that presents a responsible alternative to the current irresponsible policy of simply avoiding a decision on this critical issue.

Mr. President, I have editorials from newspapers including the Oregon Statesman Journal, the Washington Post, the Denver Post, the St. Joseph, MO Herald Palladium, and the Harrisburg, PA Patriot-News, as well as many others, in support of naming Yucca Mountain a temporary repository for nuclear waste. I ask unanimous consent that a sample of these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Patriot-News, Jan. 26, 1996]

HIGH-LEVEL RISK: FEDERAL FOOT-DRAGGING LEAVES N-PLANTS NO OPTION BUT TO STORE WASTE ON-SITE

Two of the three nuclear power stations along the Susquehanna River may soon begin storing highly radioactive spent fuel in steel-and-concrete casks in on-site facilities specially built for the purpose.

This nuclear material, one of the most dangerous substances known to science, was never intended to be stored on a long-term basis at nuclear power plants. Under a law passed in 1982 by Congress, the Federal Government was assigned responsibility to take permanent custody of spent fuel from commercial nuclear reactors.

A long-term storage facility for the waste was to be opened by 1988, by the Energy Department, still conducting studies of the proposed Yucca Mountain site in Nevada, says it doesn't expect the facility to be ready until at least 2010.

This high-level radioactive waste is so lethal that it must be stored in a manner that will shield it from the environment for thousands of years, a period longer than mankind's recorded history. Not surprisingly, no state wants to serve as permanent host for the waste, but the end result of the failure of the government to move decisively to build a storage facility is that nuclear power stations around the country are fulfilling that role by default.

Under ordinary circumstances, spent fuel is removed from the reactor and held in nearby pools of water for several months to cool and to allow some of the radiation to dissipate. Utilities have gone to great lengths to devise ways to increase the capacity of the cooling ponds, but a growing number have run out of options and are moving to construct new facilities in which the waste is stored in dry steel-and-concrete canisters.

Pennsylvania Power & Light Co. plans to begin construction this year of a \$10 million on-site spent-fuel storage facility at its Susquehanna nuclear power station at Berwick. PECO Energy Co. is contemplating a similar move at its Peach Bottom nuclear power facility in York County.

Three Mile Island is expected to have sufficient storage capacity to last through the

expected life of that nuclear plant, according to owner GPU Nuclear Corp.

A lawsuit, in which GPU, other utilities and the state Public Utility Commission are participants, is seeking to force the federal government to speed up the process of establishing a high-level radioactive waste repository. A federal appeals court in Washington recently heard arguments in the case.

Meanwhile, there is legislation in Congress to establish an interim storage site near Yucca Mountain until a permanent facility is completed. In our view, this offers the most sensible answer to the nuclear-storage dilemma.

The country is courting catastrophe by permitting this highly dangerous waste to be stored in dozens of areas of the country, usually along waterways, and unnecessarily creating more radioactive-contaminated facilities, as well as expense for ratepayers.

Congress needs to end its dithering on this serious issue and move to bring this waste under federal control in a single facility until a permanent one can be built.

[From the Statesman Journal, Feb. 11, 1996]

CONGRESS STALLS ON NUCLEAR WASTE

Congress seems to be stalled on a bill to find a home for tons of waste from the nation's nuclear power plants.

Measures to establish a temporary nuclear repository at Yucca Mountain in Nevada have had strong support in both chambers, but nothing has happened. House Resolution 1020 needs to be enacted promptly.

It will rectify two financial problems. It will give residential and business customers of power generated by nuclear power plants something for their money. Oregonians and others have paid nearly \$12 billion into a fund to build a repository for nuclear waste. The money has done nothing but help the government make the budget deficit look a little smaller.

And it will save utilities from having to build temporary storage facilities at their nuclear power plants to hold spent fuel rods that by now should have found a permanent national repository. At the now-closed Trojan plant, the rods are kept in pools of water. But dry storage will have to be built—at ratepayers' expense—if the Yucca Mountain site is not approved. Other nuclear power plants are running out of storage space. They either will shut down or, more likely, build expensive temporary storage.

The measure also will move the nation toward a permanent repository in Yucca Mountain. The temporary site will hold nuclear wastes until the final scientific studies of Yucca are completed.

Although the measures have strong support, controversy remains. Some in Nevada and elsewhere are not convinced the Yucca Mountain site is safe for centuries-long storage of radioactive wastes. Reputable scientific studies discount the risk.

Other people worry about transporting nuclear fuel rods to Nevada from throughout the country. This, too, is a needless worry. The casks that would hold the wastes were engineered—and tested—to withstand a head-on train crash and the hottest fires.

This country must take the decisive step and finally provide—after 13 years of political indecision—a safe place for its nuclear wastes.

[From the Washington Post, Jan. 12, 1996]

THE ONE BEST PLACE FOR NUCLEAR WASTE

(By Luther Carter)

Despite continuing controversy and hand-wringing analysis, the nuclear waste problem has for early two decades grown as a political issue while seeming every more confused and opaque. Curt Supplee's recent article in The Post [Dec. 31] ably described the quagmire in which the waste issue is stuck.

But political consensus won't come on this issue until we begin looking at the waste problem as actually one of the more manageable aspects of a far larger question. With the Cold War and nuclear arms race of a bipolar world now behind us, we can address what to do about the entire atomic legacy we began creating more than a half-century ago.

This awesome issue raises two questions: What to do about nuclear weapons, and what to do about nuclear power?

It's time now for a national and global debate about the weapons and the elaborate industrial complexes established to produce them. The nuclear forces and production establishments of the nuclear weapons states were created through great human ingenuity and national sacrifice. So whether over the next generation we might summon the will and ingenuity to abolish all (or nearly all—these weapons and complexes is not a possibility to be ignored and decided by inaction or default.

It's time, too, for a debate about whether we wish to rid ourselves of civil nuclear power or, if we think it might be needed, to give this politically besieged enterprise a fair chance to rise or fall on its merits.

But however these larger questions ultimately might be decided, there will be no escaping the need for a solution to the nuclear waste problem, and this almost inescapably means establishing a national storage center at the Nevada Test Site (NTS).

Coming to this conclusion does not require sophisticated research and analysis. The country needs such a storage center for four surprisingly diverse reasons:

Relief for the electric utilities. The center would relieve the utilities' growing fear that the federal government will be unable to honor its obligation, effective three years hence, to begin accepting the spent fuel now accumulating at more than 100 power reactors in 34 states. This grievance is particularly rancorous in light of the billions in federal nuclear waste funds already collected by utility companies from their rate-payers.

Reactor decommissioning. The center would support the safe decommissioning of nuclear reactors that utilities shut down either for financial or safety reasons or in response to public mandate. Without such a national center, spent fuel must remain indefinitely in storage pools and dry vaults at reactor sites.

Cleaning up the nuclear weapons production complex. The center would offer a timely and needed place to send high-level waste and spent naval reactor fuel from Savannah River and the Idaho National Engineering Laboratory, and ultimately the high-level waste from the Hanford reservation in Washington state.

Strengthening the nuclear nonproliferation regime. The center, if placed under International Atomic Energy Agency inspection, could become a model of close accountability for large amounts of weapons-usable plutonium.

Most of this plutonium would come to the NTS in commercial spent fuel from routine reactor operations. But some of it would be plutonium recovered from weapons production sites and dismantled warheads, and (for security reasons) made highly radioactive either by mixing with high-level waste or burning in specially designated reactors. Secure but retrievable storage of plutonium could continue indefinitely at the center, given the chance that this fissionable material might eventually be recovered for its energy value.

There simply is no place other than the Nevada Test site to store all these various radioactive and proliferation-sensitive nuclear materials. The NTS is uniquely fitted

for this role by its remoteness, its tradition of tight security from four decades of nuclear weapons testing, and its very real (though much disputed) potential for safe storage and disposal—a potential based on the exceptionally dry climate, great depth to the water table and location inside a closed desert basin that drains to Death Valley. The ongoing investigation of Yucca Mountain for a geologic repository shows promise but is now hampered by severe budget cuts.

The state of Nevada is, for its part, opposed to any national waste repository or storage center coming to the NTS. But that state alone could not prevent broad acceptance of a national waste policy that rests on long-term interim and possibly permanent storage at the test site.

Nevada's main hope at the moment may lie with the Clinton White House, where the president's senior advisers have favored a veto of any legislation calling for interim storage of spent fuel at a specific site. They would have the site determined by "scientific analyses." But the reality is that while technically, just about any site is acceptable for interim surface storage, politically the affected state, whatever it is, will be opposed.

Antinuclear activists and many environmental groups back Nevada's contention that spent fuel can safely remain on site at the reactors for up to a century. But this view obscures larger environmental concerns and the need now, without more years of delay, to start facing up to the dangerous legacy from a half-century of use and misuse of the atom.

[From the Herald-Palladium, Nov. 28, 1995]

GETTING CLOSER TO NUKE WASTE SOLUTION

The lethal nuclear waste sitting in Southwest Michigan and dozens of other sites across the United States may be headed to a new—and safer—home.

A bill sponsored by U.S. Rep. Fred Upton, R-St. Joseph, would open up a temporary storage site in the Nevada desert and would push the opening of a permanent site deep beneath the desert surface.

We're glad to see that his bill, approved earlier this year by committee, is headed for a House vote. We urge its passage. A similar bill is expected to come up for a Senate vote next year.

The question of what to do with high-level nuclear waste has been looming ever since the first nuclear power plant opened in this country three decades ago. From the beginning, the federal government committed itself to the eventual disposal of the waste. It recognized the danger in having high-level nuclear waste disposal sites scattered in various places across the country near populated areas.

In 1982, Congress tried to light a fire under the feet of the Department of Energy by passing a bill requiring the government to have a waste site ready by 1998. There's no chance now of meeting that deadline. The earliest a waste site will be ready is 2010, and even that won't happen at the current pace of development.

That's why Upton's bill is so important. It not only pushes DOE into selecting a waste site—probably at Yucca Mountain, Nevada—but also allows the government to store the waste temporarily above ground in an unpopulated desert location.

The chief opponents of Upton's bill—besides Nevada residents who don't want the waste site in their back yard, even though the remote desert isn't really anybody's yard—are people who are opposed to nuclear power in general. They know that settling the waste issue will open the door for the construction of more nuclear power plants

and allow those that are running out of storage room to keep operating.

But closing down the nation's nuclear power plants not only would have a devastating effect on the energy production—and therefore, the economy—but would do nothing to solve the problem of nuclear waste disposal.

Upton's bill moves the process forward, and we hope Congress approves it.

[From the Denver Post, May 1, 1996]

POLITICS, NOT SCIENCE, DELAYS YUCCA MOUNTAIN

(By Linda Seebach)

The question of what to do with America's spent nuclear fuel and other detritus from the atomic era is more political than scientific. Progress toward the permanent storage facility proposed for Yucca Mountain, Nev., is slowed by endless debate about all the things that could possibly go wrong centuries from now.

I was inside Yucca Mountain last week. The Valley Study Group, an organization of people in and around Livermore, Calif., who are interested in the activities of Lawrence Livermore and Sandia national laboratories, organized a tour to the site, which is on the western edge of the Nevada Test Site about 80 miles northwest of Las Vegas.

As part of the years-long process to determine whether the site is suitable for keeping nuclear waste isolated from the environment for millennia, the project is boring a 5-mile tunnel in a loop inside the mountain. They're about 3 miles along now, and our group put on hard hats and safety belts and hiked along in for a few hundred meters to see how the tunnel is constructed and where the scientific studies are done. Project scientists sample the rock, air and water because the crucial fact that determines how long the storage is safe is whether water percolating through the rock will eventually corrode the canisters containing the wastes, and then (even more eventually) carry radionuclides through the rock to ground water.

Yucca Mountain was chosen as a potential site because there isn't much water anywhere near it, and in particular because the groundwater level is hundreds of meters below where the waste canisters would be placed.

Seeing the site and the tunnel doesn't imply anything about the quality of the science, but I already knew about that, having been reading about this project for years. Being there did impress me simultaneously with the huge scale of the project in human terms, and its insignificance in the vast and desolate landscape around Yucca Mountain.

Even the desert tortoise, a threatened species that is treated with respectful deference by tortoise-trained personnel, is at much greater risk from ravens who think soft-shell tortoise is a treat than from anything humans are doing around the project site.

The safety expectations for Yucca Mountain, or any other potential site if that one turns out to be unsatisfactory, are unreasonable, not so much because they can't be met but because they are more stringent than those applied to the alternatives. At present, spent fuel is stored in cooling ponds near the plants that used it. There's no evidence it's unsafe there now, but for the next 10,000 years? That's longer than humanity's written history.

Non-nuclear alternatives aren't clearly better. Extracting and burning coal and oil is not environmentally benign, though the effects can be mitigated, but we can't plan on doing it for millennia. There's not that much to burn.

Freezing in the dark is not healthy for children and other living things, either.

It's true that radioactive material takes a long time to decay, but the consequences of deforesting a continent are pretty permanent, too. It makes sense to store spent nuclear fuel in the safest place available, rather than leaving it where it is, but trying to plan for thousands of years in the future is wasted energy.

A civilization that maintains our current modest level of technology should have no more difficulty coping with the consequences of using nuclear energy than it does with any other kind. And without that much technology, the human species will have far more serious things to worry about than what its forebears buried deep under a mountain in Nevada.

Mr. MURKOWSKI. I thank the Chair. I thank you for the time allotted to me and wish you a good day.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRASSLEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VOID IN MORAL LEADERSHIP—PART VII

Mr. GRASSLEY. Mr. President, the weekend before last, I had the privilege of responding to the President's Saturday radio address.

Some of my colleagues may not have heard my remarks. For their benefit, I would like to paraphrase and expand upon what I said.

A few of my colleagues or their family members have had a brush with violent crime here in our Nation's Capital. Some assaults occurred in the streets nearby the Capitol Grounds, which are patrolled by our own Capitol Hill Police Force. This reinforces to us that, if it can happen here, it can happen anywhere.

Imagine, Mr. President, that you are driving home from work after a busy day in the Senate. All of a sudden, young kids pass you by in their cars. A gunfight breaks out just as they pass. A stray bullet comes crashing through your car window. Suddenly, you are slumped over your steering wheel, dead. You were caught in the crossfire of a senseless gun battle.

Although an unpleasant thought, it is not hard for us in this body to relate to the possibility of such a tragedy happening here in Washington—the murder capital of the country. But a similar tragedy happened just over 3 weeks ago in Des Moines, IA, the capital city of middle America.

The victim's name was Phyllis Davis. She was 42.

Phyllis was driving in Des Moines in broad daylight, on her way home from work. She was suddenly the victim of a gunfight between two gangs of kids. A stray bullet lodged in her body and killed her. These punks had no regard for her innocent life, let alone their own.

This tragedy stunned Des Moines. It drove home two points:

First, you cannot hide from crime, nowadays. No one and no place is safe. It could be you next, or someone you love. And second, dangerous criminals are getting younger and younger. Respect for life and property is diminishing earlier in the lives of our citizens.

The obvious question is, Why? Why is it that there is no place to hide from crime? Why is it that perpetrators of violent crimes are getting younger and younger?

Much of the reason, I have observed, is this:

We have created a culture in our society that coddles the criminal. We talk the tough talk, we throw money and resources at the problem, we throw 30,000 cops on the street. After we've done all that, what do we get? Violent criminals are getting younger and younger, and the violence can happen to you or your loved ones anywhere, anytime.

A culture that coddles the criminal, Mr. President. That is what we have got. In plain terms, we have got a bad criminal justice system. It is upside down. It seems that criminals have more rights than victims. We handcuff justice instead of crime. How can this happen in America.

One reason younger people are committing more crimes may be that word's getting out that the system will be easy on them.

Juveniles now account for nearly 20 percent of all violent crime arrests. If the trend continues, that figure will double in 15 years. This is outrageous.

When tragedies occur like what happened to Phyllis Davis, communities pull together to respond. But they get hamstrung. The system undercuts them: Too many bad laws; too many soft-on-crime judges; not enough moral leadership.

That is the problem, Mr. President. That is what causes the culture of coddling criminals. First, liberal judges let dangerous offenders back on the streets; second, the Clinton Justice Department has frustrated efforts to enforce the death penalty. And more often than any previous administration, the Department intervenes in cases on the side of convicted criminals.

Third, our leaders in the White House have abandoned the bully pulpit in the war on drugs. In the absence of moral leadership, drug use among America's youth is up dramatically. In fact, there has been a 52-percent increase in drug use by teenagers since President Clinton took office.

Republicans have waged a long battle against a legal system that coddles

criminals. Instead, this Republican Congress has done much to strengthen the criminal justice system on behalf of victims instead. We passed major reforms, clamping down on frivolous prisoner lawsuits. This was in the budget bill signed 2 weeks ago. One result is that prisons will again be more like prisons, and less like Marriott Hotels.

And the antiterrorism bill signed 2 weeks ago will make it easier to deport criminal aliens. It also provides effective death penalty measures, for a change. This is a provision President Clinton initially opposed and worked against. But he was finally forced to accept it. His lieutenants went kicking and screaming.

Mr. President, this was the gist of my comments in response to the President's Saturday address. Following my remarks, the White House responded in turn. I will now address the White House response to me.

The Associated Press quoted a White House deputy press secretary, Ginny Terzano, as saying the following:

The President has fought long and hard to get a tough crime bill and to place 100,000 more police officers on the streets.

Mr. President, the problem is a culture of coddling criminals. How does this statement by the White House reassure the American people? How does it reassure them that they won't be next to get caught in the crossfire of a senseless gun battle, or some equally senseless, violent act?

For one thing, the Clinton administration worked to soften the crime bill, not make it tough. Remember? It was larded up with social programs to coddle the criminal. Remember midnight basketball? Second, more cops on the street is only part of the solution. What good do more cops do if the system keeps handcuffing the cops instead of the bad guys? You just have more cops with handcuffs on them. That is all.

Meanwhile, yesterday's Washington Post had a story showing that the number of Federal criminal cases in this administration have not gone up. This, despite billings of dollars of increases in funding for the FBI, DEA, and U.S. attorneys.

The article also suggests that the caseload has lacked effective management within the law enforcement community. You can put all the cops you want in the streets. But if criminals are not being prosecuted and kept in jail, how effective is your crimefighting?

What the President should be doing is addressing the real, underlying cause of crime. He needs to attack the culture that coddles criminals. For starters, he could get a solicitor general who intervenes in cases on the side of victims, rather than using technicalities to help out convicted criminals. President Clinton's solicitor did this in United States versus Davis and again in Cheely versus United States, to cite just two examples.