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Senate

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, Rev. Haldon Arnold, Church of Christ, Springfield, VA. We are glad to you have with us.

PRAYER

The Reverend Haldon Arnold of the Church of Christ, Springfield, VA, offered the following prayer:

Let us pray:

Eternal Father, as these men and women meet today in this historic Chamber to deliberate upon those matters which affect us all, may they be so inclined as to seek Your wisdom and counsel, to be filled with Your spirit that the Nation may be at peace and have a more tranquil life.

We thank You, Lord, for our great country, for its Government, for those who serve in the Congress, our courts, and the White House. May they all labor that our country may be stronger, more able to help the weak, more nearly a government of the people, by and for the people, also.

Father, please continue to be patient with us that we may not self-destruct. Continue to forgive us our mistakes, and our sins, but above all, continue to love us.

And now abides faith, hope, and love, but may all of us know that the greatest of these is love, and I pray through Christ. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. Good morning, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning, under the provisions of rule XXII of the Senate, a live quorum will begin at 10 a.m. Once a quorum is established, there will be a 15-minute roll-call vote on the motion to invoke cloture on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. All Senators should be reminded this vote will occur shortly after 10 a.m. this morning, so they need to be prepared to come to the Chamber. If cloture is invoked on the motion to proceed to the nuclear waste bill, it is my hope we may be able to proceed immediately to the consideration of this important matter in some reasonable and understandable way. If cloture is not invoked, there will be another cloture vote this morning on the Department of Defense appropriations bill.

Again, I urge all Senators to cooperate to enable the Senate to move forward on a number of these items. There are a number of appropriations bills now—I think four—that are available. I hope we will be able to complete those in the coming days.

Mr. President, I ask unanimous consent that the time between now and 10 a.m. be equally divided.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. LOTT. I yield the floor, Mr. President.

NUCLEAR WASTE POLICY ACT OF 1996—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (S. 1936) to amend the Nuclear Policy Act of 1982.

The Senate resumed consideration of the motion to proceed.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it is my understanding that we have 1 hour equally divided prior to the cloture vote on the motion to proceed.

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. I thank the Chair. I am going to make a short statement and then reserve the remainder of my time to accommodate Senator CRAIG and other Senators.

First of all, the bill we have before us, S. 1936, is really an important bill that does two significant things. First, it keeps a promise, a promise that was made to the taxpayers of this country who have contributed about \$12 billion currently to the nuclear waste fund, but, unfortunately, we have nothing to show for it at this time. It also takes important steps to a safer future.

Today, high-level nuclear waste and high-radioactivity-used-type nuclear fuel is accumulating in this country at over 40 sites in 41 States, including waste stored at the Department of Energy weapons facilities, stored, Mr. President, in populated areas, near our neighborhoods, near our schools, on the shores of our lakes and rivers, and in the backyards of constituents, young and old, all across this land.

Later on, I am going to have some charts that I want to show my colleagues so that we can specifically address where this nuclear fuel is stored on both the east and the west coasts, where most Americans live. It may be Yorktown, near your neighborhood and near mine. Unfortunately, spent fuel is being stored in pools that were not designed for long-term storage.

Some of this fuel is already 30 years old. That is not to say it is not safe. It simply was not designed for long-term or semipermanent storage. Each year that goes by, our ability to continue storage of this used fuel in each of these sites in a safe and responsible

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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way simply diminishes. So it is irresponsible to let this situation continue longer. It is unsafe to let this dangerous radioactive material continue to accumulate at more than 80 sites all across the country. It is unwise to block the safe storage of this used fuel in a remote area away from high-population centers.

Furthermore, this is a national problem that requires a coordinated national solution, and this bill, S. 1936, solves this problem. It solves it by safely moving the used fuel to a safe, monitored facility in the remote Nevada desert, a facility designed to safely store the fuel, the very best that nuclear experts can build, certified safe by the Nuclear Regulatory Commission.

So, S. 1936 will end the practice of storing used fuel on a long-term basis in pools in Illinois, Ohio, Minnesota, California, New York, New Jersey, Pennsylvania, and other States all across the country.

This will solve an environmental problem, Mr. President, but the approach to S. 1936 is simply to get the job done, to do what is right for the country and to do it now.

For those who are not familiar with this program, let me describe the status quo. We have struggled with this nuclear waste issue for almost 15 years. We have expended over a billion dollars in the process. We have collected nearly \$12 billion from the ratepayers, but the Washington establishment has not been able to deliver on the promise to take and safely dispose of our Nation's nuclear waste by 1998.

Hard-working Americans have paid for this as part of their monthly electric bill. They certainly have not gotten the results, Mr. President. The program is broken and has no future unless it is fixed. We can end the stalemate; we can make the decision.

I think we have reached a crossroads. The job of fixing this program is ours, the responsibility is ours. The time for fixing the program is now.

We are, of course, seeing the Senators from Nevada oppose the bill, as I would expect, with all the arguments and vigor they can muster, and that is certainly understandable. Nobody wants nuclear waste in their State, but it has to go somewhere, and Nevada is the best place we have.

Both Senators from Nevada, of course, are friends of mine. We have talked about this issue at length, and they are doing what they feel they must do to best represent their State. But as U.S. Senators, we must sometimes take a national perspective. We must do what is best for the country as a whole.

To keep this waste out of Nevada, the Senators from Nevada have used some terms, very catchy terms, like "mobile Chernobyl," to frighten Americans about the safety of moving this used fuel to the Nevada desert where it really belongs.

They will not tell you that we have already moved a large amount of com-

mercial and naval nuclear fuel throughout many, many years. The commercial industry alone has shipped 2,500 shipments of used nuclear fuel over the last 30 years. We have seen it shipped into Hanford, Savannah, a site in Idaho.

I want to tell you, an even larger amount of spent fuel is transported worldwide. We have seen it in Japan. We have seen it in England. We have seen it in France. We have seen it in Scandinavia. Since 1968, the French alone have safely moved about the same amount of spent fuels as we have accumulated at our nuclear powerplants today.

They will not tell you that our Nation's best scientists and engineers have designed special casks that are safety certified by the Nuclear Regulatory Commission to transport the used fuel. They will not tell you about the rigger testing that has taken place by the Sandia National Laboratory and others to ensure the casks will safely contain used fuel in the most severe accidents that might be imagined. They will survive.

There is proof that the safety measures work. There have been seven traffic accidents in the United States involving U.S. spent nuclear fuels. When the accidents have happened, these casks have never failed—never failed—to safely contain the used fuel. There has never been an injury or a fatality caused by casked radioactive cargo. There has never been damage to the environment. Can the same be said of gasoline trucks, other hazardous movement on our highways? Of course not. Still, we can expect our friends from Nevada are going to try to convince the people that the transportation will not be safe.

The evidence of the industry in the United States and in Europe proves otherwise. The safety record of nuclear fuel transport, both here and in Europe, as I have said, speaks for itself. The issue provides a clear and simple choice. We could choose to have one remote, safe, and secure nuclear waste storage facility or, through inaction and delay, we can permeate the status quo and have 80 such sites spread across the Nation.

Mr. President, the chart to my right shows the locations of spent nuclear fuel and radioactive waste sites that are designed for the geologic disposal. You can see the reactors. The commercial reactors are in brown situated primarily in States in the Midwest and on the east coast, Illinois, and others. The green are the shutdown reactors with spent fuel on-site. The black are commercial spent-fuel storage facilities that are located in various areas throughout the country. The green are the non-Department of Energy-related reactors. The gold is the nuclear reactors fuel in the Navy holdings. The red is the Department of Energy-owned spent nuclear fuel and high-level radioactive waste. There is the chart, Mr. President. That shows where the sites are around the country.

The next chart which I will put up is the proposed solution to this dilemma. It proposes, obviously, one site, the Nevada test site. The theory behind this is we in the last 50 years tested numerous nuclear devices in this area and found it to be safe. The reality of the situation, Mr. President, is—and I grant to my friends from Nevada, nobody wants the waste. Somebody has to take the waste. Where do you put the waste? This has been determined to be the most plausible site as a consequence of the efforts to develop a permanent repository at Yucca Mountain. What we are proposing by this legislation is to allow a temporary repository to initiate a process of becoming a reality.

I have another chart here which shows in each State the number of volumes associated with the storage in the inventory currently in the estimated inventories through the year 2010. We will have another chart relative to each Member being able to see his or her own State and what it represents.

What we have here, Mr. President, is a situation where it is not morally right to perpetuate the status quo on this matter. I think to do so shirks our responsibility to protect the environment and the future of our children and grandchildren. This Nation needs to confront its nuclear waste problem now. The time is now. Nevada is the place. I urge my colleagues to support the passage of S. 1936 and to support cloture on the motion to proceed to the bill.

One final thing, Mr. President, as we reflect on some of the material that we have seen relative to the question of why move now? Mr. President, as I have indicated, we spent \$1 billion. We have spent over 15 years trying to develop and respond to a promise made to the American taxpayer, as the Federal Government has collected from the ratepayers some \$11-plus billion—over \$12 billion.

So I concede, Mr. President, that no one wants it. On the other hand, if you oppose what has been suggested by this bill, then I think you have an obligation to come up with a solution, a reasonable solution and responsible solution, a long-term solution. The Federal Government promised the ratepayers, promised the industry to take this waste by 1998. The Government cannot deliver on that promise.

Furthermore, Mr. President, this is a major environmental issue. We must accept the responsibility of addressing the accumulation of this waste. We cannot duck it anymore. S. 1936 does that. What we have here, Mr. President, is an effort by the Nevada Senators to gridlock the Senate, to filibuster the Senate.

I have no particular interest in this, but as chairman of the Energy and Natural Resources Committee, I have a responsibility, Mr. President. My State, fortunately, is not one of the States listed. But by the same token,

the obligation to address this is a responsibility of every U.S. Senator. We cannot delay it any longer. We can store it now in the one safe site where we have been exploding nuclear weapons for some 50 years. We owe it to the U.S. citizens to move this material and do it now.

I note the Washington Post editorial this morning, Mr. President, suggested that somehow this action would not meet all the standards of a permanent facility. This is not intended to meet the standards of a permanent facility. This is an interim facility. But by the same token, we all know that the construction continues on the permanent facility at Yucca Mountain with all the safeguards necessary.

I might add, in this legislation none of the safeguards are waived. All of the Federal acts must be adhered to. "The interim bill is the wrong way," the Washington Post says, "to solve what is not fully yet an urgent problem." I differ with the Washington Post. It is an urgent problem, Mr. President.

In many of these States the licensing of the nuclear waste on hand is almost at its maximum limit. As a consequence, Mr. President, we can no longer shirk the responsibility. There have been numerous hearings. There have been numerous debates. The best plausible alternative is a temporary repository associated with Yucca Mountain. That is what the legislation is all about.

Mr. President, I retain the remainder of my time and allow the other side to be heard from. Then I think Senator CRAIG is going to have some remarks.

Mr. REID. Could the Chair indicate how much time remains.

The PRESIDING OFFICER. The Senator's side has 29 minutes and the other side has 14 minutes.

Mr. REID. We have a tremendous amount of work to do in this body, including 12 appropriations bills to pass, welfare reform, taking a look at Medicare, Medicaid. We have this problem that faces every city in America, the decaying infrastructure. We have not spent any time talking about that.

Mr. President, the junior Senator from Alaska mentioned a number of things, and I think it is important to respond. He is talking about keeping a promise—I do not know to whom, maybe to the powerful utilities of this country. Certainly it is no promise to the people of this country to take nuclear waste and spread it across this country without proper controls.

The Senator talked about the special casks. Let us talk about the special casks. The special casks were developed in an effort to more safely transport nuclear waste. The problem is, the cask developed, you still cannot safely transport nuclear waste. It is great for storing on site. But taking these casks across the country could present a few problems. Why? Because they are only safe if an accident occurs and you are going less than 30 miles an hour. We have all driven the highways and seen

the trucks come barreling down the roads on the freeways, the expressways, the roadways, and byways. Very, very few of them have I ever seen going 30 miles an hour. The only time they do that is when they are building up their speed from a stop sign. If any vehicle accident occurs with the dry cask storage container in it and it is going more than 30 miles an hour, the cask will be violated. The cask will break.

In addition to that, Mr. President, we have been told that these casks are safe with fire. Well, they are, if the fire is not too hot and does not last too long. If the fire is 1,480 degrees and does not last more than a half hour, you are in great shape. But, of course, we know that last year a train burned for four days. We know that vehicular accidents involving trucks or trains involve diesel fuel. Diesel fuel burns as high as 3,200 degrees Fahrenheit. The average temperature is 1,800 degrees—400 degrees hotter than what the casks were developed to protect.

So, that is why we believe, Mr. President, that this legislation is ill-founded, unwise, and unnecessary. This is not just the Senators from Nevada talking, Mr. President. The fact of the matter is that the President, who we have said all along is going to veto this bill, has sent the minority leader a letter. The letter states a number of things. It is dated July 15. Among the things that are stated in this letter is, "The administration cannot support this bill." We have been saying that all along. Some people question that. It should be very clear now that the President has said this. He has written this. Here is a proposed veto message.

The letter also says:

The administration believes it is important to continue work on a permanent geological repository.

Where? In Nevada at Yucca Mountain. The nuclear industry wants to short-circuit and shortcut the process that has been ongoing.

The letter further states:

The Department of Energy has been making significant progress in recent years and is on schedule to determine the viability of the site.

Designating the Nevada Test Site as the interim waste site, as S. 1936 effectively does, will undermine the ongoing Yucca Mountain evaluation work by siphoning away resources. Perhaps more importantly, enactment of this bill will destroy the credibility of the Nation's nuclear waste disposal program.

Those words come from the White House.

Some have alleged that we need to move spent commercial fuel rods to a central site now.

That is what we have been saying all along, and that is also indicated in this letter from the White House.

According to a recent report from the Nuclear Waste Technical Review Board, an independent board established by Congress, there is no technical or safety reason to move spent fuel to an interim central storage facility for the next several years.

Also, the Nuclear Waste Technical Review Board assures us that adequate, at-reactor

storage space is, and will remain, available for many years.

The President, among other things, says, "The bill weakens existing environmental standards by preempting all Federal, State, and local laws.

It ends by saying, "It is an unfair, unneeded, and unworkable bill," as we have been saying all along. This is signed by the Chief of Staff of the President.

There are editorials we can show you from the western part of the United States to say this is a bad bill. Today in the Washington Post, the editorial said, among other things, in its headlined article: "Waste Makes Haste." The Washington Post, an independent newspaper, says:

Anxious to rid itself of the accumulating waste and the liability that it represents, and fearful that the Federal studies could bog down, the nuclear lobby is pushing a bill to designate an "interim" storage site in Nevada that would not have to meet all the standards of a permanent facility.

It says:

The interim bill is the wrong way to solve what is not yet a fully urgent problem.

But this is too important a decision to be jammed through the latter part of a Congress on the strength of the industry's fabricated claim that it faces an emergency. On this one, Members should imagine the worst—that bunching and storing the waste will produce the eventual environmental disaster that some of the critics predict. Then they ask themselves, which among them want to sign their names to that?

Mr. President, this bill is a fabrication, as indicated in this article. The bill is a fabrication. It is being pushed by the nuclear lobby, and that is the main reason it is being pushed. This bill should not see the light of day.

I reserve the remainder of our time.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. How much time remains on our side?

The PRESIDING OFFICER. Fourteen minutes remain, and 20 minutes remain on the other side.

Mr. CRAIG. I yield myself 5 minutes. Will the Chair notify me when that time is up?

The PRESIDING OFFICER. Yes.

Mr. CRAIG. In the debate that has gone on and will continue to go on, on this critical issue, the management of the high level nuclear waste, there are myths and there are realities.

I ask unanimous consent that four letters, dated April 7, 1995, August 7, 1995, January 10, 1996, April 26, 1996, all letters to the White House, be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, April 7, 1995.

President BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As the new chairman of the Committee on Energy and Natural Resources, one of my top priorities is to help

meet the challenge this nation faces in developing a safe and scientifically sound means of managing spent nuclear fuel. Given the Department of Energy's announcement it will not be able to meet its obligation to begin accepting nuclear waste in 1998, we must address this issue in an aggressive and forthright manner.

Judging from the attention paid this matter by Secretary of Energy Hazel O'Leary, I had assumed it was a top priority for you, as well. But recent letters you sent to Senator Richard Bryan and Nevada Governor Robert Miller seem to suggest otherwise.

While you acknowledge there are "national security interests involved," your letter says you cannot support any current legislation to fix the problem "at this time." If you cannot support current legislative proposals at this time, members of my committee would like to know how and when you plan to offer an alternative proposal.

You are no doubt aware of the environmental and security implications of failing to reach a solution in the not too distant future.

With all due respect, Mr. President, I and many members of my committee believe it is time for you to become an active participant in efforts to resolve this pressing challenge. We urge you to either support the concepts in several current legislative proposals or offer a plan of your own. We have already held hearings on the spent nuclear fuel program and continue to work toward a solution. Your advice and involvement would be greatly appreciated.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

U.S. SENATE, COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, August 7, 1995.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I last wrote to you on the subject of managing the nation's spent civilian nuclear fuel on April 7, 1995.

In my prior letter, I made reference to the fact that you, in a letter to Senator Bryan, stated that you could not support any spent fuel management legislation currently before Congress at this time. Your position raised a number of questions:

If you cannot support any pending legislation, what can you support?

If you will not support legislation now, when might you support it?

If all the comprehensive spent fuel management legislation before Congress is unacceptable, will you provide us with draft legislation that is acceptable?

In my April 7 letter, I challenged the administration to become an active participant by either supporting the concepts in pending legislation or by offering a comprehensive plan of its own. Unfortunately, this has not yet occurred. In fact, neither you nor your office has even responded to my letter. Are we to conclude that you will simply continue to remain critical of all the pending proposals without offering constructive, comprehensive alternatives?

Recently, a House Subcommittee marked up its legislation to address the spent fuel management problem. Floor action may yet occur in the House this year. Meanwhile, our Committee continues its deliberations with industry, consumer groups, regulatory authorities and others with a view toward achieving a broad consensus. Even the Appropriations Committees, anxious to see some progress, are inserting provisions in their bills to promote action. Everyone seems to be working on this issue, Mr. President—except your administration.

I believe the spent fuel management problem is one that can best be solved by working in a bipartisan, collaborative manner. Unfortunately, the opportunity for the administration to provide meaningful guidance at this important stage in our deliberations is quickly being lost.

I again urge you to submit comprehensive legislation to address this important problem, or voice your support for concepts embodied in legislation currently before us. The courtesy of a reply would also be appreciated.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, January 10, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: Over the past nine months, I have written two letters to you requesting that the Administration offer a comprehensive plan that would allow the federal government to meet its commitment to manage the nation's spent nuclear fuel and nuclear waste.

What we have now is a program that has spent twelve years and \$4.2 billion of taxpayer dollars looking for a site for a permanent high-level nuclear waste repository. By 1998, the deadline for acceptance of waste by the Department of Energy (DOE) and when DOE plans to make a decision about whether or not the Yucca Mountain site is suitable for a permanent repository, twenty-three commercial power reactors will have run out of room in their spent fuel storage pools. By 2010, DOE's rather optimistic target date for opening a permanent repository, an additional 55 reactors will be out of space. It is estimated that continued on-site storage through 2010 would cost our nation's taxpayers \$5 billion dollars more than centralized interim storage. At the same time, spent nuclear fuel and high-level nuclear waste from defense activities is being stored, at great expense, at DOE sites across the country.

On April 7, 1995, and August 7, 1995, when I wrote my previous letters, you had indicated that you could not support legislation then pending before Congress at that time. In light of this position, my letters urged you to offer a comprehensive plan of your own that would resolve this important national security issue. One August 18, 1995, I received a letter from Office of Management and Budget Director Rivlin acknowledging receipt of my letters and indicating that an Administration policy recommendation would be provided before the end of the Labor Day recess.

We have still not received a response from your office. On December 14, 1995, Secretary Hazel O'Leary testified before the Committee on Energy and Natural Resources that the Administration would oppose any legislation that would authorize the construction of an interim storage facility at the Nevada Test Site in time for the government to meet its obligations to begin storing spent nuclear fuel in 1998. Secretary O'Leary indicated that the Administration wishes to simply continue the existing program.

However, the status quo is not an option. As indicated by Senator Domenici at the December 14 hearing, the Appropriations Committee will not continue to provide funding for the program unless legislative changes are made that allow the construction of interim storage on a timely basis. I continue to believe that this problem can best be resolved in a bipartisan manner. However, this

is an issue that requires legislative action. If you continue to reject Congressional proposals, I would ask that you offer an alternative plan that would allow the government to fulfill its commitment to the electricity ratepayers of this country. I look forward to your reply.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

U.S. SENATE, COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, April 26, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: Over a year ago, I wrote the first of three letters to you regarding an issue that is one of my top priorities, and which I had assumed was a top priority of yours—protecting the environment and the safety of Americans from the threat posed by high-level nuclear waste. Only after the third letter, sent on January 10, 1996, did I receive a response from your Office of Management and Budget Director, which indicated you support the status quo.

Although I would have genuinely appreciated constructive input from your Administration, at that time, it became clear none was forthcoming. Thus, on March 13, 1996, the Energy and Natural Resources committee reported S. 1271, a bill to provide for the safe storage of spent nuclear fuel and nuclear waste at a central interim storage facility.

I was dismayed to receive the Statement of Administration Policy issued on April 23, 1996, which threatened to veto S. 1271 "because it designates an interim storage facility at a specific site." Although that statement claims "[t]he Administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner," such words ring hollow in the context of a threat to veto any legislation that does anything other than perpetuate the status quo.

Currently, high level nuclear waste and spent nuclear fuel is accumulating at over 80 sites in 41 states, including waste stored at DOE weapons facilities. It is stored in populated areas, near our neighborhoods and schools, on the shores of our lakes and rivers, in the backyard of constituents young and old all across this land.

The question is not whether or not we like nuclear power; it is whether this nation will responsibly deal with the spent nuclear fuel that already exists. Even if the use of nuclear power were to end today, the problem of what to do with related materials remains. Each year that goes by, the ability to continue storage of nuclear waste at each of these sites in a safe and responsible way decreases.

It is inappropriate to let this situation continue unresolved. As a grandparent and concerned American, I hope to convince you to help us do something about it.

Rather than letting this dangerous radioactive material continue to accumulate at more than 80 sites all across the country, doesn't it make sense to store it at one, safe and monitored facility at a site so remote that the Government used it to explode nuclear weapons for fifty years? The responsible answer is "yes."

We've struggled with the nuclear waste issue for more than a decade. We've collected over \$11 billion from electricity ratepayers to run the existing program. That program (the status quo) has hit a brick wall. Congressional and public confidence in the program is in decline—and the Appropriations Committee has responded by cutting its funds. Ratepayers, state public utility commissions and Congressional appropriations

committees have lost patience and are making it clear they refuse to continue pouring billions of dollars into a program that fails to solve this problem, and will not, for the foreseeable future.

The choice is ours. We can choose to have one, remote, safe and secure nuclear waste storage facility. Or, through inaction and delay, we can perpetuate the status quo and have 80 such sites spread across the nation. The job of fixing this program is also ours.

It is not morally right to perpetuate the status quo on this matter. To do so would be to shirk our responsibility to protect the environment and the future for our children and grandchildren. This nation needs to confront its nuclear waste problem now. That means Congress must pass and you should sign S. 1271 into law. I can only hope you will reconsider your position and make a decision to help us solve this very real environmental problem.

Sincerely yours,

FRANK H. MURKOWSKI.

Mr. CRAIG. Mr. President, when the chairman of the Energy and Natural Resources Committee of the Senate submitted these letters to the White House urging them to become involved in this critical national issue, the response was limited to nothing. We even suggested in legislation that I first introduced, S. 1271, that the committee worked very hard on, that if they could not support the pending legislation, they should offer an alternative. Their answer was no answer.

As a result of all of that, the White House never became a player in this most critical issue. The Department of Energy, under the direction of Hazel O'Leary, could not become a player because the White House had chosen a long time ago not to deal with this critical national policy, but to play politics on something that the public cries out for a solution.

As a result of that, when the Chief of Staff of the White House, Leon Panetta, on July 15, submitted a letter, a veto threat, on S. 1936, many of us looked at that in an effort to analyze it to see whether the White House had in fact began to engage in this most critical policy issue. I must tell you, Mr. President, that the answer to that is no. The letter that comes from the White House is not a policy statement; it is in every regard a political statement. It is tragic at a time when many, many States of this Nation demand that this be a solution to a critical problem that the White House would only play politics. That is very frustrating to me, and I am sure it is frustrating in a bipartisan way to a good many of my colleagues here in the Senate.

The legislation now before us, S. 1936, is not something cooked up by the chairman of the Energy and Natural Resources Committee or this Senator from Idaho. We sat down with the ranking member of that committee, BENNETT JOHNSTON, and our staffs. We brought consultants in from all over the world to see how we bring about the beginning of the movement of a solution to the problem of the handling of high-level nuclear waste.

In all fairness to the administration, but more important to Hazel O'Leary, she began to aggressively move the issue by speeding up the activities on the exploration development and certification process that must go on at Yucca Mountain. But even as that timetable speeds up, it does not solve the problem. It does not answer the problem that this country must address.

Mr. President, I ask unanimous consent that Senators ABRAHAM, JEFFORDS, SMITH of New Hampshire, WARNER, KEMPTHORNE, ROBB of Virginia, KYL of Arizona all become sponsors of this legislation.

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

Mr. CRAIG. Through the course of the debate, Mr. President, a lot of the issues that have been propounded by our colleagues from Nevada will be clarified. For the Record, because of an allegation that I believe is patently false and that results from the exploration and the understanding of how these materials get transported across our country, I ask that the International Association of Fire Chiefs letter in support of this legislation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION
OF FIRE CHIEFS,
Fairfax, VA, June 21, 1996.

Hon. LARRY E. CRAIG,
*Senate Office Building,
Washington, DC.*

DEAR SENATOR CRAIG: S1271, the Nuclear Waste Act of 1995, has been reported out of the Senate Committee on Energy and Natural Resources and is awaiting consideration on the Senator floor. The International Association of Fire Chiefs (IAFC) fully supports this legislation and urges prompt passage.

Enclosed for your information is a resolution adopted by the IAFC which states our concerns about the storage of nuclear fuel and the compelling reasons to enact this legislation now.

We appreciate your consideration of this very important issue.

Thank you.

Very truly yours,

ALAN CALDWELL,
Director, Government Relations.

Enclosure.

RESOLUTION BY THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS HAZARDOUS MATERIALS COMMITTEE TO SUPPORT SENATE BILL #1271, "NUCLEAR WASTE ACT OF 1995"

Wherefore: Nuclear fuel has been accumulating and temporarily stockpiled since 1982 at numerous staging locations throughout the United States; and

Whereas: Many of these locations are provided a security system which is less than desirable; and

Whereas: The stockpiling of nuclear waste in so many removed locales renders them most vulnerable to potential sabotage and terrorist attacks; and

Whereas: Prolonged exposure to the elements of time and weather will perpetuate deterioration and invite infrequent inspections; and

Whereas: A plan to remove this nuclear fuel and coordinate its transport to a single secure designated interim storage facility at Yucca Flat, NV, in accordance with prudent

planning, training, and preparation can be a safe, logical and acceptable alternative: Therefore, let it be

Resolved that the International Association of Fire Chiefs:

1. Urge members of the U.S. Senate to support Senate Bill 1271.

2. Urge members of the U.S. Senate to ensure that:

a. Only specified rail and highway transportation routes are designated for transport;

b. Only specified days and hours of day are designated for transport to assure local authority readiness and preparedness; and

c. All appropriate local emergency services (fire, law) are notified in writing of such designated movement through their jurisdiction not less than 30 days before such involvement, and said notification shall include the specified route, quantity, number and type of transportation vehicles/containers, date, time of day, point of project contact, and 24-hour emergency contact.

3. Urge members of the U.S. Senate to ensure that:

a. Prior to any movement, prudent and detailed plans for route design, route designations, and inspection of all routes for safety, acceptability, and ease of access by emergency response agencies be completed with solicited participation from the emergency response agencies.

b. Prior to any movement, consideration—including support—be provided to train the local emergency response agencies in suggested procedures to be followed in case of an emergency, to include proper protocols, notification, scene security, agency responsibilities and authorities; and

c. Prior to any movement, a detailed analysis is completed to analyze and list all probable types of accidents that may be likely, and document a suggested intervention protocol that the local emergency response agencies can review, study, and employ.

Mr. CRAIG. Mr. President, what is important for all of us to understand—and I think for our colleagues to appreciate as we debate over the next good number of days S. 1936—is that we have employed all of the science of the known Western World to assure that the management and the handling of nuclear waste be done in a safe and effective way. And the legislation that is now before us simply begins to expedite all of that.

Mr. President, I see my time is up. I would like to yield 5 minutes to the Senator from Louisiana, the senior Senator, BENNETT JOHNSTON.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, if one would pick this issue based on personalities I would never have been involved in the nuclear waste debate because my two colleagues from the State of Nevada are two of the most popular Senators, two of my best friends, and two of the most capable Senators in this body. But the fact of the matter is, Mr. President, I began working on nuclear waste in 1979 when I introduced the first bill. I believe that was before my two colleagues even came to the Senate. And I did so because, Mr. President, it is a problem that the Nation must solve. And it fell my lot as a member of the Energy Committee, and as chairman of the Energy and Water Appropriations Subcommittee, to deal with this very troublesome issue.

Today we find ourselves, Mr. President, with about 40,000 metric tons of nuclear waste spread around 34 States in this country, and it cries out for solution. And every year, Mr. President, we hear, "Don't do it this year. This is an election year." You hear this privately. "It is an election year. One of my colleagues is up." It is always an election year. Either one of my two colleagues from Nevada or the President is up for election. And there is always some reason to put it off.

But, Mr. President, we have spent \$5 billion on this issue of nuclear waste. And we are nowhere near getting it solved. That is not just because of mishandling by the Department of Energy. The responsibility, Mr. President, lies to a large extent right here in the Congress because we have been, at least up until this time, unwilling to act decisively and to do what we know must be done.

I have a letter here from the White House, Leon Panetta, for whom I have not only great affection but great respect. But I must tell you, Mr. President, Mr. Panetta's letter in opposing this bill is written about the last bill—not this bill. One thing he points out, and perhaps most importantly, he says, "The enactment of this bill will destroy the credibility of the Nation's nuclear waste disposal program by prejudicing the Yucca Mountain permanent repository decision."

Mr. President, when this bill was in the committee I proposed an amendment which said that you may not begin construction on the temporary or interim facility until a decision is made as to the suitability of the permanent repository. That amendment was not agreed to. I think that is an appropriate amendment. I do not believe you ought to begin construction on the interim facility until you make a decision with respect to the permanent repository. But, Mr. President, that was rejected in committee. But since then we have negotiated the matter out with the chairman, Senator MURKOWSKI, and my friend Senator CRAIG. And now the provision is written into this bill now being considered that you may not in fact begin construction until you make a decision as to the permanent repository.

So the principal complaint in Leon Panetta's letter is no longer valid. And I hope and I trust that, when and if this bill passes, the President and Mr. Panetta will relook at this matter in light of those changed circumstances.

Mr. President, the reason we need interim storage now—at least the reason we need to pass this bill now—is because that reactor sites around the country are running out of room in what they call swimming pools. The nuclear waste rods are taken out of the reactor and put in literally swimming pools of water, and those have been rerecked over the years; that is, made more dense. And one by one utilities are running out of space. Northern States Utilities up in the State of Min-

nesota has already run out of space and has had to purchase what they call dry cask storage at very expensive cost.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

UNANIMOUS-CONSENT AGREEMENT

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that the cloture vote occur at 10:10 a.m. this morning and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Three minutes; the other side has 8½ minutes.

Mr. MURKOWSKI. I reserve the remainder of my time.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I want to address the broad policy implications of S. 1936. I want to emphasize that my comments apply directly to the bill before us, not 1271. There has been some suggestion that 1936 represents improvement over 1271, its predecessor. It is my view that there are some changes but the changes make no policy difference at all.

First, I want to make the point again with respect to the necessity for interim storage. My colleague has pointed it out. I want my colleagues who are watching the debate in the office to look at this report entitled "Disposal and Storage of Spent Nuclear Fuel, Finding the Right Balance, a Report to Congress and the Secretary of Energy." This is March of this year, 1996. "The Board sees no compelling technical or safety reason to move spent fuel to a centralized storage facility for the next few years."

Mr. President, what is occurring is a familiar pattern. This technical review board was created by Congress in 1987 after the original 1982 act. So, if you do not like what you asked for in a report in the nuclear utility industry—and its advocates obviously do not—then you reject the report. But this represents the consensus of scientific opinion as chosen by individuals who have no personal interest in terms of any parochial concerns. Their conclusion emphatically is that there is no need.

That is the issue which the letter of the President's Chief of Staff addresses in part, and that is why the Washington Post editorial of this morning makes the contention that this is too important of an agenda to be jammed through the latter part of Congress on the strength of the industry's fabricated claim that it faces an emergency.

So no Member of this body ought to be misled that there is some crisis. The

only crisis is in the mind of the nuclear power industry which for the last 16 years has tried to engender such a crisis to get interim storage.

Second, the reason this is such an abomination in my view is that it effectively emasculates a body of environmental laws which have been enacted over the past quarter of a century.

To name but a few: the Safe Drinking Water Act, Clean Water Act, RCRA, Superfund, FLPMA, the National Environmental Policy Act, the Endangered Species Act. I make that contention and invite my colleagues' attention to page 73 of the legislation.

It is very clever, I concede that. But this is the language that effectively guts the environmental law of America as it applies to this process:

If the requirements of any law [any law] are inconsistent with or duplicative of the requirements of the Atomic Energy Act and this Act, the Secretary shall comply only [only] with the requirements of the Atomic Energy Act and this Act in implementing the integrated management system.

So, we clearly, in effect, supersede any provisions in any of the environmental laws that would be in conflict with this current act. The effect of that is to bypass them. It has been asserted in some correspondence that has been circulated that, indeed, there is a requirement for the National Environmental Policy Environmental Impact Statement Review. Let me just, again, specifically invite my colleagues' attention to the language on page 36 of the legislation. Yes, it talks about an environmental impact statement, but then, in a series of restrictions, it emasculates such language by saying:

Such Environmental Impact Statement shall not consider the need for the interim storage facility, including . . . the time of the initial availability of the interim storage facility, any alternatives to the storage of spent fuel . . . and any alternatives to the site of the facility. . . .

That is the essence of what an environmental impact statement is, to consider other alternatives that might be available. So the effect that would have is to completely emasculate it.

Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Nevada has 10½ minutes remaining.

Mr. MURKOWSKI. I am sorry, I did not hear the President on the time?

The PRESIDING OFFICER. The Senator from Nevada has 10½ minutes on this side, 3 minutes on the Senator's side.

Mr. BRYAN. I yield myself 7 additional minutes and ask the Chair to alert me when there are 3 minutes remaining on our time.

Mr. President, another public policy disaster is the statutory provision in this S. 1936 we are debating this morning that provides for a 100-millirem standard for us in Nevada. There is an international consensus that somewhere between 10 and 30 is a reasonable basis. Indeed, the safe drinking water