

will highlight the importance of African traditions in the lives of so many Americans. Ms. Saint James is an accomplished author, poet, and award-winning illustrator of books for children and adults. She has previously been commissioned to create works of art for organizations like UNICEF, Dance Africa and the Girl Scouts of America.

Mr. President, it is important that we recognize the incredible contributions African-Americans have made to our nation's cultural heritage. People of all races will learn and be touched by their experience at Detroit's Museum of African-American History. On the occasion of the museum's grand opening, I know my colleagues join me in congratulating the men and women who helped make this remarkable institution a reality. •

#### ARLYNE BOCHNEK

• Mr. LEVIN. Mr. President, I rise today to recognize the achievements of Arlyne Bochnek, who is retiring from her position as regional director of the central region United Synagogue Youth. In her 9-year career with central region USY, Mrs. Bochnek has provided leadership and guidance to numerous young people in Michigan, Indiana, Ohio, Kentucky, West Virginia, and western Pennsylvania.

Mrs. Bochnek has been deeply devoted to her organization and the teenagers who make up its membership. She planned activities that encouraged young people to put their religious faith into action by giving back to their communities. Under her direction, teenagers throughout the Midwest have painted inner-city churches, volunteered at schools for the blind and homes for the elderly, and spent days cleaning up the environment. In addition, central region USY raises money to support charities in the United States, Europe, and Israel. This year, with Mrs. Bochnek's guidance, the teenagers of central region USY expect to raise \$17,000.

Arlyne Bochnek has been a powerful, positive influence in the lives of so many young people over the past 9 years. Her commitment to improving our communities and helping young people recognize the importance of volunteerism should serve as an inspiration to us all. I know my colleagues join me in expressing my appreciation and gratitude to Arlyne Bochnek on the occasion of her retirement from central region United Synagogue Youth. •

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE OF S. 104

• Mr. MURKOWSKI. Mr. President, in compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources has obtained a letter from the Congressional Budget Office containing an estimate of the costs of S. 104, the Energy Policy and Conservation Amendment Act, as reported from the committee. In addition, pursuant

to Public Law 104-4, the letter contains the opinion of the Congressional Budget Office regarding whether S. 104 contains intergovernmental mandates as defined in that act. I respectfully request that the opinion of the Congressional Budget Office be printed in the RECORD.

The opinion follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, March 21, 1997.  
Hon. FRANK H. MURKOWSKI,  
Chairman, Committee on Energy and Natural  
Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 104, the Nuclear Waste Policy Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kim Cawley.

Sincerely,

JUNE E. O'NEILL,  
Director.

Enclosure.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE S. 104—Nuclear Waste Policy Act of 1997

Summary: S. 104 would amend the Nuclear Waste Policy Act by directing the Department of Energy (DOE) to begin storing spent nuclear fuel and high-level nuclear waste at an interim facility in Nevada no later than November 30, 1999. The bill would direct DOE to continue site characterization activities at the proposed permanent repository site at Yucca Mountain, also in Nevada. Title IV would modify how the nuclear waste program is funded after 2002.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 104 would cost about \$4 billion over the 1997-2002 period. (The increase in 1997 spending only would be about \$15 million.) In addition, enacting the bill would affect direct spending—but not until 2002. Because S. 104 would not affect direct spending or receipts in either 1997 or 1998, pay-as-you-go procedures would not apply.

The state of Nevada and localities in the state would incur some additional costs as a result of this bill, but CBO is unsure whether the provisions causing those costs would be considered intergovernmental mandates, as defined in the Unfunded Mandates Reform Act of 1995 (UMRA). We estimate that the costs incurred by state and local governments would total significantly less than the threshold established in the law. (UMRA set a threshold of \$50 million for 1996, adjusted annually for inflation).

CBO estimates that S. 104 contains private-sector mandates that exceed the \$100 million threshold identified in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 104 over the next five years is shown in the table below. CBO estimates that building and operating an interim storage facility and continuing the study of the Yucca Mountain site as authorized by the bill would require appropriations of about \$4 billion over the 1998-2002 period, resulting in outlays of about \$3.8 billion over that period. In addition, section 401 would result in an increase in offsetting receipts in 2002 because it would require certain utilities to make a one-time payment of nuclear waste fees to the government of about \$2.7 billion before the end of fiscal year 2002. Under current law, this payment is not expected to be made until 2010 or later.

S. 104 also would affect direct spending in later years by ending the current mandatory nuclear waste fee. Lost receipts would total about \$630 million annually beginning in 2004.

	By fiscal year, in millions of dollars					
	1997	1998	1999	2000	2001	2002
<b>SPENDING SUBJECT TO APPROPRIATION</b>						
Spending Under Current Law:						
Budget authority <sup>1</sup> .....	382	0	0	0	0	0
Estimated outlays .....	375	38	0	0	0	0
Proposed Changes:						
Authorization level .....	0	555	1,000	940	855	640
Estimated outlays .....	15	490	782	894	917	751
Spending Under S. 104:						
Authorization level <sup>1</sup> .....	382	555	1,000	940	855	640
Estimated outlays .....	390	528	782	894	917	751
<b>CHANGES IN DIRECT SPENDING</b>						
Estimated budget authority .....	0	0	0	0	0	-2,700
Estimated outlays ..	0	0	0	0	0	-2,700

<sup>1</sup> The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget functions 050 (defense) and 270 (energy).

Basis of estimate: This estimate is based on DOE's program plan issued on May 6, 1996, and on information from the department concerning the costs of an interim storage facility. For purposes of the estimate, CBO assumes that S. 104 will be enacted by July 1, 1997, and that the department will proceed to develop an interim storage facility in Nevada to accept waste beginning in fiscal year 2000, as authorized by the bill. We assume that following the assessment of the viability of the Yucca Mountain site as a permanent waste repository, DOE would apply for a license from the Nuclear Regulatory Commission (NRC) to construct a permanent nuclear waste repository there in 2002, as detailed in the May 6, 1996, nuclear waste program plan.

#### Spending subject to appropriation

Yucca Mountain. S. 104 would direct DOE to proceed with its Civilian Radioactive Waste Management Program Plan of May 1996. This plan calls for continuing with the evaluation of the Yucca Mountain, Nevada site as a permanent repository for nuclear waste, and applying for a license from the NRC to construct a repository in 2002, if the site appears to be viable for this use. Based on information from DOE, we estimate this effort would cost about \$330 million annually over the 1998-2002 period.

Interim Storage Facility. The bill would require DOE to design and develop an interim nuclear waste storage facility at the Nevada test site. Based on information from DOE, we estimate the total costs of building, operating, and transporting nuclear waste to the Nevada facility would be about \$2.3 billion over the 1997-2002 period, including \$85 million appropriated in 1996. Spending from the existing \$85 million appropriation was made contingent upon enactment of an authorization of an interim nuclear waste repository, such as S. 104.

The facility would be built in two phases and designed to accept 55,000 metric tons of uranium (MTU). Initially, the facility would be designed to accept nuclear waste in special storage canisters; later it would accept fuel without canisters. If DOE does not apply for a license to construct a permanent repository in 2002, or if DOE does not begin to operate a permanent repository in 2010, the capacity could be increased to 75,000 MTU. Based on information from DOE, CBO estimates that the interim storage facility would initially cost about \$940 million to design, construct, and operate over the 1997-2002 period. This amount includes annual payments to Lincoln County, Nevada, of \$2.5 million before the first shipment of waste,

and \$5 million after waste shipments begin, as authorized by section 201.

The federal government would be responsible for all transportation costs for shipping nuclear waste from nuclear reactors to the interim storage facility by rail and heavy-haul trucks. Procurement of special shipping casts and waste storage canisters would account for most of the initial transportation costs. Based on information from DOE, we estimate that waste transportation costs would total \$1.4 billion over the 1997-2002 period. This amount includes \$10 million annually over the 1997-1999 period for grants to state, local, and tribal governments for emergency transportation planning and training of public safety personnel along routes used to ship waste to the Nevada facility.

Other Authorizations. Section 506 would direct the NRC to establish regulatory guidance for the training and qualifications of nuclear powerplant personnel. This authorization could result in an increase in the NRC workload, but would not result in a net cost to the government because the NRC recovers all costs of regulating the nuclear industry through user fees.

Section 508 would authorize DOE to compensate the Dairyland Power Cooperative for any cost related to the storage of nuclear waste at the cooperative's La Crosse reactor site, until this waste is removed for temporary storage or disposal. Based on information from DOE, CBO estimates that these storage costs would be \$1 million to \$2 million annually over the 1998-2002 period.

Section 509 would authorize such sums as are necessary to establish a decommissioning pilot program to decommission and decontaminate a sodium-cooled fast breeder experimental test-site reactor acquired by the University of Arkansas in 1976. Based on information from the university, this activity could cost \$20 million and take about four years to complete, assuming that all fuel has already been removed from the facility.

Section 602 would authorize continuation of the oversight activities of the Nuclear Waste Technical Review Board. Based on the board's ongoing work, CBO estimates this agency would spend about \$3 million annually over the 1998-2002 period, assuming appropriation of the necessary amounts.

#### *Direct Spending*

Section 401(a)(3) would result in an earlier payment by utilities to the government of about \$2.7 billion in one-time nuclear waste disposal fees. The bill would require these fees to be paid no later than the end of fiscal year 2002. Utilities that fail to make these payments in 2002 would have their nuclear operating permits suspended by the Nuclear Regulatory Commission. Under current law, these one-time fee payments, along with accrued interest, are due prior to the delivery of nuclear waste to a government storage or disposal facility. Currently, DOE does not expect such a facility to be available until 2010 or later. Thus, the bill would accelerate the payment of these one-time fees by at least 8 years. While this change would result in budgetary savings in 2002, the government would derive no significant benefit over the long run because it would otherwise receive the same amount later, with interest.

Starting in fiscal year 2004, section 401(a)(2) would limit the aggregate fees the government charges each year to electric utilities for disposal of nuclear waste to no more than the amount appropriated from the nuclear waste fund that year. CBO estimates that, under current law, income from these fees would total \$630 million annually over the 2004-2007 period and would decline in subsequent years as nuclear power plants are de-

commissioned. Because S. 104 would make annual fees dependent on future appropriations action after 2003, CBO cannot assume their collection for the purpose of estimating the budgetary impact of the bill. Therefore, we estimate that the bill would cause a loss of offsetting receipts (that is, an increase in direct spending) of \$630 million a year from 2004 to 2007 and of smaller amount in subsequent years.

In sum, CBO estimates that enacting the bill would decrease direct spending by \$2.7 billion in 2002, but would increase direct spending by \$2.5 billion over the following five years.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: *Mandates.* CBO is unsure whether the bill contains intergovernmental mandates, as defined in UMRA, but we estimate that costs incurred by state, local, and tribal governments as a result of the bill would total significantly less than the threshold established in the law. (UMRA established a threshold of \$50 million for 1996, adjusted annually for inflation.)

While S. 104 would, by itself, establish no new enforceable duties on state, local, or tribal governments, constructing and operating an interim storage facility, as required by the bill, probably would increase the cost to the state of Nevada of complying with existing federal requirements. CBO cannot determine whether these costs would be considered the direct costs of a mandate as defined by UMRA.

Based on information provided by state officials, CBO expects that state spending would increase by as much as \$30 million per year until shipments to the facility begin (assuming that they begin in fiscal year 2000) and \$5 million per year between that time and the time that the permanent facility at Yucca Mountain begins operations. This additional spending would support a number of activities, including emergency response planning and training, escort of waste shipment, and environmental monitoring. In addition, spending by Nevada counties for similar activities would probably increase, but by much smaller amounts. Not all of this spending would be for the purpose of complying with federal requirements.

These costs are similar to those that the state would eventually incur under current law as a result of the permanent repository planned for Yucca Mountain. DOE currently does not expect to begin receiving material at a permanent repository until at least 2010, while S. 104 would require that it begin to receive material at an interim facility in fiscal year 2000. As a result, the state would have to respond to the shipment and storage of waste at least ten years sooner than under current law. Further, the state's costs would increase because it would have to plan for two facilities.

#### *Other impacts*

Federal Payments to State and Local Governments. S. 104 would authorize payments to Lincoln County, Nevada, of \$2.5 million in each year before waste is shipped to the interim facility and \$5 million annual after shipments begin. In addition, the bill identifies several parcels of land that would be conveyed to Lincoln County and Nye County, Nevada by the federal government.

The state of Nevada might lose payments from the federal government if S. 104 is enacted, while Indian tribes might receive payments. The bill would amend section 116 of the Nuclear Waste Policy Act, which authorizes payments to the state of Nevada and to local governments within the state. Section 116 currently authorizes DOE to make grants to these governments to enable them to participate in evaluating and developing a site

for a permanent repository and to offset any negative impacts of such a site. S. 104 would authorize such payments only to affected local governments and Indian tribes, not to the state.

In recent years, Congress has appropriated amounts ranging from \$12 million to \$15 million per year under this section for Nevada and for local governments in the state. For the current fiscal year, however, the Energy and Water Development Appropriations Act, 1997 (Public Law 104-206) prohibits DOE from making any such payments to the state or to local governments.

Transportation. S. 104 would also amend the provision in current law that directs DOE to provide technical assistance and funds for training of public safety officials to state and local governments and Indian tribes through whose jurisdictions radioactive material would be transported. This bill would specifically authorize planning grants of \$150,000 for each such state and Indian tribe as well as annual implementation grants. CBO estimates that these grants would total about \$10 million per year over the 1997-1999 period. Further, the bill would prohibit shipments through the jurisdiction of any state or tribe that has not received technical assistance and funds for at least two years.

The state of Nevada could incur substantial additional costs relating to road construction and maintenance as a result of the shipment of waste by heavy-haul truck from the transfer facility in Caliente to the interim storage facility. Based on information provided by DOE, however, CBO expects that the federal government would pay most of these costs.

Estimated impact on the private sector: CBO has identified private-sector mandates in the bill that would accelerate the payment of certain fees by private nuclear utilities and impose new training standards and requirements on workers. CBO estimates that the direct costs of these private-sector mandates would exceed the statutory threshold established in UMRA (\$100 million in 1996, adjusted annually for inflation) in 2002. Because the bill would direct the federal government to begin storing nuclear waste at an earlier date than is now anticipated, the direct costs of these new mandates could be at least partially offset by savings to private nuclear utilities that would no longer have to pay for this storage.

Fourteen nuclear utilities have chosen the option, available to them under current law, to delay payment of certain one-time disposal fees and to pay the federal government the required additional interest. S. 104 would require nuclear utilities to accelerate payment of those fees to the government. CBO assumes that nuclear utilities would make the required payment of about \$2.7 billion to the government in 2002, which would be considered the direct cost of a private-sector mandate, as defined in UMRA. Under current law, such payments would be paid in 2010 or later, when DOE opens a permanent storage facility to accept nuclear waste.

Acceleration of these payments would likely result in a real economic loss to the utilities over the long run because interest on the payments is accruing at the rate paid on Treasury bills, which is lower than the market rate of interest. The industry does, however, expect to experience significant savings under S. 104 if interim storage facilities begin to accept nuclear waste in fiscal year 2000. Currently, spent nuclear fuel is stored at nuclear reactor sites around the country. Thus, nuclear utilities would save storage costs upon transfer of the nuclear waste to a federal facility.

S. 104 would also impose a mandate by requiring that the Secretary of Transportation

establish training standards applicable to workers directly involved in the removal, transportation, interim storage, and permanent disposal of spent nuclear fuel and high-level radioactive waste. These workers, under current law, are already required to undertake extensive training. Based on information provided by industry experts, CBO estimates that the added costs of this mandate would be minimal. In addition, these costs could be partially offset by appropriated funds designated to cover training costs. Section 203(c) would direct the Secretary of Energy to provide technical assistance and funds for training directly to non-profit employee organizations and joint labor-management organizations that implement safety and training requirements under this bill.

Estimate prepared by: Federal Cost: Kim Cawley. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Lesley Frymier.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.●

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-4

Mr. NICKLES. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 7, 1997, by the President of the United States: International Grains Agreement, 1995, Treaty Document No. 105-4.

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Grains Trade Convention and Food Aid Convention constituting the International Grains Agreement, 1995, open for signature at the United Nations Headquarters, New York, from May 1 through June 30, 1995. The Conventions were signed by the United States on June 26, 1995. I transmit also for the information of the Senate, the report of the Department of State with respect to the Conventions.

The Grains Trade Convention, 1995, replaces the Wheat Trade Convention, 1986, and maintains the framework for international cooperation in grains trade matters. It also continues the existence of the International Grains Council.

The Food Aid Convention, 1995, replaces the Food Aid Convention, 1986, and renews commitments of donor member states to provide minimum annual quantities of food aid to developing countries.

The International Grains Council and the Food Aid Committee granted the

United States (and other countries) a 1-year extension of time in which to deposit its instruments of ratification, and have permitted the United States in the meantime to continue to participate in the organizations.

It is my hope that the Senate will give prompt and favorable consideration to the two Conventions, and give its advice and consent to ratification so that ratification by the United States can be effected and instruments of ratification deposited at the earliest possible date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 7, 1997.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-5

Mr. NICKLES. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 7, 1997, by the President of the United States: The Flank Document Agreement to the CFE Treaty, Treaty Document No. 105-5.

I further ask unanimous consent that the treaty be considered as having been read for the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

I transmit herewith, for the advice and consent of the Senate, the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, which was adopted at Vienna on May 31, 1996 ("the Flank Document"). The Flank Document is Annex A of the Final Document of the first CFE Review Conference.

I transmit also, for the information of the Senate, the report of the Department of State on the Flank Document, together with a section-by-section analysis of the Flank Document and three documents associated with it that are relevant to the Senate's consideration: the Understanding on Details of the Flank Document of 31 May 1996 in Order to Facilitate its Implementation; the Exchange of Letters between the U.S. Chief Delegate to the CFE Joint Consultative Group and the Head of the Delegation of the Russian Federation to the Joint Consultative Group, dated 25 July 1996; and the Extension of Provisional Application of the Document until May 15, 1997. I take this step as a matter of accommodation to the desires of the Senate and without prejudice to the allocation of rights and duties under the Constitution.

In transmitting the original CFE Treaty to the Senate in 1991, President

Bush said that the CFE Treaty was "the most ambitious arms control agreement ever concluded." This landmark treaty has been a source of stability, predictability, and confidence during a period of historic change in Europe. In the years since the CFE Treaty was signed, the Soviet Union has dissolved, the Warsaw Pact has disappeared, and the North Atlantic Alliance has been transformed. The Treaty has not been unaffected by these changes—for example, there are 30 CFE States Parties now, not 22—but the dedication of all Treaty partners to achieving its full promise is undiminished.

The CFE Treaty has resulted in the verified reduction of more than 50,000 pieces of heavy military equipment, including tanks, armored combat vehicles, artillery pieces, combat aircraft, and attack helicopters. By the end of 1996, CFE states had accepted and conducted more than 2,700 intrusive, on-site inspections. Contacts between the military organizations charged with implementing CFE are cooperative and extensive. The CFE Treaty has helped to transform a world of two armed camps into a Europe where dividing lines no longer hold.

The Flank Document is part of that process. It is the culmination of over 2 years of negotiations and months of intensive discussions with the Russian Federation, Ukraine, our NATO Allies, and our other CFE Treaty partners. The Flank Document resolves in a cooperative way the most difficult problem that arose during the Treaty's first 5 years of implementation: Russian and Ukrainian concerns about the impact of the Treaty's equipment limits in the flank zone on their security and military flexibility. The other Treaty states—including all NATO Allies—agreed that some of those concerns were reasonable and ought to be addressed.

The Flank Document is the result of a painstaking multilateral diplomatic effort that had as its main goal the preservation of the integrity of the CFE Treaty and achievement of the goals of its mandate. It is a crucial step in adaptation of the CFE Treaty to the dramatic political changes that have occurred in Europe since the Treaty was signed. The Flank Document confirms the importance of sub-regional constraints on heavy military equipment. More specifically, it revalidates the idea, unique to CFE, of limits on the amount of equipment particular nations in the Treaty area can locate on certain portions of their own national territory. Timely entry into force of the Flank Document will ensure that these key principles are not a matter of debate in the negotiations we have just begun in Vienna to adapt the CFE Treaty to new political realities, including the prospect of the enlarged NATO.

I believe that entry into force of the CFE Flank Document is in the best interests of the United States and will