

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So the principal complaint in Leon Panetta's letter is no longer valid.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 reracked 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

standard is 4 millirems. Our friends from New Mexico, who have been on the floor to discuss WIPP, the transuranic facility in their own State, have a 15-millirem standard, but we would have a 100-millirem standard established by statute. There is no justification for that. I am aware of no considered body of scientific opinion that suggests that, from a sole source, an additional 100 millirems be added. I must say, this is part of an ongoing effort to constantly reduce the levels of health and safety in placing nuclear waste in the State of Nevada.

Finally, let me briefly talk about a public policy issue that ought to concern every Member of this Senate. Everybody has talked about balancing the budget, unfunded mandates and unfunded liability. This piece of legislation represents one of the largest unfunded liabilities that would ever be passed by a Congress, because what this legislation effectively does is to shift the financial burden from the nuclear utilities to the American taxpayer. It does so in a very clever and ingenious way. It puts a limitation on the amount of mill tax that can be assessed to the utilities based upon the kilowatt hours produced at 1 mill.

In the report to Congress by the Nuclear Waste Technical Review Board, they make it clear that if interim storage is to be pursued in addition to the permanent repository, that it will require an additional mill levy, in addition to the 1 mill, and currently indicates that, with the permanent repository program alone, there is an unfunded liability of between \$3 and \$5 billion.

So the effect of this legislation is to shift the burden and make a major policy departure from what historically was acknowledged from the time that the 1982 act was passed to the changes in 1987 and all of the iterations in between that. In effect, it is the utilities which ought to bear the financial burden.

One can understand why they clearly would like to avoid that burden, but much like our Social Security system today, it is taking in more money than is being paid out, and in the outyears, sometime in the next century, that will reverse. Precisely the same scenario is mandated in S. 1936, because although currently the amount of revenue coming in may be adequate to deal with the permanent repository program alone, as these reactors close—and they are licensed for periods of 40 years—less money will be coming into the fund at a time when the burdens and responsibility of handling the storage will continue on through an indefinite period of time. So this represents a financial disaster for the country as well.

I will just summarize by saying the legislation is not necessary, and those are not the assertions or conclusions of the Senators from Nevada. That is Congress' own Nuclear Waste Technical Review Board, the board that was created by an act of Congress in 1987.

Second, it effectively guts the environmental laws. A policy of dubious merit, in my judgment, mandates a health and safety standard that no other nation in the world has established.

Finally, it would shift the cost from the utilities to the taxpayers, and that is bad news for the American taxpayers.

I yield to the distinguished Democratic leader.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Nevada. I will not be long. I commend him for his comments this morning. I think, as we come to a close in this debate, both Senators from Nevada have served not only their State well, but this body well as they have contributed to this debate in a very positive way.

Mr. President, a couple of things have occurred over the weekend that I feel deserve the attention of the Senate with regard to the issue of nuclear waste. I would like to address both of them, if I could, briefly.

This morning, in the Washington Post, the main editorial made quite a point of saying that the bill we are considering today is wasteful because, in a sense, we are rushing to a decision that the Post argues ought to be considered with greater care.

The editorial makes a couple of very important points. I will quote one in particular:

... 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.

Mr. President, that is an issue that I think does not get the attention it deserves from our colleagues as they are considering this matter. Clearly, if we are considering a site of any magnitude, for any length of time, that site ought to be required to meet the same high standards of public health protection as the permanent site.

The editorial is right on point. Under this bill, the interim site would not have all the standards required of it that a permanent site would. That is one of many issues that we ought to be considering very carefully.

Finally, the editorial ends by saying it 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 ask themselves, which among them want to sign their names to that?

Mr. President, I ask unanimous consent the entire editorial be printed in the RECORD at this point.

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

[From the Washington Post, July 16, 1996]

WASTE MAKES HASTE

Nuclear power has not turned out to be the blessing the advance men said it would.

Among much else, they presented it as clean—no more burning of gritty coal—but in the matter of cleanliness, it has a ghastly problem of its own. The nuclear issue is waste disposal—what to do with the enormously toxic spent fuel rods for which there currently is no long-term home.

The idea was that the utilities would store the spent fuel in the short run, while the government created a permanent storage facility. To put it charitably, the government has been slow to fulfill its part of the bargain. Technology has been one reason; it's hard to determine how best to deal, over what will likely be many generations, with a product as nasty as this. Politics also have been a problem; for obvious reasons, no one wants the stuff.

In the 1980s Congress fastened on Yucca Mountain in Nevada as a likely permanent repository. Nevadans resisted the idea, but Texas and Washington, the other candidates, were more powerfully represented in the House and able to duck. The necessary work to settle definitely on Yucca Mountain has gone slowly, however. The judgments are hard, and the Energy Department over the years has been less than a model of efficiency. So now the industry is trying to force the issue.

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. Nevadans see the proposal as a stalking horse to create what would amount to a permanent facility by another name. The state's two senators have been holding up other legislation to keep the storage measure from coming to a vote. A cloture vote will be held today to cut off their filibuster; they expect to lose. But the president also has threatened a veto, and that the Nevadans think they could sustain.

We hope they do, if necessary. The interim bill is the wrong way to solve what is not yet a fully urgent problem. It may well be that there is no alternative to permanent storage—some people think a timely way may yet be found to detoxify the waste instead. It also may be that Yucca Mountain is the best available site. 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 ask themselves, which among them want to sign their names to that?

Mr. DASCHLE. Mr. President, I simply ask, who among us would want to sign our names to that? Who among us feels the need to rush to judgment, to make a decision on an interim site based upon what I consider to be faulty logic, recognizing that we are not subjecting the interim site to the same standards as a permanent site?

This issue is of such great concern to the President that he has sent a letter on it to all of us. I ask unanimous consent to have the letter from the administration be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, July 15, 1996.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: I would like to express the Administration's position on S.

1936, a bill to create a centralized interim high-level nuclear waste storage facility in Nevada. The Administration cannot support this bill, and the President would veto it if the bill were presented to him in its present form.

The Administration believes it is important to continue work on a permanent geologic repository. According to the National Academy of Science, there is a world-wide scientific consensus that permanent geologic disposal is the best option for disposing of commercial and other high-level nuclear waste. This is why the Administration has emphasized cutting costs and improving the management and performance of the permanent site characterization efforts underway at Yucca Mountain, Nevada. The Department of Energy has been making significant progress in recent years and is on schedule to determine the viability of the site in 1998.

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, 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. Choosing a site for an interim storage facility should be based upon objective science-based criteria and should not be made before the viability of the Yucca site is determined in the next two years. This viability assessment, undertaken by the Department of Energy, will be completed by 1998.

Some have alleged that we need to move spent commercial fuel rods to a central interim site now. According to a recent report from the Nuclear Waste Technical Review Board (NWTRB), 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. The Nuclear Regulatory Commission (NRC) has determined that current technology and methods of storing spent fuel at reactors are safe. If they were not safe, the NRC would not license these storage facilities. Also, the NWTRB assures us that adequate at-reactor storage space is, and will remain, available for many years.

In S. 1936, the Nevada Test Site is the default site, even if it proves to be unsuitable for the permanent repository. This is bad policy. This bill has many other problems, including those that present serious environmental concerns. The bill weakens existing environmental standards by preempting all Federal, state and local laws and applying only the environmental requirements of this bill and the Atomic Energy Act. The results of this preemption include: replacing the Environmental Protection Agency's authority to set acceptable radiation release standards with a statutory standard considerably in excess of the exposure permitted by current regulations; creating loopholes in the National Environmental Policy Act; and eliminating current licensing requirements for a permanent repository.

I hope that you will not support S. 1936. It is an unfair, unneeded, and unworkable bill. We have the time to develop legislation and plan for an interim storage facility in a fairer and scientifically valid way while being sensitive to the concerns of all affected parties. This includes those in Nevada, those along the rail and roadways over which the nuclear waste will travel, and those who depend on and live near the current operating commercial nuclear power plants.

Thanks you for your consideration of these views.

Sincerely,

LEON L. PANETTA,
Chief of Staff.

Mr. DASCHLE. The letter says, "The Administration cannot support this bill, and the President would veto it if the bill were presented to him in its present form."

He goes on to say, "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."

The President also notes, "The bill weakens existing environmental standards by preempting all the Federal, state, and local laws and applying only the environmental requirements of this bill and the Atomic Energy Act."

He summarizes the letter by saying, "I hope you will not support S. 1936. It is an unfair, unneeded and unworkable bill."

I do not know how you can say it any better than that. I think we can do better than this. We ought not be rushing to judgment. We ought to be applying the same standards. We ought to realize there are very serious consequences associated with the decisions some would have us make.

So I hope that cooler heads will prevail, that we recognize the importance of this decision and that we let the process work its will. That is not too much to ask to make the right decision. The President believes that, the Washington Post believes that, and I hope that most of the Senate believes it too.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe the Senator from Idaho wants to make a statement for the RECORD.

Mr. CRAIG. Mr. President, as we reach the final days of the 104th Congress, an urgent environmental problem remains unresolved. However, unlike many issues, fortunately the question of how to deal with this Nation's high-level nuclear waste has an answer that is responsible, fair, environmentally friendly, and supported by Members of both parties.

Today, high-level nuclear waste and highly radioactive used nuclear fuel is accumulating at more than 80 sites in 41 States. Each year, as that increases, our ability to continue storage of this used fuel at each of these sites in a safe and responsible way diminishes. The only responsible choice is to support legislation that solves this problem by safely moving this used fuel to a safe, monitored facility in the remote Nevada desert. This answer will lead us to a safer future for all Americans.

To facilitate our consideration of such legislation, Senator MURKOWSKI and I, introduced S. 1936, a bill to amend the Nuclear Waste Policy Act of 1982. Bill, S. 1936, retains the fundamental goals and structure of the substitute for S. 1271 that was reported

out of the Energy and Natural Resources Committee in March.

However, S. 1936 contains many important clarifications and changes that deal with concerns raised regarding the details of that legislation by Members of this body. In addition, we took into account the provisions of H.R. 1020, which was reported out of the House Commerce Committee on an overwhelming bipartisan vote last year. We adopted much of the language found in H.R. 1020 in order to make the bill as similar to the bill under consideration in the House as possible.

I would like to describe some of the most significant of these changes. S. 1936 eliminates certain provisions contained in S. 1271 that would have limited the application of the National Environmental Policy Act to the intermodal transfer facility and imposed a general limitation on NEPA's application to the Secretary's actions to only those NEPA requirements specified in the bill. This was to allay the concern that sufficient environmental analysis would not be done under S. 1271.

S. 1936 clarifies that transportation of spent fuel shall be governed by all requirements of Federal, State, and local governments and Indian tribes to the same extent that any person engaging in transportation in interstate commerce must comply with those requirements. S. 1936 also allows that the Secretary provide technical assistance and funds for training to Unions with experience in safety training for transportation workers. In addition, S. 1936 clarifies that existing employee protections in title 40 of the United States Code only addresses the refusal to work in hazardous conditions apply to transportation under this act. It also provides that certain inspection activities will be carried out by carmen and operating crews only if they are adequately trained. Finally, S. 1936 provides authority for the Secretary of Transportation to establish training standards, as necessary, for workers engaged in the transportation, storage, and disposal of spent fuel and high-level waste.

In order to ensure the size and scope of the interim storage facility is manageable in the context of the overall nuclear waste program, and yet adequate to address the Nation's immediate spent fuel storage needs, S. 1936 would limit the size of phase I of the interim storage facility to 15,000 metric tons of spent fuel, and the size of phase II of the facility to 40,000 metric tons. Phase II of the facility would be expandable to 60,000 metric tons if the Secretary fails to meet her projected goals with regard to site characterization and licensing of the permanent repository site. In contrast, S. 1271 provided for storage of 20,000 metric tons of spent fuel in phase I and 100,000 metric tons in phase II. I would like to clarify that the new volumes are sufficient to allow storage of current spent naval fuels.

Unlike S. 1271, which provided for unlimited use of existing facilities at the

Nevada test site for handling spent fuel at the interim facility, S. 1936 allows only the use of those facilities for emergency situations during phase I of the interim facility. These facilities should not be needed during phase I and construction of new facilities will be overseen by the Nuclear Regulatory Commission for any fuel handling during phase II of the interim facility.

S. 1271 would have set the standard for releases of radioactivity from the repository at a maximum annual dose to an average member of the general population in the vicinity of Yucca Mountain at 100 millirem. The 100 millirem standard is fully consistent with current national and international risk standards designed to protect public health and safety and the environment. While maintaining an initial 100 millirem standard, S. 1936 would allow the Nuclear Regulatory Commission to apply another standard, if it finds that the standard in the legislation would pose an unreasonable risk to the health and safety of the public.

S. 1936 contains provisions not found in S. 1271 that would grant financial and technical assistance for oversight activities and payments in lieu of taxes to affected units of local government and Indian tribes within the State of Nevada. S. 1936 also contains new provisions transferring certain Bureau of Land Management parcels to Nye County, NV.

In order to ensure that monies collected for the nuclear waste fund are utilized for purposes of the Nuclear Waste Program, beginning in fiscal year 2003, S. 1936 would convert the current Nuclear Waste Fee, that is paid by electricity consumers, into a user fee that is assessed based upon the level of appropriations for the year in which the fee is collected.

Section 408 of S. 1271 provided authority for the Secretary to execute emergency relief contracts with certain eligible utilities that would provide for qualified entities to ship, store, and condition spent nuclear fuel. This provision concerned some Members who feared it could be interpreted to provide new authority for reprocessing in this country or abroad. This provision is not contained in S. 1936.

S. 1271 contained a provision that stated the actions authorized by the bill would be governed only by the requirements of the Nuclear Waste Policy Act, the Atomic Energy Act, and the Hazardous Materials Transportation Act. S. 1936 eliminates this provision and instead provides that, if any law is inconsistent with the provisions of the Nuclear Waste Policy Act and the Atomic Energy Act, those acts will govern. S. 1936 further provides that any requirement of a State or local government is preempted only if complying with the State or local requirement and the Nuclear Waste Policy Act is impossible, or if the requirement is an obstacle to carrying out the act. This language is consistent with the

preemption authority found in the existing Hazardous Materials Transportation Act.

S. 1936 authorizes the Secretary to take title to the spent fuel at the Dairyland Power Cooperative's La Crosse reactor, and authorizes the Secretary to pay for the onsite storage of the fuel until DOE removes the fuel from the site under terms of the act. This is a provision that I felt was necessary to equitably address concerns in Wisconsin and Iowa.

S. 1936 contains language making a number of changes designed to improve the management of the Nuclear Waste Program to ensure the program is operated, to the maximum extent possible, in like manner to a private business. I feel this will improve the overall management of the spent fuel program.

Finally the bill contains language that addresses Senator JOHNSTON's concerns. The language in S. 1936 provides that construction shall not begin on an interim storage facility at Yucca Mountain before December 31, 1998. I am most pleased to now have Senator JOHNSTON's support of this legislation.

The bill provides for the delivery of an assessment of the viability of the Yucca Mountain site to the President and Congress by the Secretary of Energy 6 months before the construction can begin on the interim facility. If, based upon the information before him, the President determines, in his discretion, that Yucca Mountain is not suitable for development as a repository, then the Secretary shall cease work on both the interim and permanent repository programs at the Yucca Mountain site. The bill further provides that, if the President makes such a determination, he shall have 18 months to designate an interim storage facility site. If the President fails to designate a site, or if a site he has designated has not been approved by Congress within 2 years of his determination, the Secretary is instructed to construct an interim storage facility at the Yucca Mountain site.

This provision ensures that the construction of an interim storage facility at the Yucca Mountain site will not occur before the President and Congress have had an ample opportunity to review the technical assessment of the suitability of the Yucca Mountain site for a permanent repository and to designate an alternative site for interim storage based upon that technical information. However, this provision also ensures that, ultimately, an interim storage facility site will be chosen. Without this assurance, we leave open the possibility we would find in 1998 we have no interim storage, no permanent repository program, and—after more than 15 years and \$6 billion spent—we are back to where we started in 1982 when we passed the first version of the Nuclear Waste Policy Act. That is within the 50 States in the Union we must locate a site to dispose of spent nuclear fuel.

This issue provides a clear and simple choice. We can choose to have one, re-

mote, 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. It is irresponsible 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. I urge my colleagues to vote for cloture and support the passage of S. 1936.

Mr. MURKOWSKI. Mr. President, much has been made here of the so-called nuclear lobby relative to this bill and the status of the issue we have before us.

Let's not be misled. We have letters from 22 States to the President and Members of Congress; 11 from Governors and 12 from attorneys general urging action on the nuclear waste legislation, and that action is now. Governors of Florida, Georgia, New Mexico, North Carolina, Pennsylvania, South Carolina, and Vermont have all written to the President; attorneys general from Illinois, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Ohio. Others who have written to Congress include Arizona, Massachusetts, Virginia, Wisconsin, Rhode Island, Arkansas, Delaware, Maryland, and Oregon.

So this is not the nuclear lobby we are talking about. We are talking about Governors, attorneys general in 41 States who are concerned about a problem that Congress has ignored. They have collected from the ratepayers \$12 billion. We have expended over \$1 billion on this process.

The Washington Post tells us it is not an urgent problem. Well, the Washington Post does not have any nuclear waste next to them. They do not have any in Washington, DC. But it is a problem in Illinois. It is a problem in California. It is a problem throughout the United States.

We have heard the statement from the Washington Post, and the minority leader suggested that we heed the Washington Post editorial relative to the issue that environmental laws are not being adhered to. All State and local transportation safety laws apply to the Department of Energy exactly as they apply to private carriers of hazardous materials. Other environmental laws are only preempted to the extent they conflict with this act.

This act sets forth very stringent environmental standards that apply only to this very unique facility. There are no environmental laws that apply specifically to this facility because there is no other facility like this. This provision simply ensures that we do not have conflicting laws governing this facility. We have the laws, though, Mr. President. A provision regarding NEPA simply states that the environmental impact statement that will be prepared will not have to address alternatives that Congress has eliminated from consideration. This is really only a clarification that the EIS need not reconsider issues that we are deciding here

today, like the fact that an interim facility should be built or how the site for that facility will be chosen. In all other respects, NEPA will apply under its own terms.

Mr. President, the President has not taken a position on this to rectify it. He simply has condemned every effort by Congress to address the situation. He and the administration have a responsibility to respond positively with a suggestion instead of negatively to everything that Congress proposes to address the problem.

I urge my colleagues to vote cloture. The PRESIDING OFFICER (Mr. INHOFE). The Senator's time has expired.

Mr. REID. Mr. President, I remind everyone in this Chamber of the charts Chairman MURKOWSKI showed us earlier. They show nuclear waste stored in 80 sites across America. They show another chart with one site, the Nevada test site, and they claim that all the waste will be moved from these many sites to this one site. This simply is wrong, and it is misleading.

Nuclear waste will remain at the nuclear reactors for as long as these nuclear reactors operate and long afterward. Nuclear waste will be stored in these cooling ponds at these reactors during their operation and after they shut down. Dry cask storage will be required at many of these reactors, whether or not S. 1936 passes.

Those Senators who believe that S. 1936 will get nuclear waste out of their backyards are misinformed, and they are wrong. The first chart of the junior Senator from Alaska, the chart with waste stored across the Nation, represents our future under S. 1936, as well as our past. In addition to waste in the backyards that it is already in, it will be in the backyards of places all over this country along the transportation routes.

Remember, Mr. President, we have already had seven nuclear waste accidents, 1 for every 300 trips. We are going to have thousands of trips; 12,000 shipments alone will go through the State of Illinois; thousands through Massachusetts; almost 12,000 through Nebraska and Wyoming.

This legislation is wrongheaded. I repeat from the editorial this morning in the Washington Post:

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

This is legislation that is unnecessary. It is based upon one fabrication after another. It should be soundly defeated. We ask the motion to invoke cloture not prevail.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that William Murphie be granted the privilege of the floor dur-

ing the consideration of this bill, S. 1936, a bill to amend the Nuclear Waste Policy Act of 1982.

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

Mr. MURKOWSKI. Mr. President, I believe all time has expired.

The PRESIDING OFFICER. The Senators from Nevada still control a few minutes.

Mr. REID. We yield back the time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, under rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1936, the nuclear waste bill:

Trent Lott, Larry E. Craig, Fred Thompson, Dan Coats, Don Nickles, Ted Stevens, Craig Thomas, Richard G. Lugar, Slade Gorton, Spencer Abraham, Frank H. Murkowski, Conrad R. Burns, Dirk Kempthorne, Alan K. Simpson, Bill Frist, Hank Brown.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1936, the Nuclear Waste Policy Act, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Mississippi [Mr. COCHRAN] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote.

The yeas and nays resulted—yeas 65, nays 34, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—65

Abraham Gramm Levin
Ashcroft Grams Lott
Bennett Grassley Lugar
Bond Gregg Mack
Bradley Hatch McCain
Breau Hatfield McConnell
Brown Heflin Moseley-Braun
Burns Helms Murkowski
Chafee Hollings Murray
Cohen Hutchison Nickles
Coverdell Inhofe Nunn
Craig Jeffords Pressler
D'Amato Johnston Robb
DeWine Kassebaum Roth
Domenici Kempthorne Santorum
Faircloth Kohl Shelby
Frahm Kyl Simon
Frist Lautenberg Simpson
Gorton Leahy Smith

Snowe Thomas Warner
Specter Thompson Wellstone
Stevens Thurmond

NAYS—34

Akaka Dodd Kerry
Baucus Dorgan Lieberman
Biden Exon Mikulski
Bingaman Feingold Moynihan
Boxer Feinstein Pell
Bryan Ford Pryor
Bumpers Glenn Reid
Byrd Graham Rockefeller
Campbell Harkin Sarbanes
Coats Inouye Wyden
Conrad Kennedy
Daschle Kerrey

NOT VOTING—1

Cochran

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays were 34.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, so that we will be aware of what we are trying to do, the Senator from Pennsylvania wishes to speak on another matter for 5 minutes. Then, after he concludes, it is my intent, at least for a time, to put in a quorum so that we will have an opportunity to talk to all the Senators involved in this issue and the Democratic leader and see if we can come to an agreement.

We want to accommodate Senators on both sides of this particular issue. We want to find a way to move as early as possible to the Department of Defense appropriations bill. It is my intent to move forward with both of these issues in the best way we can. We would like to talk to the Senators from Nevada to see what their wishes are and to Senator MURKOWSKI and the Senator from Idaho. We will do that, and we will let the Senate know exactly what is agreed to when we come to a conclusion.

I want to put the Senate on notice that I would like for us also to see if we cannot work out the stalking bill so that we can get a unanimous consent agreement on that. I would like to see if we can get an agreement on the gambling commission so that we would have an understanding on how to proceed on that. We might have a couple of judges that we can get a clearance on today. We would also like to see if we cannot go to conference on the health insurance reform package. So I will be talking to Senators on both sides of the aisle on a number of issues to see if we can get an agreement as to how and when we might bring them up. For right now, we will talk to Senators on how to proceed on nuclear waste.

I yield to the Senator from Pennsylvania.