

of nuclear waste is far more difficult than critics are willing to admit. It is far more difficult than even the technical community thought it would be when they started. That difficulty should not be a mystery. We are undertaking a mission that has never been done before. We are starting down a path to completely isolate from the environment the most dangerous material in human history for a period longer than recorded human history.

We have no experience with such an assignment, so a lot of options must be explored to provide a foundation for the assumptions we must make to evaluate effectiveness of final design. Utilities have pushed these time lines. The reality of a permanent repository demands a research program in which many unforeseen obstacles must be understood and resolved.

These things take time and money. The Congress has seen fit to deny the money, so more time has been required than was initially estimated.

Complaints about returns on the investment in Yucca Mountain have no basis in fact either. Those who benefit from nuclear power have been paying into the nuclear waste repository at the rate of 1 mill per kilowatt hour. Those collections today amount to nearly \$12 billion, much of which has yet to be spent.

So there is a lot of talk about abuse of this fund by inappropriate application of its resources. It is true that more has been collected from the ratepayers than has been appropriated for waste disposal to date, but the final bill for a permanent repository is estimated to be between \$34 billion and \$50 billion. That is more than the current plan proposes to collect, so it is likely the ratepayers will come out ahead.

That means the general public will contribute to the waste repository so that ratepayers will get a break before all is said and done.

I agree that the waste fund should not be applied to inappropriate activities, and I do not think it has. I agree that we should be vigilant to see that all the ratepayers' contributions are used for the permanent disposition of spent nuclear fuel. But I also believe that the general taxpayers should not have to pick up the tab for a repository except for that fraction dedicated to disposition of defense nuclear waste from whose generation we all benefited through assurance of our national security.

S. 104 provides no improving legislation with regard to funding the repository, and none is needed now. The returns on Yucca Mountain investments will be realized when the characterization is complete and not before. Site characterization must be completed before we see clearly the path of future actions.

In short, my friend from Minnesota has not addressed the problems that we face. Those problems are the environmental laws are not being met. The transportation problems are certainly

not being met. And the fact is that there are many, many problems still in existence.

The parties to the current litigation regarding DOE's contracts with waste holders are using on-site storage costs to justify their threats to seek damages from the Government. We have gone into this on many occasions.

Sponsors of S. 104 stood and argued on this floor that only passage of this bill will relieve every American of this huge obligation. The actual incremental costs of on-site storage at the generator sites is minimal. That cost is negligible when compared to the costs of transportation and the costs that the permanent or temporary repository would cost.

I believe that we should understand that we are here as a result of the nuclear power industry, and that reason only. There are certainly, Mr. President, many reasons why the statement of the Senator from Minnesota was without fact. Those are spread across this record. We have answered such statements on many occasions these past 7 days.

#### HANFORD NUCLEAR RESERVATION

Mr. GORTON. Mr. President, I would like a clarification of the scope and intent of the committee's third amendment to S. 104. That amendment, which is incorporated into section 204(b)(1)(D) of the act, states that the President shall not designate the Hanford Nuclear Reservation in the State of Washington as the site for construction of an interim storage facility.

Am I correct in my belief that this amendment defines interim storage facility in a way that would not preclude steps that the Washington Public Power Supply System might need to take with regard to the storage of the spent nuclear fuel generated at the WNP-2 facility?

Mr. MURKOWSKI. The Senator is correct. The intent of the committee in adopting the third committee amendment was to prevent the President from designating the Hanford Nuclear Reservation as the site of the nationwide interim storage facility for all civilian and spent nuclear fuel and high-level radioactive waste from U.S. commercial reactors. This amendment is not intended to preclude steps that an individual utility, such as the supply system, might need to take to manage the storage of its own spent nuclear fuel.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(The remarks of Mr. NICKLES pertaining to the introduction of S. 570 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to proceed as in morning business.

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

#### BISON IN YELLOWSTONE PARK

Mr. THOMAS. Mr. President, I rise to talk about a difficulty that we have had this winter in Wyoming and Montana in the Yellowstone Park area with respect to buffalo. Many of you, of course, have read about the problem as a result of an extremely difficult winter, freezing rain and snow, lack of feed, and I think also an excessive number of buffalo. As chairman of the Senate Energy Committee Subcommittee on National Parks, I come to the floor today to announce that we plan to hold hearings on the prospective plan for bison in Yellowstone Park next year. It is not our purpose to particularly pick apart what happened last year, but what we want to do is avoid the same thing happening in the year that is to come.

Many of you have probably read in this weekend's New York Times some details about the conflicting and contentious perspectives regarding bison and the issue of brucellosis. The hearing I plan to have will be to spur the Interior Department to set a plan for the upcoming year. If we do not, then we might very well end up with another year of the same kinds of difficulties.

Many buffalo in Yellowstone Park are afflicted with brucellosis, which is a major threat to the surrounding livestock States that border on Yellowstone Park, particularly, in this case, Montana. Unfortunately, the only solution that has been developed so far for the Park Service in the State of Montana is to shoot the buffalo as they come out of Yellowstone. Clearly, that solution is not acceptable. We have to find one that is a long-term solution to the problem.

Management of the bison herd in Yellowstone is not a brand new idea. Clearly, there has to be some kind of management to a herd of this kind. There has been a great deal of interest in having a natural, free-roaming herd, which would be a nice thing. Up until about 1967, however, it was managed very closely. Then the decision was made to let the herd simply act as it would in a natural situation and be controlled by the lack of feed and predators and all those kinds of things. Unfortunately, that is not very workable in a park that is visited by 3 million people a year, in a park where other kinds of controls are not in place. So the result is the herd had grown from somewhere in the neighborhood of 1,500 bison to nearly 4,000. There are over 3,500. As long as the weather circumstances and the grazing circumstances were excellent, they were able to get by, even though most observers did note that the grazing there was damaged considerably by that number of bison.

So the Park Service has made some efforts to address the matter. But the fact is that there has not been any real leadership for doing something over a period of time. Instead of facing the problem, the Park Service focused on the theory of natural regulation. As you can see by the events of last year, that natural regulation did not resolve the matter. Natural regulation does not work well when one Federal agency holds the threat over ranchers in the State that they will be stripped of their brucellosis-free status if bison cross into their State. At the same time, another Federal agency encourages wildlife to migrate from the park by not developing a proper management plan. This is precisely, of course, what happened.

It is more a problem in Montana than it is in Wyoming. You at least have a buffer in Wyoming, on both the south and east sides of the park, of a forest wilderness area; whereas, in fact, private property grazing takes place immediately outside of the park on the Montana side.

So, in order to avoid repeating that unfortunate situation, where a good number of bison starved to death in the park and another number was shot as they went out of the park to avoid the problem of brucellosis, we think we need to find a more innovative solution. The time for finger pointing is over. It has been sort of a tough deal out there, with everybody being involved.

What we need is some strong leadership to face the issue. Unfortunately, the President has still not appointed a new Director of the Park Service. It is a little difficult to deal with the Park Service and Interior Department in terms of policy, in terms of the future, when there really is not a permanent Director there. So we clearly need, and it is very vital that we have, focused and solid leadership in the National Park Service. In fact, I have sent a letter today to the President urging he do that.

Along with Chairman MURKOWSKI, I and others on the Senate Energy Committee are willing to work with the administration to develop positive and constructive solutions. As a matter of fact, we have held a couple of general hearings on the park. Our purpose in the next several months will be to take a look at the park to find a way, a very positive way, to strengthen the National Park System. We have about 375 parks. I think they are among the most important elements of our culture and our history, and our effort ought to be increased to maintain those natural resources as well as providing an opportunity for visitors to enjoy them.

So, we are ready to address the tough issues and launch a pro-parks agenda for this next year to try to make some moves to ensure that this buffalo incident does not occur next year and that we find a solution that protects not only the buffalo, protects not only the resource, but also protects the sur-

rounding States and their very important livestock industries and allows them to remain in a brucellosis-free certification area. So we will be moving forward on that, Mr. President. I appreciate the opportunity, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### NUCLEAR WASTE POLICY ACT AMENDMENTS

The Senate continued with the consideration of the bill.

Mr. CRAIG. Mr. President, the Senate has before it at this moment, and has for some days, through tomorrow, the consideration of Senate bill 104, the Nuclear Waste Policy Act of 1997.

Senator FRANK MURKOWSKI, chairman of the Energy and Natural Resources Committee, and myself, along with a good number of others of our colleagues, have recognized the need for this Government and this Congress to clarify its position on high-level nuclear waste and spent fuel in compliance with the Nuclear Waste Policy Act of 1982, as amended in 1987.

As a result of that recognition, that is exactly what we are doing. We are certainly encouraging at this moment a resounding passage of this bill tomorrow.

Mr. President, last week my colleague from Alaska, the chairman of the committee, introduced the substitute. I am discouraged that in spite of all the work we have done, the administration has not withdrawn its veto threat of this legislation.

We have listened to the other side. We have incorporated amendments from the other side. We have now picked up substantially more Members from the other side who are supporting this bill.

I have recently reviewed, once again, the basis for the veto threat and I find no remaining legitimate reason for this administration to be in opposition.

Let me address just a couple of specifics for just a few moments.

The statement of administration policy states that S. 104 would effectively establish Nevada as the site of an interim nuclear storage facility before a viability assessment of Yucca Mountain is completed. Not true. Mr. President, let me repeat, that is an untrue statement.

S. 104 designates the Nevada site as the location for the interim storage facility after—after—the DOE completes the viability assessment in 1998.

The statement of administration policy states that S. 104 would create loopholes in the National Environ-

mental Policy Act. The truth is that the substitute has lengthened the duration of both licensing and public participation opportunities. Again, what the President said and what is in fact in the legislation simply do not relate.

The statement of administration policy states that S. 104 replaces the Environmental Protection Agency's authority to set acceptable radiation release standards with a statutory standard. Again, we have fully addressed this concern. Our substitute reverses the approach on setting an environmental standard for the deep geologic repository. S. 104, as introduced, set a standard of 100 millirem. Last week, I addressed this body and set this 100 millirem in the proper context of everyday risk from everyday living. I noted for my colleagues that we receive an annual radiation dosage of 80 millirem simply by spending most of our time inside the U.S. Senate. Why? It is a product of the radiation that comes from the granite structure around the Senate body itself. In other words, the normal decay of stone that is part of the structure of this Capitol.

We have listened, however, to the concerns of our opponents and the administration, that this legislation should contain a risk-based standard. We have heard discussions. We have listened to those suggestions and adopted the recommendations of the National Academy of Science.

In our openness to enhance the broad bipartisan support already enjoyed by this legislation, we have listened to all of those suggestions. Therefore, our substitute now requires that the Environmental Protection Agency determine a risk-based radiation standard for the repository.

In other words, we tried to utilize all national and international standards that are acceptable to the public, based on science, but were forced to say, OK, you won't believe the truth, then we will allow the Environmental Protection Agency latitude in developing those standards. Our substitute directs that the Environmental Protection Agency set this radiation standard in accordance with the National Academy of Science's recommendations.

Mr. President, I commend my colleague, the chairman of the Energy and Natural Resources Committee, the Senator from Alaska, for conducting a process for developing this legislation and this substitute, in what I believe to be an unprecedented character of openness and willingness to hear and respond to the concerns of our opponents. There is simply, Mr. President, no legitimate remaining basis for the administration's opposition to this legislation. I urge the President of the United States not to fight this Congress. This Congress will soon express its will on the issue and, most likely, the outcome will be the same broad, bipartisan consensus that we developed in the last Congress.

Mr. President, I said a few days ago on this floor that this legislation was