

MEASURE READ THE FIRST  
TIME—S. 1832

Mr. REID. Mr. President, I understand that S. 1832 introduced earlier by Senator KENNEDY is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1832) to amend the Fair Labor Standards Act of 1978 to increase the Federal minimum wage.

Mr. REID. Mr. President, I now ask for its second reading and, in addition thereto, object on behalf of the majority.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand this bill will be read the second time on the next legislative day?

The PRESIDING OFFICER. That is correct.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WARNER. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. WARNER. The Senator from Virginia understands the parliamentary situation is I can offer a resolution, a sense of the Senate, in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER pertaining to the introduction of S. Res. 211 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Alaska.

NUCLEAR WASTE POLICY  
AMENDMENTS ACT OF 1999

Mr. MURKOWSKI. Madam President, it is my understanding that it was the leader's intention to lay down the nuclear waste bill, but there has been an objection raised. As a consequence, it is my understanding that we will be discussing the bill, recognizing that there may be procedural action by the leadership at a later date regarding the disposition of this legislation.

It is my intention to simply discuss the merits of the bill for a period that would accommodate the President, as well as my colleagues, recognizing it is Friday afternoon and there are Members who perhaps have other plans.

While it is not my intention to communicate to this body every thought concerning this matter that I have. I do have, through the cooperation of my staff, probably enough material to take 6 or 7 days. Hopefully, it will not take

that long to convince my colleagues that we have a problem in this country with our high-level nuclear waste program.

It is no secret there are not a number of States that are standing in line to take this waste. The fact is, most Members would wish for some type of a magic trick that would make this waste disappear. But the facts are, this waste is with us. It was created by an industry which contributes some 20 to 22 percent of the total electric energy produced in the United States. So it is our obligation to address how we are going to handle that waste.

We have, I think, like the ostrich, put our head in the sand regarding advanced technology addressing high-level nuclear waste that has advanced in other countries, particularly in France, and to a degree Great Britain and Asia.

The technology varies, but the basic premise is that spent fuel coming from our depleted cores within the reactors are taken, and through a chemical process, the plutonium is recovered and returned to the reactors as fuel. This is an oversimplification of the process, but, as a consequence, the proliferation threat of the plutonium is reduced dramatically because it is burned in the reactors. Not every existing reactor can utilize this technology, but technology is clearly available.

What is done with the rest of the waste? It is vitrified. That means the remaining waste is turned into a glass. The lifetime of that material has been reduced dramatically. It still must be stored, but it has a lesser radioactive life.

What we have here is a situation where my good friends on the other side have objected to consideration of this bill.

That objection suggests that they might have some other alternative other than simply delaying a resolution of this problem. If there is another alternative other than delay, I would hope my friends on the other side would bring that to my attention.

For the sake of full disclosure, as the junior Senator from Alaska, I do not have a constituency in my State on this issue. My hands, so to speak, from a self-interest point of view, are pretty clean. Oftentimes we have Members who are trying to foster a particular policy based on an interest in their State. We don't have high-level nuclear waste in Alaska. We have never had a nuclear power reactor, with the exception of a small program back in the early 1960s on one of our military bases. That facility has since been removed. The point is, the obligation I have is one as chairman of the Energy and Natural Resources Committee to try to get my colleagues to recognize that we collectively have a responsibility as to what we are going to do with this waste.

The industry is strangling on its waste. If we don't address it in a responsible way, the industry will de-

cline. It will decline for a couple of reasons. The storage at many reactors is at, or almost at, the maximum limit allowed by their licenses. That means that each reactor is licensed for the amount of waste that can be stored on the site of the reactor. Many of you have been to nuclear reactors. You have seen the blue pools where the spent rods are stored. There is a limit to how much storage is available. As a consequence, we run into a situation where some reactors have reached their maximum limit under the authorization and cannot continue to operate without some relief.

That relief, as I will indicate to my colleagues, was to have been provided by the Federal Government. The Federal Government contracted with the nuclear power industry in the United States to take this waste beginning in 1998. As often is the case, the Government doesn't seem to honor the sanctity of contractual commitments to the level the private sector does. The Government was unprepared to take this waste in 1998, even though there had been a continuing effort to meet the Government's obligation by opening a facility at Yucca Mountain, in Nevada, for the permanent placement of high-level nuclear waste. To date there has been almost \$7 billion expended in that process. That facility is not ready.

So what we have before us is a situation where the Government has violated its contractual commitments. The damages associated with that currently are estimated to be \$40 to \$80 billion. The U.S. taxpayer is going to have to accept the responsibility for these damages as a consequence of the Government's failure to initiate taking of the waste in 1998.

When you look at \$40 to \$80 billion, you must recognize that this obligation arises as a consequence of DOE's failure to perform the contract. This is basically damages. So we have a situation where nobody wants the waste, including the Federal Government that is contracted to take the waste as of 1998. We have a stalemate. We have an effort to ignore this waste as though it didn't exist, that it will go away. Some would even make the generalization that the Clinton administration simply does not want to address this issue on their watch.

There are all kinds of interests here. There are some of the environmental groups that don't want to see this issue resolved. They want to kill the nuclear power industry in this country. They certainly don't want to see it grow. There has not been a new reactor ordered in the United States since 1979. So we are not advancing, and we are not standing still; we are stepping back.

The consequences of this are: What are we going to do? How do we meet our obligation to provide power if, indeed, we lose a portion of our nuclear industry? Some suggest we will just reach out and find more natural gas.

We have had hearings in our committee that indicate you just don't plug in if you need more natural gas; you are going to have to depend on an expanded distribution system. That expanded distribution system isn't going to be built unless there is an increase in the price of gas. And to suggest you are going to have cheap gas available is strictly speculation. You will have to go after deeper gas. To give someone the incentive to drill in these more difficult areas, you are going to have to increase the price.

As a consequence, the critics of this legislation fail, I think, to meet their obligation to come up with an alternative as to where this energy is going to come from if we don't address this high-level nuclear waste issue. Leave it where it is?

Where is nuclear waste? Behind me we have a map that shows every Member of this body where it is today. It is stored in about 80 sites in 40 States. If you don't want to do anything about this, you are deciding to leave it where it is. Some of the Governors have indicated they are reluctant to support this legislation because it has been amended to accommodate the administration's proposal that it be authorized to take title to the waste at the site. The governors are fearful the waste will stay there. For the life of me, I can't understand that logic. If we don't do anything, it is going to stay there anyway. So we have to address the problem. Leave it where it is? Now you know where it is.

I am going to go through several States individually this afternoon because I think it is important that the States that depend on nuclear power have a general understanding of how much they have paid into the waste fund, how much they are dependent on nuclear power, and what is going to happen if we don't address this problem.

First is the State of Illinois. As you can see on the chart, the consumers in the State of Illinois have paid \$2 billion into the Nuclear Waste Fund. What is the Waste Fund? It is the Government. They paid the Government to take this waste. This started in 1982.

How many units do we have in Illinois? We have the Braidwood 1 and 2, Byron 1 and 2, Clinton, Dresden 2 and 3, LaSalle 1 and 2, Quad Cities 1 and 2. How much waste is stored? We have 5,215 metric tons of waste in the State of Illinois. In addition, the Department of Energy research reactor fuel is stored there, 40 metric tons. If you don't find a place for this, what is going to happen? It is going to stay. Here, where it says "no vacancies," are the reactors by name and when they run out of storage space: Dresden 3, the year 2000; Dresden 2 in the year 2003; Clinton, 2003; 2006; 2006; 2013; 2015; and 2019.

We have a crisis coming up because the earliest, from all estimates, that we can have a facility ready to receive waste is in the year 2007. That is the

expedited schedule under S. 1287. We have done extensive work at Yucca Mountain. The tunneling is done. You can wander around in there. It looks very impressive. Why Yucca Mountain? Well, some of the people who make decisions decided that was the best place to put this waste because of the unique geography of the site. Nobody wants this material. Vermont has a lot of granite. It would probably make a good repository, but I am sure if the delegation from Vermont were here today, they would have something to say about it.

But the point is, it has to go somewhere. So they chose a site out in Nevada, a site where we have had nuclear testing for some 50 years. You might say it is polluted. It has been used over a period of time for hundreds of above-ground and underground nuclear explosions. So they decided to put it out there, and they spent almost \$7 billion of the taxpayers' money.

Back in Illinois, how significant is nuclear power in the mix? It is 39 percent of Illinois' power. I hope every person in Illinois understands this because it is their lights and pocketbook. You want to get nuclear waste out of here? You want your reactors to continue to be able to produce power? Or do you want your electric rates to go up when these plants close? Are you going to hold the Government responsible for the payment you made in your electric bill to take that waste when you paid them \$2 billion? They are in violation of the sanctity of that contractual commitment. So that is the story in one State, the State of Illinois.

But I am not through. We have a lot of charts, and we are going to go through a few.

The State of Michigan. They make a few automobiles out there, as I recall. We don't make automobiles in Alaska. We grow fish and trees in Alaska. The ratepayers paid \$696 million into the waste fund so the Federal Government would take their waste in 1998. They have four units: Cook 1 and 2, Fermi 2, and Palisades. The waste stored is 1,493 metric tons. The DOE has research reactor waste there as well. What happens? Palisades says 1992. So they are out of luck. Fermi 2 is down in 2001, and Cook and 2 are down in 2014. Michigan is 24-percent dependent on nuclear power.

The next chart: Arkansas. The ratepayers in Arkansas paid \$365 million to the Federal Government for the waste fund. You would think President Clinton, being from Arkansas, would have some interest in solving this problem. No way. They have two units, Arkansas 1 and 2. Waste storage is 690 metric tons. Unit 1, down in 1996; unit 2, down in 1997. What they have done is they took their waste out of the spent fuel pool, and put it on site in casks temporarily. That is where it is. The State allowed them to do that. We don't know if all the States are going to allow that. Now, mind you, that is

temporary. "Temporary" implies you are going to do something for a permanent solution. Arkansas is 33-percent dependent on nuclear power.

The next chart: The State of Oregon. They paid \$108 million into the waste fund. One unit, Trojan. Waste stored, 424 metric tons. It is the location of the Hanford site. Waste stored, 2,133 metric tons. Trojan closed for decommissioning. The waste stays in Oregon. If the Governor doesn't want relief, it is going to stay in Oregon.

Next is Louisiana. Waste fund, \$239 million. That is what the ratepayers paid in Louisiana. Two units, River Bend 1 and Waterford 3. Waste stored, 567 metric tons. What is happening? In the year 2002, down goes Waterford 3, and in 2007, down goes River Bend 1. The State of Louisiana is dependent 22 percent.

Georgia. The waste fees that the people in Georgia paid on their rate bills total \$529 million. Four units: Hatch 1 and 2 and Vogtle 1 and 2. Waste stored 1,182 metric tons. They have the Savannah River site. Waste stored, 206 metric tons. It is going to stay there. Hatch is out in 1999; Vogtle out in 2008. Georgia is 30-percent dependent on nuclear energy.

The dairy State, Wisconsin. What bothers me here is the fact that Members from these States should be concerned. You have been ripped off by the Federal Government. They are taking your consumers' money, and they haven't taken your waste. Do you want it to stay there? If you do, don't do anything. If you want to move it, you had better get behind some legislation. Three units, Kewaunee and Point Beach 1 and 2. Waste stored, 967 metric tons. Point Beach: They are storing it in casks on the surface at the nuclear reactor. Kewaunee goes down in 2001, and Point Beach goes down in 1995. They are 8-percent dependent on nuclear power.

Connecticut. We haven't had much concern from Connecticut. I can't imagine why. Connecticut is 43-percent dependent on nuclear power. That is the first quarter figures for 1999. The residents, in their utility bills, have paid in \$655 million for the Federal Government to take the waste. Two units, Millstone 2 and 3. Waste stored, 1,445 metric tons; DOE defense waste. They build a few nuclear subs in Connecticut. They have for a long time. Do you want us to be able to continue building those submarines? Millstone 2 is up in 2002. Millstone 3 is up in 2003. They are 43-percent nuclear dependent in Connecticut.

Next chart: The State of Washington, moving out near my part of the world. The waste fund contribution is \$344 million. Residents paid that amount in Washington in their utility bills. The Government didn't take the waste. One unit, WNP 2. Waste stored, 292 metric tons. No vacancy in 2000. Despite the fact that they have tremendous hydro in the State of Washington, they are 6-percent dependent on nuclear.

Moving on to Massachusetts. The ratepayers there paid \$156 million in their electric bills. One unit, Pilgrim 1. Waste stored, 495 metric tons. The State is 12-percent dependent.

That gives you some idea geographically of where this stuff is. It is all over the country.

We are trying to get consideration of the Nuclear Waste Policy Act Amendments of 1999.

This issue has been before this body before. We passed bills by broad bipartisan margins in previous Congresses but couldn't overcome a veto threat by our President from Arkansas. On that last vote there were 65 votes in support of the bill and 34 were opposed to it. Our President is from Arkansas. I guess he wants to leave the waste in Arkansas because he threatened to veto the bill. We didn't quite have a veto-proof vote. We only had 65 votes. That is pretty good around here.

Those bills were a complete substitute for the existing Nuclear Waste Policy Act of 1982. That bill gave the authority to build an interim storage facility for nuclear waste at a temporary above-ground storage pad adjacent to Yucca Mountain. In other words, the relief proposed in that bill was to move the waste into casks that were designed and engineered for transportation and move them out to Yucca Mountain where they could be stored temporarily in above-ground storage until such time as Yucca Mountain was ready to receive the waste.

I have another chart that shows how high-level waste moves around the country in the transportation network. It is important that you understand this high-level waste moves across the United States today. There have been from time to time suggestions made that somehow this can't be moved safely.

When we show you the chart, you will recognize that there is a risk involved in moving anything, including you and I. With proper precautions and with proper engineering, the risks can be reduced dramatically.

That is what has been done. When one considers the risk inherent in leaving this waste where it is, scattered around the country in places where it wasn't designed to be stored, or storing it onsite in casks, one has to question why there is such a concern over moving this waste to one concentrated site as was proposed initially in the previous legislation to establish interim storage at a temporary above-ground storage pad adjacent to the Yucca Mountain site.

Here are 30 years of safe transportation of used-fuel routes that occurred from 1964 to 1997. There were 2,913 shipments. There is the routing. They go from Portland to San Francisco, Los Angeles, Albuquerque, Phoenix, Denver, Cheyenne, Bismark, Minneapolis, Omaha, Des Moines, St. Louis, Oklahoma City, Nashville, Columbia, Raleigh, Richmond, Washington, DC, Philadelphia, New York, Syracuse,

Boston, Pittsburgh, Charleston, Cleveland, Detroit, Milwaukee, and St. Paul. They have been moved, and they have been moved safely.

I think there was one accident where somebody ran off the road. No damage was done to the spent fuel cask. The inherent safety of the technology within the casks resulted in no release of radiation. Sure, something could happen. Something could happen by leaving it where it is.

The fact is, with these numbers of shipments over that timeframe, there has never been a fatality. There has never been an injury. There has never been any environmental damage because of carriage of this radioactive cargo. To suggest we should suddenly become excited about the prospects of moving it, fails to recognize that we have been moving it for 30 years.

The previous legislation contained extensive provisions on licensing for Yucca and interim storage facilities, including NEPA radiation protection standards and transportation requirements. History tells us the administration, of course, threatened to veto this legislation because it opposed interim storage, and the justification for that was that they wanted the viability assessment to have been completed regarding the permit repository at Yucca Mountain. The viability assessment has been completed. So that is behind us. That is one roadblock that has been thrown in our way.

We have had, of course, a great deal of objection from our friends from Nevada. I can understand their objection. They don't want it in their State. Where are we going to put it? Are we going to put it in the District of Columbia, which belongs to everybody? We know the practicality of that is unrealistic. We know we have to store it somewhere. If it weren't for my friend from Nevada objecting, it would be my friend from someplace else objecting. But you can't continue to ignore the problem.

There is an anti-nuke movement out there that doesn't want to see any advancement of technology for anything that has anything to do with nuclear power generation. One thing they forget is what the nuclear power industry contributes to air quality. It makes the greatest contribution of any source because there are no air emissions. If you want to clean up the air, and we are concerned about global warming, nuclear is an answer. They won't have that. They want the status quo, which is doing nothing while the waste continues to pile up.

We are trying to accommodate the administration. We are trying to make advances so we can make progress on how we are going to address this problem.

In response to the administration's concern, the bill before us, Senate bill 1287, is a completely different approach. I hope my colleagues and staff who are watching this debate understand what this bill does. It is not a

complete substitute for the old act. It is a minimal approach. It does not contain interim storage provisions. We have taken those out because there has been great objection to that. The reason there is great objection is because the fear is that if you put spent fuel in Nevada in interim storage it will become permanent. I do not agree with this position, but I am not going to argue the point. Nevertheless, this legislation is different. It doesn't mandate an interim storage provision. So let's get that out of the debate. It is no longer in the bill.

There are two major things this bill does. First, it gives the Department of Energy the tools it needs to meet its commitment to move spent fuel by opening a permanent repository at Yucca Mountain. That is the policy. That is the objective. Every responsible policy-maker has agreed. We have to have an answer to this. The answer, of course, is the permanent repository at Yucca Mountain. One may not agree that is the correct answer, but we have collected over \$15 billion from the ratepayers to put that waste in that hole we dug at a cost of over \$7 billion at Yucca Mountain. That is our policy. We have to have some policy. Otherwise, we are going down a million rabbit trails at once.

The second major thing: It provides fair treatment for those who have fulfilled their end of the bargain by paying over \$15 billion under the contract, only to have DOE leave them literally holding the bag. This is pursuant to the contract to take the waste in 1998, which the Federal Government failed to do.

Specifically, this legislation, Senate bill 1287, clarifies the existing unconstitutional one House veto for raising the nuclear waste fee. It states, I think, appropriately, that only the Congress can vote to raise the existing one mill per kilowatt fee if necessary to pay the additional expenses anticipated in this program. We are saying only the Congress has that authority.

The bill allows plaintiffs in the lawsuit and the Department of Energy to reach voluntary settlements of DOE's liability for failing to take nuclear waste in 1998. To accommodate Secretary Richardson, with whom I have been working at great length, we have included the administration proposal to take title to the waste at reactor sites.

This offers the industry an alternative. They can do one of two things: They can either let the Government take title to the waste at site or they can choose to proceed to litigate their claim for the Government for failing to take the waste.

There is a radiation standard that has received a lot of consideration. The question is, Who sets the standard? Should it be the Nuclear Regulatory Commission that has the extended, in-depth expertise in nuclear matters and setting standards? Should that agency set the standard that protects the people of Nevada and other States without

imposing unnecessary and counter-productive restrictions?

Some will argue that the regulator ought to be the Environmental Protection Agency. The EPA should regulate and set the standard. Let's be sure we understand one another. That standard has to be reasonable. Otherwise, this whole thing is for naught.

The EPA has a rather curious record. Some suggest there are portions within the administration that don't want to have anything to do with nuclear energy; they are opposed philosophically to it. Are they going to be objective and set a standard that is unattainable on purpose? That is the real risk. This whole thing can be killed on that one issue. That has been known to happen. If they set a standard for groundwater comparable to the drinking water standard, this thing is through. The Government's money is wasted, and the \$6 billion in Yucca Mountain is wasted. I know some people would love to have it that way because we wouldn't be putting it in Yucca Mountain or Nevada and we would still have the problem.

Be careful of this one, colleagues. The bill contains a radiation standard set by the Nuclear Regulatory Commission. I am willing to take a look at other proposals as long as it will result in a rational standard.

The fourth issue in this new proposal is to allow the fuel to be accepted when the NRC authorizes construction of a permanent repository in the year 2007. Again, we assume that will be at Yucca Mountain. It allows the Department of Energy to begin moving fuel as soon as possible after Yucca Mountain is licensed in the year 2007.

I appeal to those States and those Governors who are following this debate who say wait, if this proposal goes and the Government takes title, it is still stuck in my State. I remind the Governors, if this bill does not pass, it is still stuck in your State. We have to have a vehicle to move this process along. Everybody is free to come in if they can build a better mousetrap.

Transportation provisions based on those used for the Waste Isolation Pilot Plant, or WIPP, are another provision. Again, I refer to the transportation chart. We move spent fuel all the time in the United States and around the world and have no release of radiation.

This revised bill builds on the existing safety system by adding money for education, emergency responders, local communities, transportation personnel, provisions for routing, allowing the State input, special rules for populated areas, and advanced notification for local government. That is not what is done now by the Federal Government; they just go ahead and move it. This is civilian, government-owned and military waste. The same stuff. It moves to Idaho, moves all over the country; we just don't say anything about it. Now we are saying: OK, public, this is what we will do. Is it any

less safe than what we are doing now? It will be safer if we pass S. 1287.

We will have an opportunity for a demonstration. Some folks will come out and have a field day. But they have an obligation, too. What will they do about this waste? Will they stand and block it so it can go back to where it came from? That is irresponsible.

Where is the administration? I am not sure. I talked to the Secretary. We have accommodated the Secretary. It was his proposal that said we would take the waste at site. I explained we are having problems with some of the Governors, particularly in the northeast part of the United States. They want to get this waste out of their area. They had better get behind something that will address a process so the waste can be moved, because if they don't, it will sit there forever.

We have eliminated the source of the administration's opposition to our previous bill on the issue of no interim storage, and on their suggestion relating to the Government taking title of the waste. I am not sure I understand whether the administration still opposes the bill, but I am sure my friends on the other side will enlighten me. They certainly have not come to the table to try to work constructively to resolve this problem which I believe we can no longer ignore.

I think it is the philosophy of the Clinton administration to simply ignore this for the remainder of their watch. As a consequence, it is delayed, delayed, delayed, delayed.

I have gone on for a reasonable period of time. I want to accommodate my colleagues. I see the Senator from Nevada waiting to be recognized, as well as some of my other colleagues.

Madam President has been most accommodating in allowing me this time, but I am inclined to yield the floor. This may be enough for me today, but I have about 680 more pages of material that, hopefully, will convince you, if I have not convinced you already.

With that, Madam President. I temporarily yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Madam President, I thank my colleague for yielding the floor. I wish we were in a position to be discussing how we can protect Social Security, I think that is something the American people are very much concerned about; how we could extend the solvency of Medicare and provide a prescription drug benefit; campaign finance reform; minimum wage. I think those are the things the American people would like to see this Congress act upon. I regret to say this legislation is pure, naked, special interest legislation, and I want to give some historical perspective, since my friend from Alaska recited some of the history itself.

In 1982, the Congress of the United States passed the Nuclear Waste Policy Act. The original concept of that act was an attempt to deal with a difficult issue but in a fair and balanced way. In

essence, what the act provided was that different geological formations in the country that might be suitable for waste—granite in the Northeast, salt domes in the Southeast, welded tuff in parts of the West—would be considered and studied; three sites would be referred to the President of the United States after the study, or, as the technical term is used, "characterization" is completed, and the President of the United States would select one of those.

The concept was there would be some geographical balance as well. And that is important, it strikes me, for us to understand. That carefully crafted and I think somewhat thoughtful approach was corrupted almost immediately by the political process. No sooner had the bill gone into effect than there was an effort, politically, to exclude certain regions of the country. The Northeast with the granite formations made it very clear, the Department of Energy records reflect, that because of the opposition from that part of the country, the Department of Energy, in effect, withdrew or abandoned any serious efforts to look at that. That had absolutely nothing to do with science or logic or balance or fairness.

Then, shortly thereafter, some of our colleagues from the Southeast raised concerns during the 1984 Presidential campaign, and lo and behold, assurances were given by the top levels of the then-administration that, indeed, the Southeast would be taken off the list.

In the 1982 Act, the Environmental Protection Agency was charged with the responsibility of a permanent repository health and safety standard that would be promulgated by the Environmental Protection Agency, something that was of overarching importance because the high-level nuclear waste we are talking about is not just messy stuff, unpleasant stuff; it is deadly, lethal, for tens and tens of thousands of years. So this is a major public health and safety concern, and the Congress chose the Environmental Protection Agency, created during the Nixon administration, to be, in effect, the agency to set that standard.

My friend from Alaska posed the question, rhetorically: Why Yucca Mountain? Let me respond to that, if I may. In 1987, an infamous piece of legislation known throughout my State as the "Screw Nevada Bill" was passed in the Congress. Unlike the 1982 Act, which said we will look across the country and develop three sites and have the President judge—in 1987 the "Screw Nevada Act" said we will look only at Yucca Mountain, no other place. That was not science. That was not logic. That was not fairness. That was not balance. That is the sheer force and impact of naked political power inflicted upon a State with a sparse population and a small congressional representation in the Nation's Capitol.

But even in 1987, at the request of the nuclear utility industry, which drives

this debate, there was no attempt to change the health and safety standards. Then, 1992 comes along, the energy bill. There was nothing debated in committee or in the floor amendments—but in conference. As my colleagues fully understand, but our friends who are listening to this at home may not, a conference report cannot be amended. In the conference report there was an attempt—it succeeded—to place a provision that sought to somehow weaken those public health and safety standards, and the National Academy of Sciences was introduced for the first time. They were to look at the public health and safety standards, make some recommendations, and the Environmental Protection Agency would have to conform its decision within the range of standards proposed by the National Academy of Sciences.

Make no mistake, the primary intent of doing that was to weaken health and safety standards. The proposal originated within the highest corporate board rooms in the nuclear power industry in America. I objected, as some of my colleagues did. Nevertheless, it became law.

That brings us to a somewhat contemporary point in time. I am not going to discuss the flaws of the interim storage proposal. When Congress passed this legislation back in 1982, they fully understood if an interim storage was located that would, in fact, become de facto the permanent nuclear waste dump. It makes no sense then. It made no sense when it was proposed in the last Congress. That is why the President of the United States very appropriately and responsibly said: I will veto that if it ever gets to my desk.

I have some sympathy for my friend from Alaska. He, as his predecessors, as chairman of the Energy Committee, has a responsibility to accommodate the requests of the nuclear power industry. My friend began the debate by saying, in effect: Look, we have a decision in which we have a decline in the industry. The industry is struggling. We are out of capacity. What are we going to do with all of this? Long before this Senator from Nevada arrived in the Chamber, those very words were heard by the then-chairman of the Senate Energy Committee, in 1981, when there was a proposal to develop what was then known as an away-from-reactor proposal; that is, move the waste away from the reactor site.

Then, in 1981, it was stated that nuclear plants would have to close down, there would be electrical brownouts in America. That was 18 years ago. No nuclear utility in America has closed down. No brownout has occurred because of the absence of storage issue. There is an answer, and it is the same that those who were our adversaries proposed for us in Nevada; and that is dry cask storage onsite, and many utilities have done that.

It is suggested in the course of this debate there is some need to take ur-

gent action. We have to do something. Let me say, I do not like the idea that Nevada got the shaft in the 1987 legislation. But the current law, if nothing occurs with respect to nuclear waste in this Congress, is that Yucca Mountain is going to be studied. And ultimately, if a determination is made as to suitability—and that determination has not yet been made; let me emphasize, no determination has been made that Yucca Mountain is suitable and there are a host of problems with that site. I will not get into extended comment on that today to keep my remarks somewhat abbreviated—but that process goes forward.

So, what is the circumstance? The circumstance today is that nuclear energy is an energy dinosaur.

There have been no new reactors ordered in America for more than two decades, and I suspect that even the most persuasive and articulate Members of this Chamber would have a very difficult time trying to persuade their community, look, what we need—I see the distinguished occupant of the Chair, perhaps a new city in her State—is a nuclear reactor right next door. It is not going to happen.

Why is it not going to happen? Because people, understandably, are very apprehensive and scared because they have seen some circumstances that have occurred around the world, and they are very much troubled by this.

This is a move by the nuclear utility industry that, in effect, has several flawed provisions I want to discuss ever so briefly.

With respect to the concern raised by my friend from Alaska that the tax ratepayers paid into this nuclear waste trust fund and that, indeed, the 1998 deadlines have not been met, the Senator from Alaska makes a fair point. They have not been met. There are many who say the nuclear utilities in 1982 forced upon the Department of Energy an unrealistic timeframe. Indeed, that has been the history of these various deadlines contained in some of the oversight by the Department of Energy over the intervening years.

I recognize the utilities have incurred additional expense because a permanent repository was not available in 1998 and will not be for some years ahead, even assuming Yucca Mountain. That is a red herring. That is not the issue. This Senator from Nevada and my colleague offered legislation as far back as 1990 saying: Yes, we have to compensate the utilities because there is no site available in that they are going to have to construct, in some instances, onsite storage in dry cast. That cost the ratepayers. We recognize it is fair to reimburse the utility for that expense.

The utilities would have no part of that because that is not their concern, that is not the agenda. They have something much different in mind, and they would like to shift the entire responsibility of this program, in effect, to the American taxpayer and not to the ratepayer.

This legislation proposes to compensate the nuclear utilities. I do not have a problem with that. It proposes the Federal Government take over the title. Whether that is good or bad is an issue on which I do not care to comment.

What it does that violates every sense of public health and safety and fairness and public policy is it moves the public health and safety goalposts in midcourse. Let me point this out.

The Environmental Protection Agency did, in fact, come with its recommendations as to what is an appropriate public health and safety standard. That is not just for Nevadans, but that is for Americans because although my friend from Alaska points out, yes, some nuclear waste has been transported across the country and there have been no major catastrophes, let us go back more than 20 years ago. The nuclear industry in America could say there has been no serious accident with respect to nuclear reactors in this country. But guess what. Three Mile Island occurred.

Nobody can make that contention today. I suppose the old politburo in the Soviet Union could have said at one point a bit more than 10, 15 years ago: Look, we have never had a serious nuclear reactor accident in the Soviet Union. But that was before Chernobyl, one of the biggest environmental disasters of our time. Radiation contaminated vast areas around the nuclear reactor site. Yes, my friend from Alaska suggests reprocessing and mixing this stuff is somehow a new elixir of life. I suppose the Ministry of Energy in Japan might have said a few months ago: We have never had a problem with that. They cannot say that anymore after the very serious accident which occurred in Tokyo and, indeed, tragically—I hope this is not the case—we are likely to see several fatalities as a result of that because of lethal doses.

“It has never happened, it is plenty safe, and do not worry about all this.” We are talking about tens of thousands of shipments, 77,000 metric tons.

My friend from Nevada, my senior colleague, wants to speak in a moment as well. Should the majority leader bring this up for debate, I assure my colleagues we will have extended debate for a week, if not longer, in which we will explore each of these things in some detail. That would be unfortunate because it would make it impossible for us to consider a whole host of legislation that is pending that many people in the Chamber, myself included, believe has a far greater priority than a special interest piece of legislation in which only the utilities are interested.

Public health and safety ought to be of concern whether you are for nuclear energy, against nuclear energy, or ambivalent. Here is what is involved: The Environmental Protection Agency proposes to establish a 15-millirem-per-year standard. That is the State rate of exposure on an annual basis—15 millirems. That, we are told, is outrageous, as if somehow the standard is

if we cannot build it, then let's reduce health and safety standards. That is fairly outrageous. We are talking about something that kills people. It is deadly, lethal. I would think everybody would say: Look, I have never agreed with you before on some of these things, but when they are trying to screw around with health and safety standards, that affects every American. This is the EPA proposal.

You will recall I talked about how the nuclear utilities thought they were going to game the system with the 1992 Energy bill. They got the National Academy of Sciences involved. The National Academy of Sciences looked at it and said: We recommend the millirem standard—that is the rate of exposure per year—be between 2 millirems and 20 millirems. The EPA standard is right in the middle. The NRC standard—and we know they are friendly with the industry—recommends 25 millirems. The legislation that may be considered goes to 30. That would double it.

Why are they doing that? They are trying to game the system. Remember, if nothing passes, Yucca Mountain continues to be studied and may, indeed, prove to be suitable. I hope not, I think not. But nevertheless, that process is in place.

Let me point out what we are dealing with with other EPA public health and safety standards. Some years ago, when I first came to the Senate, we were debating the WIPP facility, the waste isolation project. We set standards for them that dealt with lifetime cancer risk per 10,000 individuals. That standard was set at 3. That is what the EPA essentially is proposing for us as well.

Look what S. 1287, the bill the Energy Committee has processed, would do. It would be more than triple what we did for WIPP, taking it to 10 lifetime cancer risk per 10,000—a serious erosion of public health and safety.

What possible reason or why would anyone want to suggest that the good folks in Nevada, whether it is your favorite State or not, would not be entitled to the same health and safety protections provided to the good citizens of New Mexico? Why do we do that? It simply makes no sense at all.

One can look at Superfund standards, hazardous air pollutants—all of those are within this range, which is within the National Academy of Sciences' findings. Look how far S. 1287 is outside the envelope or protection that the National Academy of Sciences recommended.

Remember, the nuclear industry fully expected the National Academy of Sciences would have come up with a standard much more favorable to their point of view which, frankly, is minimal health and safety standards. Whatever it takes to get that site built, they could care less, in effect, about the public health and safety of folks who could be impacted by this. Pretty outrageous: 10 versus about 3—pretty outrageous.

So when we are talking about some of the fatal flaws in this legislation, I simply take the time this afternoon in joining my friend from Alaska in debate to point out something about which every American ought to be concerned. This is nuclear waste.

What industry comes to the Congress next year and says, we can't meet the standard that is set for public health and safety? You all, last year, did something for the nuclear power industry. Can you do something for us? In effect, what we would establish is a public policy precedent that would unravel public health and safety standards if the industries that are regulated do not like those standards. That is extraordinarily dangerous.

I say to my colleagues: Don't get stampeded on this piece of legislation. If nothing occurs, the characterization of study of Yucca Mountain—much to my dismay, but it is the law—will continue. This legislation is dangerous. It is enormously bad public policy. It is an incredibly bad precedent. And it is unneeded. To bring it up at this late hour in this session, when we are trying to wrap things up in the next couple of weeks, it seems to me, says something about our priorities here in the Congress.

I hope the distinguished majority leader does not bring this up. But I can assure him—and I do so with great respect—that it will be the only issue we will be discussing for some extended period of time because for Nevada this is a life or death proposition.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, there is going to be ample time in the months to come to debate this issue. As the RECORD is clear, this matter was brought up by the majority leader today, and there were a number of Senators on the floor, including the two Senators from Nevada and the Democratic leader, who all objected to the motion to proceed. The leader did say that he was going to, at some subsequent time, bring this matter forward.

My purpose today is simply to state that the Senator from Alaska, who is the chairman of the committee that is trying to move this piece of legislation, indicated he could speak for 7 or 8 days on the issue. I think the Senator from Alaska is going to have to speak for 7 or 8 days on the issue in an effort to move this matter forward.

The Senators from Nevada, and others who oppose this environmental disaster, would speak for eight times 8 days in an effort to stop this matter from moving forward. This legislation is bad legislation.

The fact that the nuclear power industry gave up on interim storage, what does that mean? It means there was an attempt by the nuclear power industry—this all-powerful entity that has been so powerful in the Congress—for 4 or 5 years to set all environmental

laws aside, the laws that are established to protect the public in the characterization at Yucca Mountain. They moved to set all these environmental laws aside, go to the Nevada Test Site, pour a big cement pad on top of the ground, and then haul across the highways and railways across this country nuclear waste, dump it on top of the cement pad, and in effect just leave it there.

Everyone recognized that if this storage took place, this so-called interim storage—which in the minds of the nuclear industry meant permanent—it would be permanent, it would never leave the Nevada Test Site.

The President of the United States said: I think we have to do something to take care of nuclear waste, but I think what is being attempted in the interim storage is wrong. If the Congress sends that to me, I am going to veto it.

We had a couple of test votes here, and it showed that we clearly had enough votes to sustain a Presidential veto on nuclear storage in an interim fashion.

The nuclear power industry has said: We weren't able to do that. And we don't want Yucca Mountain to go forward, as the law now stands. We want to change the law.

How do they want to change the law? They want to, again, set environmental standards on their head, avoid environmental standards. What they want to do is have the Environmental Protection Agency—remember that name, the Environmental Protection Agency—removed from the picture. The most poisonous substance known to man, plutonium, nuclear waste, they want to haul someplace, and the nuclear power industry does not want the Environmental Protection Agency to have anything to do with it.

How in the world could you support legislation such as that? Instead of the Environmental Protection Agency, they want to insert the Nuclear Regulatory Commission. They want to have the fox guarding the hen house, literally.

Again, the President of the United States has stepped forward and publicly said: I am not going to allow that to happen.

All environmental groups in America, and probably in the world—certainly I can speak about America—think this is bad legislation, and they have spoken out accordingly. The President has again said: Go ahead and pass this legislation. But if you do, I am going to veto it.

I do not know why, other than to pacify and satisfy the nuclear power industry, you would bring this legislation forward. This legislation is dead. It has no chance of passing.

If they think they can bring in a subsequent President—that would have to be, I assume, President Bush, if in fact he were lucky enough to be President—that is the only way this will ever pass because President Gore would never support this legislation.

But in fact what they should do, to avoid all this wasted time in the Senate this year and next year, is just wait until the next Presidential election takes place. I think they will find they are probably going to be faced with President GORE. But regardless of that, they should at least wait because in the meantime they are wasting the time of the Congress by playing around with this legislation.

I repeat: To take from the law the protection of the Environmental Protection Agency, it is not only that they are going to remove the Environmental protection Agency from this legislation but at the same time they are changing the standards; they are reducing the standards; they are making it easier to place nuclear waste.

We have always talked around here about the risks, the millirems, the way you measure the poison that comes into your system. We have measured that with adults. What we are going to talk about, at the right time as this legislation proceeds, is what this radiation would do to children.

Children cannot take the same radiation that adults can. We have had this debate on other issues. Lead, lead-based paint, lead in the environment is very harmful to children, not very harmful to adults—harmful to adults, but not nearly as harmful to adults as it is to children.

If you look at the risk to children, you see that the risk to children is very substantial. In fact, the risk to children is six times the maximum risk permitted by the EPA standards. They want to lower that.

The children living in the areas of Yucca Mountain and the areas that are going to transport this stuff will suffer as much as three times what an adult would.

So we are going to have time to talk about this. As I have indicated, we can talk eight times 8 hours on this issue, and we are going to devote at least a couple of hours of that time to the risk to children.

Ground water protection. Things nuclear are very dangerous to water. We have learned at the Nevada Test Site, where we have set off 1,000 nuclear devices either above ground or in the ground, that it is being transported in the water a lot quicker than we ever thought. Scientific proof is now present which shows there is tremendous danger in things nuclear to ground water. What they are trying to do with Yucca Mountain will be very dangerous to water. But what about the water along the highways and railroads where it is being transported? Of course, it is dangerous there also.

In addition, earthquakes in the Nevada area of Yucca Mountain are very significant. Yucca Mountain is located in the region with the second highest frequency of earthquakes in the entire country. It is hard to believe, but the Department of Energy selected the second most earthquake-prone place in the United States to site this nuclear

repository. There has been a series of earthquakes in this area in the last couple of years—not one, but a series of earthquakes. It is called a cluster area; a clustering of earthquakes occurs in Yucca Mountain naturally. We will have an opportunity to talk about that.

The cost of the program is something the American public needs to hear more about. This program already has cost about \$7 billion. We know the public has lost confidence. This is not something we are making up. We can look at what has transpired in Europe where they have tried to move nuclear waste. Last year, they tried to move a few casks of nuclear waste in Europe. They had to call out 30,000 soldiers and police to move it. I think it is clear there is a loss of confidence in being able to transport nuclear waste.

We have talked on the Senate floor—we will have a lot more time to spend on it—about the shipments and where this nuclear waste will travel. We know that at least 50 million people are located in an area within a mile of the highways and railways where it will be transported. We know that there are terrorist threats. It is very easy to develop nuclear weapons. You can go on the Internet. For example, the blast that blew up the Federal Building in Oklahoma, they learned to do that over the Internet, how to mix fertilizer and whatever else you mix to make this huge explosion. It is just as easy, if you have the material, to come up with a nuclear device. That is one thing the transportation of nuclear waste presents to us; how are we going to stop it. How are we going to prevent terrorists from stealing it?

We have had organizations that have followed small shipments of nuclear waste. They said there is no one guarding it. It is easy to follow it. It could be stolen, if someone wanted to.

We know the canisters that have been developed are not safe for transporting. They are safe for storage but not transporting. A collision or a fire breaches the casks. Physicians for Social Responsibility are very concerned about nuclear waste and the dangers of nuclear waste. They testified on October 26, regarding the draft environmental impact statement, that the dangers associated with storing an unprecedented amount of highly radioactive waste is very dangerous, and it is difficult to comprehend how it could be done safely.

Finally, recognizing the day is late and my friend from Alabama wishes to speak, the obvious question people ask, if you are opposed to interim storage and you don't want these standards changed at Yucca Mountain, what should be done with nuclear waste? Easy question to answer. Scientists have determined the best thing to do with nuclear waste is leave it where it is, leave it where it is in dry cask storage containment. It would be safe. To set up one of these sites only costs \$5 million. Only? Remember, Yucca

Mountain is already approaching \$7 billion. So the constant harangue here, "OK, if you don't want to put it in Nevada, where are you going to put it," is easy to answer.

The question wasn't so easy to answer a few years ago, but the scientific community has stepped forward and now, as is done right out here, not far from Washington, DC, at Calvert Cliffs, nuclear waste is stored in dry cask storage containers, and it is stored safely—safe against fire, safe against transportation. And it is easy to secure it because it is in one centralized location. Of course, there would be a number of these locations around the country, but think of how much more safe it is to have these multiple sites than trying to transport this 70,000 tons across the highways and railways of this country.

In closing, we have a lot to talk about on this issue. I express appreciation to the President of the United States who is willing to join with the environmental community in saying: Don't do it because if you do, I will veto it.

The PRESIDING OFFICER (Mr. KYL). The Senator from Alabama.

Mr. REID. Will the gentleman from Alabama yield for a brief question about procedure on the floor?

Mr. SESSIONS. Yes, please.

Mr. REID. I apologize for interrupting. The Senator from Nevada would like to leave. It is my understanding all the Senator from Alabama wishes to do is make a statement on nuclear waste and Senator Chafee. There will be no motions or anything?

Mr. SESSIONS. That is correct. I do have the closing script.

Mr. REID. Which we have reviewed.

Mr. SESSIONS. I do think Senator HUTCHISON wants to talk on another matter.

Mr. REID. But again, I am going to go back to my office. If there is anything further, I would appreciate a call.

Mr. SESSIONS. I understand and respect the Senator's position.

#### THE NUCLEAR POWER INDUSTRY

Mr. SESSIONS. Mr. President, for a lot of reasons, I believe the nuclear power industry cannot be a dinosaur, as was suggested earlier.

The world today has 6 billion people on it; 2 billion of those people have no electricity. They are without power. In the next 25 years, we expect another 2 billion people to be added to the world population. Many of the people who do have power today, have it only in very limited quantities.

We know there is an extraordinary expansion of life expectancy and improvement in lifestyle where electricity is present. People can have water pumps. They don't have to go to the well with a bucket or a jug to get water for their families. There is no doubt the quality of people's lives, the length of their lives, some estimate it increases as much as 50 percent, is