

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

# NUCLEAR WASTE POLICY ACT OF 1996

The Senate continued with consideration of the bill.

Mr. MURKOWSKI. Mr. President, we had a good discussion today about the status of the proposed Yucca Mountain repository and I think the record should reflect discussion of some points that have been made that require a little further examination.

First of all, we have heard the terminology "millirem" as the standard measure for radioactivity. Much has been said about the 100-millirem standard in protecting the public health and safety. We have that responsibility, but I think we should put it in perspective because the average member of the public really does not know how to relate 100 millirems to his or her everyday life.

The proposed limit in the bill has been set at 100 millirems as a standard. It may interest my colleagues that one receives over 100 millirems extra per year by living in a house, a White House, at 1600 Pennsylvania Avenue. It is a stone building with attendant natural radiation. Now, the Senator from Nevada says 100 extra millirems is too high. Is the Senator suggesting that 100 extra millirems is OK for the White House but not OK for a fence line deep in the Nevada desert; that 100 extra millirems OK for the President of the United States, his family or Socks, the cat, but not OK for jackrabbits or roadrunners out in Nevada?

Mr. President, you also get 100 extra millirems from living in Denver, because of its altitude. Do we prohibit people from living in Denver? Of course not, because 100 millirems do not harm anyone. It is an internationally accepted standard. So the public should keep in perspective these terms.

Today, Mr. President, we got 65 votes for cloture. That was a good vote, but, unfortunately we did not get votes from some of the States where this nuclear waste issue is a legitimate concern. I had hoped we would get votes, say, from our Members from Connecticut. Now, what is the justification for Connecticut, you might wonder. Mr. President, we build naval submarines in Connecticut. These are nuclear submarines. These submarines produce waste. Connecticut gets the jobs. They do not have to keep the waste. Where does the waste go? Well, currently a lot of it is going to Idaho. My point is simple: we all have a responsibility. We all have a share in the question of what to responsibly do with nuclear waste.

Now, another interesting thing, as we look at the voting makeup of this body, Connecticut generates 73.7 percent of its electricity from nuclear power. Connecticut ratepayers have paid \$429 million into the waste fund. What have they got to show for it? Ab-

solutely nothing. I think as we look at the various States and their positions, we have to recognize we all have a share in this. Florida—well, we did not do quite as well as we had hoped, but we did about half-and-half. Florida ratepayers pay more than half a billion into the fund, yet nuclear waste sites at Turkey Point Power Plant right in between two national parks, the Everglades National Park and the Biscayne National Monument.

Now, there are other States where we did not get a level of support that we might have. My good friends from Hawaii do not have a nuclear power plant, but they do store highly enriched naval fuel. If we can't solve the waste problem this fuel in Hawaii has no place to go. It stays in Hawaii. Also, if we do not pass this bill, I assume we will see more and more pressure to find some site, perhaps in the Pacific. We have seen Palmyra brought up time and time again as a possible dump site. I do not support that at this time but, again, I think we all have a voice in resolving this issue.

There are other States that have an interest in resolving this issue. The State of Delaware imports nuclear power and has paid \$29 million into the fund. New Mexico imports nuclear power and has paid \$32 million into the fund. California, 26.3 percent of its generation is nuclear energy. California has paid \$645 million into this fund that the Federal Government has collected, which now totals nearly \$12 billion.

This was a fund established, if you will, Mr. President, to ensure that the Federal Government had the means in order to take this nuclear waste by 1998. Arkansas, 33 percent of the generation comes from nuclear power. They put \$266 million into the fund.

Colorado has an interest. They are concerned about access of nuclear waste through their State, but they have a reactor that has been shut down, awaiting decommissioning, no place for the fuels to go. So what will happen, Mr. President? Well, nothing will happen. Colorado is going to be stuck with that reactor until such time as Congress authorizes a repository and the fuel can be removed.

Indiana imports nuclear power. It paid \$288 million into the fund. North Dakota relies on nuclear power, it paid \$11 million into the fund. Nebraska, 30 percent generating from nuclear power paid \$136 million into the fund. Wisconsin, 23 percent of Wisconsin generation comes from nuclear energy, and they paid \$336 million into the fund. Kentucky relies on nuclear power and \$81 million has been paid into the fund. Ohio, 7.7 percent of their generation, \$253 million into the fund. Iowa, 13 percent, \$192 million. Massachusetts, 15 percent of the power comes from nuclear power. They paid \$319 million. What do they have to show for it? What did the ratepayers get in Massachusetts? Absolutely nothing. Maryland, next door to us, 24 percent of their

power is nuclear, \$257 million paid in, nothing to show for it. New York, 28 percent of their power is nuclear, they paid in \$734 million. Rhode Island relies on nuclear power, \$8 million paid into the fund.

It is important, Mr. President, that every Senator reflect as he represents his or her own State, the realization that we are all in the nuclear waste situation together, and we all have to get out of it together. Senate bill 1936 is the most important meaningful environmental legislation to come before the Senate because it addresses the health, safety, and environment of the American people who live with this high-level waste in storage sites in 41 States in our Nation.

Senate bill 1936 was well-crafted and developed after years of study and months of discussion and negotiation. It is based on sound science and meets every legitimate concern imaginable. Much of the rhetoric we have heard today is based on fear, and a good deal is based on politics. The bottom line is that somebody has to get it and, unfortunately, the site that has been chosen is a site where we have had nuclear testing for some 50 years out in the desert in Nevada.

The opposition would, in my opinion, attempt to delay this process of addressing health, safety, and environmental issues on behalf of the American people for a short-term political advantage, and it also lacks the responsibility of coming up with viable alternatives. The right decision is to support Senate bill 1936. It is right in terms of health, safety, and the environment.

There are a couple of other points that I think are necessary to make as a consequence of the debate that we have had throughout the day. I compliment my two friends from Nevada because I know how they feel. I know how they are fighting to represent the interests of their State. But, again, somebody has to take this waste. Now, there has been generalization that somehow we are waiving some of the environmental laws. That is not the case, Mr. President. Complaints by environmental groups about the NEPA waivers in Senate bill 1271 have been addressed in S. 1936. We do not waive NEPA for the intermodal transfer facilities, as the previous bill did. Unlike the previous bill, there is no general limitation on NEPA in Senate bill 1936.

During the debate, there was a list of laws that were proposed that would be waived or would not be applicable that were suggested by the Senators from Nevada. I would like to briefly mention that S. 1936 contains a comprehensive regulatory licensing program plan for a permanent facility. This is a unique facility, Mr. President. There is no other facility like it. That is why. Thus, there are no specific environmental laws, other than the Nuclear Waste Policy Act that is designed to regulate permanent geologic repositories for nuclear waste. So it is self-evident. There

is no use in trying to develop a situation where we cannot possibly achieve this because we do not have a prototype to go on. We are bound by the existing environmental laws, the Nuclear Waste Policy Act. We are not waiving basically anything relative to this repository.

The language in S. 1936, section 501, simply provides that the specific environmental standards set forth in that bill will govern if they conflict with other more general laws that were mentioned by the Senators from Nevada.

Mr. President, the language in this bill merely prevents environmental law from being misused to reconsider the decisions that we are making today in this Congress. Senate bill 1936 is a bill to prevent a gridlock—and that is what we have been in—and to prevent stalemate—and that is what we have been in. All we have to do is to say that Congress has decided that we will build an interim site in Nevada, and we do not let the NEPA process revisit that decision. That is what we are saying, Mr. President.

We started on this, I think, in 1983 or thereabouts. We have expended 15 years. We have expended almost \$6 billion trying to determine a process and a site. The responsibility to conclude that is now. As we proceed with a permanent repository at Yucca Mountain, this will provide the movement and the storage in casks of the high-level waste from the various sites around the country.

Mr. President, I have a couple of other points, and I will conclude because the hour is late.

The State of California, as an example, has six nuclear units, including the Rancho Seco. These are reactors that have been shut down since about 1989, or thereabouts. But they cannot be decommissioned until the spent fuel is taken away from the site. What do the people of California want? They want that former reactor removed and the site brought back to its previous state? Surely, they do. But it is not going to happen unless we pass a bill like this. The estimated cost of monitoring each shut down reactor is some \$50 million per year. You will never get rid of them unless you have a place to put the spent fuel. And the place to put it is in the one place that has been designated in S. 1936.

Now, finally, there have been references to the industry's role and that somehow this process is a fabrication. The RECORD will note letters from some 23 Governors and attorneys general relative to the necessity of this bill passing, so that they can get some relief for the storage of nuclear waste that is in their States in pools and is about to exceed the licensing capability. And as far as suggesting that the

Washington Post editorial somehow is the beneficial voice of reason, I think one should simply go back and read it. It says, "Waste Makes Haste." Well, Mr. President, we have been at this 15 years. We have been at it to the tune of \$6 billion. The Washington Post editorial does not propose a solution. S. 1936 is a responsible solution to the problem of nuclear waste. May I suggest that the Washington Post is a responsible solution to the problem of parakeet pet waste.

I was very pleased with the vote today. We got 65 votes for cloture on the motion to proceed. We had one Senator out, who is inclined to vote for us. So that gives us 66. That is one short of overriding the Presidential veto. That is why I went on to great length in my statement, to encourage those Senators who did not vote with us on cloture to reflect a little bit on their own situation in their own State relative to whether or not they are building nuclear submarines and do not want to have any part of the responsibility for the waste when those submarines are cut off, but purporting to simply give the responsibility to the State of Idaho is being unrealistic and unfair.

I am sure that, as we address the new technology in nuclear submarines, there are some Members here that will remind the Senators from Connecticut, as an example, that they, too, must bear the responsibility associated with what nuclear technology provides our country in the interest of our national defense, but, as well, in the responsibility of addressing what we could do with the nuclear waste in Senate bill 1936, which is the best answer we have had so far—certainly a responsible one, unlike the position of the administration, which has chosen to duck the issue.

We would have an entirely different matter if we were debating a proposal that the administration had vis-a-vis a proposal that had come through the Committee on Energy and Natural Resources. That is not the case, as the evidence has suggested. In the communications with the White House that I have had over the last couple of years relative to trying to address this, along with my colleague, Senator JOHNSTON, we have found that the White House has simply chosen to duck the issue. They do not want it to come up before the election. They are satisfied with the status quo. Well, the American public is not satisfied with the status quo. The Governors in the States are not satisfied with the status quo. The attorneys general are not satisfied. And the Government has reneged on its commitment to the ratepayers to provide, by 1998, the capability of storing that waste, and the Government is not prepared to deliver. Yet, they have collected \$12 billion from the ratepayers.

I think I have made my case for the merits of this legislation. As we continue to debate, I urge my colleagues to reflect a little bit on the fact that we are all in this together and we all have to share the responsibility together.

Mr. President, I yield the floor. I see no other Senator wishing recognition. I wish the Chair a good day.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, at 7:20 p.m., the Senate adjourned until Wednesday, July 17, 1996, at 9:30 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate July 16, 1996:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RICHARD J. STERN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

MARCIENE S. MATTLEMAN, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD, FOR A TERM EXPIRING OCTOBER 12, 1998.

REYNALDO FLORES MACIAS, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 22, 1998.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

ALAN G. LOWRY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2001.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DORIS B. HOLLEB, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

LEVAR BURTON, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LUIS VALDEZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

VICTOR H. ASHE, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 5, 2000.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REGINALD EARL JONES, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2000.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE ON THE SENATE.

#### THE JUDICIARY

JOSEPH A. GREENAWAY, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

LAWRENCE E. KAHN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK.