

Second, it is clear that nothing has changed since the end of the last Congress, when we finally gave education the attention it deserved and began to really do what should be done at the national level to support education. We need to keep that up, and maintain that momentum in this new Congress. I do believe we can renew our efforts to improve education, renew our efforts to put resources where the people of this country want them, and that is in the education of their children. There should be no letdown in the efforts of Congress in this regard.

Mr. President, I look forward to the additional opportunities in the coming weeks to focus on some of these issues, and I hope we can pursue this set of issues on a bipartisan basis and make real progress for the American people.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

Will the Senator withhold his request?

Mr. ENZI. Mr. President, I ask unanimous consent for 5 minutes in morning business.

The PRESIDING OFFICER. The Senator from Wyoming is recognized to speak for 5 minutes.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S. 180 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. I thank the Chair, and I yield the floor.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Alaska.

THE NUCLEAR WASTE POLICY ACT OF 1997

Mr. MURKOWSKI. Mr. President, last summer the U.S. Court of Appeals issued a ruling that confirmed something that many of us already understood. The Federal Government has an obligation to provide a safe, centralized storage place for our Nation's spent fuel and nuclear waste, beginning less than 1 year from today.

This is a commitment that Congress and the Department of Energy made 15 years ago. We have collected \$12 billion from the American ratepayers for this purpose. But, after spending some \$6 billion, the Federal Government is still

not prepared to deliver on its promise to take and safely dispose of our Nation's nuclear waste by 1998. Hard-working Americans have paid for this as part of their monthly electric bill. They simply have not gotten any results.

So a lawsuit was filed and the court confirmed that there is, indeed, a legal obligation as well as a moral one. We have reached a crossroads. The job of fixing this program and this injustice is ours. The time for fixing the program is now.

Today in this country, high-level nuclear waste and highly radioactive used nuclear fuel is accumulating at over 80 sites in 41 States, including waste stored at the Department of Energy's weapon facilities. It is stored in populated areas near our neighbors, near our neighborhoods, near our schools, on the shores of our lakes and rivers, in the backyards of constituents young and old across this land. Used nuclear fuel is being stored near the east and west coasts where most Americans live, maybe in your town and near your neighborhood. Used fuel is being stored in pools that were not designated for long-term storage.

Some of this fuel is already over 30 years old. Each year that goes by, our ability to continue storage of this used fuel at each of these sites in a safe and responsible way diminishes. It is irresponsible to let this situation continue. It is unsafe to let this dangerous radioactive material continue to accumulate in more than 80 sites all across the country, in 41 States. It is unwise to block the safe storage of this used fuel in a remote area away from high populations. It is a national problem that requires a coordinated national solution.

Yesterday, on behalf of myself and 19 other cosponsors, I introduced the exact text of S. 1936 from the 104th Congress as S. 104, the Nuclear Waste Policy Act of 1997. This legislation was passed by the Senate last summer by a vote of 63 to 37. It sets forth a program that will allow the Department of Energy to meet its obligations as soon as humanly possible.

S. 104 provides for an integrated system to manage used fuel for commercial nuclear powerplants and high-level radioactive waste from the Department of Energy's nuclear weapons facilities. The integrated system includes construction and operation of a temporary storage center, a safe transportation network to transfer these byproducts, and continuing scientific studies at Yucca Mountain, Nevada, to determine if it is a suitable repository site. During the floor consideration of the bill last year, we received many constructive suggestions for improving that bill. The final version passed by the Senate incorporated most of these changes.

The most important provisions of the bill include: First, the role of the Environmental Protection Agency. The bill provides that the Environmental Pro-

tection Agency shall issue standards for the protection of the public from releases of radioactive materials from a permanent nuclear waste repository. The Nuclear Regulatory Commission is required to base its licensing determination on whether the repository can be operated in accordance with the Environmental Protection Agency's radiation protection standards.

The National Environmental Policy Act, or NEPA—the bill complies fully with NEPA by requiring two full environmental impact statements, one in advance of operation of the temporary storage facility and one in advance of repository licensing by the Nuclear Regulatory Commission. The bill provides that, where Congress has statutorily determined need, location, and size of the facilities, these issues need not be reconsidered. There is simply no rationale for requiring that.

Another concern is transportation routing. The bill provides that, in order to ensure that spent nuclear fuel and high-level nuclear waste is transported safely, the Secretary of Energy will use transportation routes that minimize, to the maximum practical extent, transportation through populated and sensitive environmental areas. The language also requires that the Secretary develop, in consultation with the Secretary of Transportation, a comprehensive management plan that ensures the safe transportation of these materials.

Under transportation requirements, the bill contains language clarifying transportation of spent fuel under this act shall be governed by the requirements imposed by all Federal, State and local governments and Indian tribes, to the same extent as any other person transporting hazardous materials in interstate commerce.

With regard to the interim storage facility, in order to ensure that the size and scope of the interim storage facility is manageable, yet adequate to address the Nation's immediate spent fuel storage needs, the bill 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 expanded to 60,000 metric tons if the Secretary fails to meet his projected goal with regard to the licensing of the permanent depository site.

With respect to the preemption of other laws, a provision of the bill would provide that if any law does not conflict with the provisions of the Nuclear Waste Policy Act and the Atomic Energy Act, that law will govern. Further State and local laws are preempted only if those laws are inconsistent with or duplicative of the Nuclear Waste Policy Act or the Atomic Energy Act. The language is consistent with the preemption authority found in the existing Hazardous Materials Transportation Act.

Finally, the bill contains bipartisan language that was drafted to address this administration's objections to the

siting of an interim facility at the Nevada test site before the viability assessment of the Yucca Mountain permanent repository site was available. The language provides construction shall not begin on an interim storage facility at Yucca Mountain before December 31, 1998. 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, 6 months before construction can begin on the interim facility.

If, based on the information before him, the President should determine in his discretion that the Yucca Mountain site 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 if the President makes such a determination, he shall in 18 months designate an interim storage site. If the President should fail to designate a site or if a site he has designated has not been approved by the Congress within 2 years of his determination, the Secretary is instructed to construct an interim storage facility at the Yucca Mountain site.

This ensures the construction of an interim storage facility will not occur before the President and Congress have had ample opportunity to review the technical assessments of the suitability of the Yucca Mountain site for a permanent repository and to designate an alternate site for interim storage. However, this provision will also ensure that ultimately an interim storage facility site will be chosen.

Without this assurance, Mr. President, we leave open the possibility that we will find in 1998, just a year away, that we have, one, no interim storage; two, no permanent repository program; and three, after more than 15 years and the expenditure of \$6 billion, we are back right where we started in 1982 when we passed the first version of the Nuclear Waste Policy Act.

During the debate that will unfold, we will undoubtedly have our friends from Nevada oppose the bill with all the arguments they can muster. That is understandable. They are merely doing what Nevadans have requested them to do.

But the difficulty we have with this issue, Mr. President, is nobody wants nuclear waste stored in their State. But you can't make it disappear. It has to be stored somewhere. What better site than the Nevada test site, the area in the Nevada desert where we tested nuclear devices for nearly 50 years.

Has any better site been identified by the scientists who have searched throughout the United States and even areas outside the United States? The answer is that there has not been any better site suggested.

So I implore those who criticize how we propose to dispose of this obligation to consider that they, too, have an ob-

ligation to come up with an alternative. The reality is, there have been a number of years to come up with those alternatives. Nobody has come up with one. In the meantime, an industry that generates nearly 22 percent of the total energy produced in this country is finding its storage sites filled to the maximum. The industry ability to store spent fuel at the reactor sites is limited by the legal requirements of the individual States, and some of the antinuclear groups see this as a way to terminate the nuclear industry, as we know it in the United States today.

In my opinion, those who have this objective are irresponsible, because they fail to tell us how we are going to generate the power that is currently provided by the nuclear industry in this country. Are we going to have more power generated by burning coal? Is it going to be more oil production? Is it going to be more hydroelectric production?

There is a give-and-take associated with this, and as we address the issues of global warming and greenhouse gases, it must be recognized that the nuclear industry makes a positive contribution to energy generation in this country, as those concerns are not matters of significance relative to nuclear power generation.

Again, the reality is nobody wants nuclear waste in their State, but it has to go somewhere. I have the utmost respect for my colleagues, my friends from Nevada. We have talked about this issue at length, and we have a simple difference of opinion. But, again, although they criticize storing it in their State, at the area where we have tested nuclear weapons for some 50 years, they really don't have a viable alternative either.

Some suggest we simply leave it where it is. Leave it at the sites in the 41 States. Well, we can't do that, Mr. President.

There is other technology being developed by the French and Japanese that reprocesses nuclear waste, recovers the plutonium, and reinjects it into the reactors, and reduces the proliferation threat. That is not a policy that is supported by this administration. Nor is it a policy that is supported by the Department of Energy although someday, I am afraid, we are going to have to look at that as a relief if we are unable to open a geologic repository for the spent fuel.

But in the meantime, this material is piling up at various sites around the United States, and a temporary central repository that stores spent fuel on the surface, in special casks that are approved by the Nuclear Regulatory Commission, is the appropriate action to be taken at this time.

As U.S. Senators, we have an obligation to take a nationwide perspective on a problem. We must do what is best for the country as a whole, and this is certainly a case in point.

No one can continue to pretend that there is an unlimited amount of time to deal with this problem. The Federal Government has entered into a contract with the ratepayers. They collected the funds. Now they must act and must act to ensure there is a safe, secure and responsible place to put the radioactive waste, and it is an obligation that we have committed to fulfill.

The court did not address the issue of remedies. The court was very clear that the Department of Energy has an obligation to take spent nuclear fuel in 1998, whether a repository is ready or not. The reality is a repository cannot be ready by that date. So I assume there are going to be a series of lawsuits filed against the Federal Government. That is another full employment act for the lawyers, Mr. President.

But so far, the Department of Energy's only response to the court decision has been to send out a letter asking for suggestions on how it can meet its obligation to take spent fuel in 1998. It is clear that we all agree on the question. Now is the time for answers.

We have a clear and simple choice. We can choose to have one remote, safe and secure temporary nuclear waste storage facility, or through inaction, through delay, we can face an uncertain judicial remedy which will almost certainly be costly, and which is unlikely to actually move waste out of America's backyards.

It is not morally right to shirk our responsibility to the environment and the future of our children and grandchildren. This is a situation we have created, and it is an obligation we must fulfill. We cannot wait until 1998 to decide where the Department of Energy will store this nuclear waste.

We have received letters from 23 Governors and attorneys general, including Arizona, Arkansas, Delaware, Florida, Georgia, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and Wisconsin, specifically urging this Congress to pass, and the President to sign, a bill that will provide for interim storage at the Nevada test site.

Congress must speak now and provide the means to build one safe monitored, temporary storage facility at the Nevada test site, a unique site so remote that the Government has used it to explode nuclear weapons for over 50 years, or, if that is not sufficient, another site designated by the President and Congress.

The jury is in on this issue. The time is now. The Nuclear Waste Policy Act of 1997 is the answer, and I urge my colleagues to join with me in cosponsoring this legislation and support the passage of S. 104 in the 105th Congress.

Mr. President, I yield the floor.