

vestigations may develop significant information regarding Federal tax evasion or fraud charges but do not develop corresponding State charges. As a result, financial investigative efforts by local investigators may frequently be cut short because the end local result is not worth the additional local effort.

Under current law, the Comprehensive Forfeiture Act of 1984 provides that the Attorney General shall ensure the equitable transfer of any forfeited property to the appropriate State or local enforcement agency to reflect generally the contribution of any such agency participating directly in any of the acts which lead to the seizure or forfeiture of such property. While this does much to compensate State and local law enforcement agencies for their contributions in joint investigations with Federal agencies, it does not cover those investigations conducted by State and local agencies that are referred to the IRS and subsequently result in large tax assessments. The proposed amendment corrects this situation and enhances the current forfeiture act, particularly from the State and local perspective.

Mr. President, in my home State of Washington, I compliment the efforts of the State patrol and county and city law enforcement agencies in their exemplary efforts declaring war against illegal drugs. Hopefully, this legislation will help.

● Mr. WILSON. Mr. President, today I join the Senator from Florida, Mr. CHILES, in introducing a bill that will grant State and local law enforcement agencies compensation when they help the IRS find tax evaders.

The bill, S. 2352, will require reimbursement to State and local tax enforcement agencies for costs incurred in investigations that substantially contribute to the recovery of Federal taxes. This bill, already introduced in the other body as H.R. 3136, will provide a well deserved reward to the State or local authorities of no more than 10 percent of the sum ultimately recovered. These funds would help the numerous local law enforcement authorities financially, especially during these belt-tightening times—all in recognition of the fact that their work made a recovery possible.

Mr. President, when a State or local law enforcement agency makes a narcotics arrest, Federal authorities invariably initiate a tax investigation. Such investigations have led to the discovery of large sums of unreported income, which in turn have led to the assessment and collection of large tax deficiencies.

And, Mr. President, while payments made to State and local officials in recognition of their assistance may be called a reward, in many ways such payments constitute simple compensation for their assistance.

Current law, Mr. President, authorizes the IRS to pay up to 10 percent of the amount recovered in back taxes to any person that assists in uncovering a tax evader. The amount of the individual reward depends upon the extent of the information provided. However, there is no authorization to provide such payments to State or local law enforcement agencies. Since they are not considered persons, present regulations do not allow them to be rewarded. Our bill will change this.

Mr. President, enactment of this legislation will provide additional incentives for State and local police officials, for they will know that the costs of successfully pursuing an investigation—particularly the high costs of uncovering the illegal activities of organized crime—will be partially defrayed. For example, in my State of California, where illegal narcotic sales and designer drug labs are a growing problem, this bill will have a major impact and encourage State and local authorities to redouble their efforts against the drug trade.

Mr. President, this legislation would not be necessary if the IRS would adopt a new regulation making State and local law enforcement agencies eligible for a 10-percent recovery reward. However, it is my understanding that the IRS has rejected previous requests to make such a change. I hope that the Service will reconsider its position in light of the bill we are introducing today. However, should the IRS maintain its position, I urge the Finance Committee to carefully review this bill so that it might be considered by the full Senate this year. In either case, a change is long overdue.

Mr. President, I ask unanimous consent that a letter that I received from California Governor Deukmejian in support of this legislation be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,  
GOVERNOR'S OFFICE,  
Sacramento, January 29, 1986.

HON. PETE WILSON,  
U.S. Senator,  
Washington, DC.

DEAR PETE: I am writing to express my support for H.R. 3136, which would authorize the Internal Revenue Service to reimburse state and local governments for a portion of the cost of drug enforcement efforts.

When drug trafficking investigations by state and local law enforcement agencies result in the collection of additional federal tax dollars, I believe it is appropriate to share a portion of this new revenue to help offset the costs of law enforcement.

Such a policy would put additional funding into the fight against drug abuse and provide an incentive for increased enforcement which can result in the collection of more revenue for the federal treasury.

As you may know, I strongly support the efforts of law enforcement agencies in combating drug trafficking. On behalf of the

State of California, I urge your support of H.R. 3136.

Most cordially,

GEORGE DEUKMEJIAN.●

By Mr. MITCHELL (for himself,  
Mr. PROXMIER, Mr. HUMPHREY,  
Mr. RUDMAN, Mr. DURENBERGER,  
Mr. WARNER, Mr. TRIBLE, and  
Mr. KASTEN):

S. 2354. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for the disposal of high-level radioactive waste and spent nuclear fuel in a single repository, and for other purposes; to the Committee on Energy and Natural Resources.

#### NUCLEAR WASTE POLICY REFORM AMENDMENTS ACT

● Mr. MITCHELL. Mr. President, today I am introducing legislation to amend the Nuclear Waste Policy Act of 1982. I am pleased that Senator PROXMIER, Senator HUMPHREY, Senator RUDMAN, Senator DURENBERGER, Senator WARNER, Senator TRIBLE, and Senator KASTEN are joining me in this effort.

For four decades, the United States produced nuclear wastes as a byproduct of the generation of electricity and the maintenance of a defense capability, without adequate consideration of the need to properly and safely dispose of this waste. Gradually, the need for comprehensive disposal legislation became more apparent.

Among the most important milestones in the act are those which require the DOE, first, to sign contracts with waste generators by June 30, 1983, to take title to the waste and, second, to begin disposal of the waste in the first repository by January 31, 1998. The first requirement has been met, because a standard contract has been promulgated by DOE and signed by many, if not all, waste generators.

Progress toward siting the repository in the Western part of the United States is being made. In the near future, DOE will nominate three potentially acceptable sites for characterization to determine their suitability to host a repository. These three sites are expected to be in the States of Nevada, Texas, and Washington.

After characterization is completed, DOE will nominate a site to the President, who may accept or reject it. If he rejects it, DOE must go back and select another site. If he accepts it, he must submit the recommended site to Congress by March 31, 1987, with a possible 1-year extension.

DOE now estimates that the President will make this recommendation in 1991. Within 90 days of the President's submission to Congress, DOE is required to submit a construction authorization application to NRC, which must make a final decision on the application within 3 years. DOE anticipates that NRC licensing will be complete by 1994, that construction of the



repository will occur between 1994 and 1998 and the repository will begin operation in 1998.

The 1982 act also requires DOE to search for a site for second repository. DOE is considering crystalline rock—granite—formations for a possible second repository. In January of this year, DOE published a draft area recommendation report [ARR] which identified 12 areas—including two in Maine—that DOE considered potentially acceptable sites for a second repository.

The other 10 sites under review by DOE are in granite formations located in New Hampshire, Virginia, North Carolina, Georgia, Wisconsin, and Minnesota.

Those State governments and their citizens were able to submit comments on the site selection until April 16. DOE will review the comments for 90 more days, or longer, depending on the number and detail included in the comments, before issuing a final ARR later this year.

At that time, DOE will begin to make onsite field assessments of each potentially acceptable site listed in the final ARR. That area phase is expected to take until 1991. DOE will then nominate five areas, and recommend three for site characterization.

Characterization of those potential sites for a possible repository would take at least 5 years. At this point, now estimated to be 1996, the process will stop until Congress acts to authorize construction of a second site, because DOE has no such authority under current law.

As can be seen, the process involving a possible second repository differs from the first in two major respects:

First. Under current law a first repository must be built, but a second repository cannot be built.

Second. The selection process for a second repository is about 6 years behind the first.

An analysis of the act, including a history of its adoption and a review of the Department of Energy's compliance, present and anticipated, with the act have led me to conclude that the construction of more than one repository would be unnecessary and unwise.

The legislation I am introducing today terminates the crystalline repository project through which DOE is currently undertaking its search for acceptable sites for a second deep geological repository.

In addition, it would remove the volume limitation of the repository authorized in the Nuclear Waste Policy Act; limit the geologic medium in which a repository could be built and operated by DOE; impose a moratorium on all high-level waste disposal activities if DOE does not meet its January 1998 deadline for the acceptance of high-level waste; and establish an independent scientific commission to

report to Congress upon deep geologic disposal and available alternatives.

There is widespread concern in Maine about the possibility that a national high-level waste repository could be located in Maine. After careful review of the available information, I believe Maine is not suitable as a site for such a repository. The general geology, geography, and hydrology of the State are such that the people of Maine cannot be assured that any repository constructed in the State would sufficiently protect the public and the environment from radioactive contamination. Whatever the conditions in Maine, a second repository is not needed.

A second repository cannot be operational in time for this country to begin disposing of high-level nuclear waste by the 1998 deadline for DOE to take title to the waste. The necessary scientific research on the sites for a potential repository are several years behind the search for the first repository. It is impossible to accelerate that research to a degree which would allow crystalline site to be the site for a repository. Therefore, construction of a second repository as a backup to a first repository would not allow the waste disposal program to meet the underlying deadline of the Waste Policy Act, which is disposal of waste beginning January 31, 1998.

But, more importantly, a second repository is not needed to dispose of the country's high-level waste and spent reactor fuel.

Current law limits the maximum amount of waste that can be stored in the repository to 70,000-metric tons. There is no technical or scientific basis for this limit. Its purpose was to assure the State selected for the first repository that it would not be the only State having a high-level waste repository.

Without this limit there would be no need for a second repository. And it was based on estimates of the total amount of high-level waste that are proving to be exaggerated.

DOE's latest estimate, included in the December 1985 document, "Spent Fuel and Radioactive Waste Inventories, Projections, and Characteristics" is that 126,000-metric tons of high-level radioactive commercial spent fuel will need to be disposed of in a high-level waste repository. This estimate is lower than previous estimates.

It is likely that the actual amount of high-level waste will be even lower for several reasons.

First, it is probable that no new commercial nuclear power plants will be ordered in this century. Many utilities are extending the useful life of their powerplants in order to avoid having to make capital investment in a new facility.

Second, utilities are choosing to use the fuel rods which make up a major

portion of the high-level waste for a longer time, thus producing less spent fuel. The DOE estimates that spent fuel burnup will increase at about 3.5 percent each year for the next several years.

Finally, some of the sites currently under consideration by DOE for the first repository may safely accommodate all the high-level waste expected to be generated through the first quarter of the next century.

There is no compelling technical reason for having two repositories. If a second repository is not technically necessary, there is no benefit to constructing one. In contrast, there are compelling fiscal reasons for constructing only one.

While waste estimates have been declining, the program's cost estimates have been increasing at a rate of \$400 million per month.

As of January 1985, total program costs, including total costs for two repositories, one monitored retrievable storage facility, and transportation, were estimated at about \$26.7 billion. In July 1983, just 1½ years earlier, DOE had estimated these costs to be \$19.6 billion.

Thus the estimated cost of the program increased by a third in less than 2 years. Each of these estimates is in constant dollars, not taking into account inflation. If inflation and other contingencies are factored in, the total program could cost up to \$150 billion, according to the Director of the DOE high-level waste program.

The crystalline project still faces the most expensive part of the siting process, the so-called characterization of three sites nominated in 1991. Characterization is an expensive, time-consuming, detailed analysis of each site.

It is expected to cost between \$500 million and \$1 billion for each site. It will take 5 years, from 1991 to 1995.

Under this bill, the U.S. Department of Energy is required to proceed in its process to select a site for and to construct and operate one high-level nuclear waste repository. But it would be prohibited from proceeding with its present consideration of sites for a possible second repository.

And if the Department is unable to meet the 1998 deadline for operation of a repository to accept the high-level waste it has agreed to take title to, this bill would halt all activity under the Nuclear Waste Policy Act until Congress has had an opportunity to review the recommendations of an independent scientific commission on the available options for safe, permanent disposal of the waste.

Does it make sense to spend tens of billions of taxpayers' dollars for the siting and characterization of crystalline sites when it is not necessary to do so? The answer is clearly no.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2354

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Waste Policy Reform Amendments Act of 1986".

#### SEC. 2. LIMITATION ON FEDERAL ACTIVITIES WITH RESPECT TO GEOLOGICAL REPOSITORIES.

(a) IN GENERAL.—Subtitle A of title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10131 et seq.) is amended by adding at the end thereof the following new sections:

##### "TERMINATION OF FEDERAL ACTIVITIES WITH RESPECT TO SECOND REPOSITORY

SEC. 126. (a) Department of Energy.—The Secretary may not carry out any activity under this Act with respect to more than 1 repository. Any activity commenced or decision made by the Secretary with respect to a second or subsequent repository before the date of the enactment of the Nuclear Waste Policy Reform Amendments Act of 1986 shall be terminated or rescinded.

"(b) NUCLEAR REGULATORY COMMISSION.—The Commission may not authorize the construction of more than 1 repository under this act.

##### "IMPOSITION OF MORATORIUM ON REPOSITORY DEVELOPMENT

"Sec. 127. If the Secretary has not commenced the disposal of high-level radioactive waste and spent nuclear fuel under this Act by January 31, 1988, as provided in section 302(a)(5)(B), the Secretary shall cease all activities under this Act with respect to any repository until—

"(1) the Nuclear Waste Repository Review Commission submits to the Congress the report required in section 307(f); and

"(2) the Congress by law, after review of such report, specifically authorizes the continuation of such activities."

(b) CONFORMING AMENDMENT.—Section 1 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 prec.) is amended by inserting after the item relating to section 125 in the table of contents the following new items:

"Sec. 126. Termination of Federal activities with respect to second repository.

"Sec. 127. Imposition of moratorium on repository program."

#### SEC. 3. REMOVAL OF DEADLINES FOR SECOND REPOSITORY.

(a) RECOMMENDATION OF CANDIDATE SITES FOR SITE CHARACTERIZATION.—Section 112(b)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(b)(1)) is amended—

(1) by striking out subparagraph (C); and

(2) in subparagraph (D), by striking out "subparagraphs (B) and (C)" and inserting in lieu thereof "subparagraph (B)".

(b) RECOMMENDATION OF SITE APPROVAL.—Section 114(a)(2) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(a)(2)) is amended—

(1) in subparagraph (A), by striking out the second and fourth sentences; and

(2) in subparagraph (B)—

(A) by striking out "deadlines" and inserting in lieu thereof "deadline"; and

(B) by striking out the following: "for the first site, and March 31, 1989, for the second site,".

(c) APPROVAL OF CONSTRUCTION AUTHORIZATION.—Section 114(d)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)(1)) is amended by striking out the following: ", for the first such application, and January 1, 1992, for the second such application".

(d) ENVIRONMENTAL IMPACT STATEMENT.—Section 114(f) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)) is amended in the fifth sentence by striking out "and by July 1, 1989,".

#### SEC. 4. LIMITATION ON GEOLOGIC MEDIUM OF REPOSITORY.

Section 112 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132) is amended by adding at the end thereof the following new subsection:

"(g) LIMITATION ON GEOLOGIC MEDIUM OF REPOSITORY.—The Secretary may not nominate or recommend any crystalline rock site for site characterization under this section for the repository to be developed under this Act."

#### SEC. 5. REMOVAL OF VOLUME LIMITATION ON REPOSITORY

Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking out the last two sentences.

#### SEC. 6. NUCLEAR WASTE REPOSITORY REVIEW COMMISSION

(a) ESTABLISHMENT.—Title III of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10221 et seq.) is amended by adding at the end thereof the following new section:

##### NUCLEAR WASTE REPOSITORY REVIEW COMMISSION

"Sec. 307. (a) ESTABLISHMENT.—If a moratorium on repository development takes effect under section 127, there shall be established a commission to be known as the Nuclear Waste Repository Review Commission.

"(b) FUNCTION.—The function of the Review Commission shall be—

"(1) to review the available scientific information on the suitability of repositories for the disposal of high-level radioactive waste and spent nuclear fuel; and

"(2) to compare such disposal with alternative means and technologies for the permanent isolation of such waste and spent fuel.

"(c) MEMBERSHIP.—The Review Commission shall be composed of 7 members appointed by the President, by and with the advice and consent of the Senate, from among individuals recommended for appointment to the Review Commission by the President pro tempore of the Senate or the Speaker of the House of Representatives—

"(A) 1 of whom shall be knowledgeable in civil and mining engineering;

"(B) 1 of whom shall be knowledgeable in hydrogeology;

"(C) 1 of whom shall be knowledgeable in geology and geophysics;

"(D) 1 of whom shall be knowledgeable in public health;

"(E) 1 of whom shall be knowledgeable in meteorology; and

"(F) 1 of whom shall be knowledgeable in nuclear physics.

"(2) No present or past employee of the Department of Energy may serve as a member of the Review Commission.

"(3) The members of the Review Commission shall receive a per diem compensation for each day spent in meetings or other

work of the Review Commission, and shall be compensated for their necessary travel and other expenses while engaged in the work of the Review Commission.

"(4) 4 members shall constitute a quorum of the Review Commission.

"(5) The Review Commission shall designate 1 of its members as chairperson, who shall serve in such capacity through the remainder of the term of such member.

"(6) The Review Commission shall meet at the call of its chairperson or a majority of its members.

"(d) STAFF.—(1) Subject to such rules as may be prescribed by the Review Commission, and without regard to section 5311(b) of title 5, United States Code, the Review Commission may appoint and fix the pay of such personnel as it considers appropriate.

"(2) The staff of the Review Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(3) Subject to such rule as may be prescribed by the Review Commission, the Review Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(4) Upon request of the Review Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Review Commission to assist the Review Commission in carrying out its duties under this section.

"(e) POWERS.—(1) The Review Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Review Commission considers appropriate. The Review Commission may administer oaths or affirmations to witnesses appearing before it.

"(2) Any member or agent of the Review Commission may, if so authorized by the Review Commission, take any action the Review Commission is authorized to take in this section.

"(3) The Review Commission may secure directly from the Department of Energy, or from any other Federal agency, information necessary to enable it to carry out this section. Upon request of the chairperson of the Review Commission, the Secretary, or the head of such other agency, shall furnish such information to the Review Commission.

"(4) The Review Commission may accept, use, and dispose of gifts or donations or services of property.

"(5) The Review Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

"(6) The Administrator of General Services shall provide to the Review Commission on a reimbursable basis such administrative support services as the Review Commission may request.

"(f) REPORT.—The Review Commission shall prepare and submit to the Congress, by not later than January 31, 1989, a report setting forth the findings of the Review Commission as a result of its activities under subsection (b). Such report shall include any recommendations of the Review Commission for legislation or agency action



relating to the matters considered by the Review Commission under such subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for expenditure from amounts in the Waste Fund such sums as may be necessary to carry out the provisions of this section.

"(h) TERMINATION.—The Review Commission shall terminate upon the submission of its report under subsection (f)."

(b) CONFORMING AMENDMENTS.—

(1) Section 1 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101) is amended by inserting after the item relating to section 306 in the table of contents the following new item:

"Sec. 307. Nuclear Waste Repository Review Commission."

(2) Section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10102) is amended—

(A) by redesignating paragraphs (20) through (29) as paragraphs (21) through (30); and

(B) by inserting after paragraph (19) the following new paragraph:

"(20) The term 'Review Commission' means the Nuclear Waste Repository Review Commission established in section 307."

#### SEC. 7. REVISION OF MISSION PLAN.

Section 301 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10221) is amended by adding at the end thereof the following new subsection:

"(c) REVISION OF MISSION PLAN.—The Secretary shall make such revisions in the mission plan as may be necessary to carry out the amendments made to this Act by the Nuclear Waste Policy Reform Amendments Act of 1986. In making such revisions, the Secretary shall comply with the procedures established in subsection (b), except that—

"(1) the draft of the revisions shall be submitted in accordance with subsection (b)(1) not later than 6 months after the date of the enactment of the Nuclear Waste Policy Reform Amendments Act of 1986; and

"(2) the revisions shall be submitted in accordance with subsection (b)(3) not later than 8 months after the date of the enactment of the Nuclear Waste Policy Reform Amendments Act of 1986."●

● Mr. RUDMAN. Mr. President, I rise today to join with my colleagues Senator MITCHELL, Senator PROXMIER, and Senator HUMPHREY in support of legislation which would amend Public Law 97-425, the Nuclear Waste Policy Act of 1982.

The act instructed the Department of Energy to develop guidelines and an agenda by which the Federal Government would study, select, construct, and operate a high level nuclear waste repository that will safely hold radioactive waste for 10,000 years or more.

Congress deliberated for 5 years on this critical issue before passage of the Nuclear Waste Policy Act. The law authorized the Department of Energy to build a first repository site in either salt basalt or tuff medium with a capacity for holding up to 70,000 metric tons of radioactive waste. While the law instructs DOE to recommend a second repository to be located in crystalline rock, Congress did not authorize the construction of a second repository site.

The bill I have cosponsored today would require DOE to proceed with the selection of one repository site, removes the 70,000-metric-ton cap on the first repository sites storage capacity, and prohibits DOE from considering a second unauthorized repository site. In addition, the current law requires the Federal Government to take title to all commercial spent fuel by 1998. If the DOE is unable to meet the 1998 operational deadline for the first repository site, all DOE activity under the Nuclear Waste Policy Act would stop until an independent scientific commission reviewed available options for the safe permanent disposal of high level waste.

In 1982 the Department of Energy projected that the accumulated amount of spent fuel from commercial nuclear powerplants would total 146,000 metric tons by the year 2020. DOE's latest estimate, included in the December 1985 document, "Spent Fuel and Radioactive Waste Inventories, Projections, and Characteristics," concludes that the amount of commercial spent fuel would be 126,000 metric tons by the year 2020. We can already see a substantial reduction in the estimated amount of nuclear waste to be generated in the next 35 years.

I believe we will see lower projections in the years to come for several reasons. First, it seems highly unlikely that new commercial nuclear powerplants will be ordered in this century due to their expense and the availability of other energy resources. In 1985, 16 percent of electricity used in the United States was generated by nuclear powerplants. Second, utilities are extending the use of their fuel rods, thus producing less spent fuel. Current law limits the first repository's storage capacity to 70,000 metric tons. I believe technology can be developed to safely store an increased capacity in one repository with an increased capacity, while saving billions of tax dollars.

The future will demonstrate no need for construction of a second repository site. However, while our waste projections are declining, DOE expense for the repository program is escalating dramatically. The current projected costs for developing two repositories is approximately \$26.7 billion, up 36 percent from the July 1983, cost estimate of \$19.6 billion.

DOE's schedule for the crystalline project, the siting of a second repository in granite, would cost in the range of \$500 million to \$1 billion for each of 5 sites DOE will characterize in detail between the years 1991-95. Before five sites are selected, DOE will spend up to \$1 million on each of the 12 sites DOE is considering as potential candidates. It is quite illogical for billions of taxpayers' dollars to be invested in the analysis of a second repository site when current data dem-

onstrates that one repository may be sufficient to hold all of the Nation's nuclear waste projected at this time.

Mr. Chairman, I have serious doubts about DOE's interpretation and implementation of the Nuclear Waste Policy Act. I believe DOE has deprived the State of New Hampshire of a meaningful role in the siting process, and has acted contrary to congressional intent as expressed in the Nuclear Waste Policy Act. DOE's arbitrary decision to choose 12 potentially acceptable sites for a second repository site when by its own analysis the top 9 sites are clearly superior to the next 3 is an abuse of the agency discretion. We are all very aware that the act required that the Federal Government consult with affected States during the siting process. This requirement is supported by a rich legislative history which make it abundantly clear that Congress intended that the opportunity for public and State participation in the siting process must be meaningful, not merely theoretical. Because DOE has failed to properly consider many important factors in evaluating the acceptability of a second repository site, the agency has cast doubt on the credibility of the entire site selection process.

The only way DOE can restore public confidence in this process is for Congress to swiftly put a halt to the waste of millions of tax dollars in siting a second repository. We should instruct DOE to focus its energy and personnel on one repository site, expand the capacity of that site, and have an independent scientific commission evaluate DOE's implementation of the guidelines set forth under the Nuclear Waste Policy Act.

This legislation is not intended to remove one State from the selection process. It is to get the DOE program back on track and within the intent of Congress. We must be fiscally prudent and careful to ensure the public's confidence with DOE's repository program. I believe it is in the best interest of the American public to revisit this issue to ensure the safest and most cost-effective disposal of our Nation's high level radioactive waste.●

● Mr. HUMPHREY. Mr. President, I am pleased to join Senator MITCHELL and others in the introduction of legislation that would make important amendments to the Nuclear Waste Policy Act of 1982.

The Nuclear Waste Policy Act authorized the construction of one geologic repository for the disposal of nuclear waste to be built in this country as well as the study and activities leading up to construction for a second repository. Actual construction of a second repository, however, is not authorized under present law. At present, five sites in the West and South are under consideration for lo-