that may be at my disposal as a result of this brief 10-minute recess.

Is there agreement to that, Mr. President?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. I would therefore on those conditions yield to my distinguished colleague from Indiana for the introductions.

The PRESIDING OFFICER. The distinguished Senator from Indiana.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENTARY GROUP

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Nevada for his cooperation. Likewise, I'd like to thank all Senators who are with us, and staff.

It is my privilege and honor to have the opportunity to welcome on behalf of the entire Senate a distinguished delegation from the European Parliamentary Group who are here for the 44th European Parliament and U.S. Congress Interparliamentary Meeting. This delegation, which is led by Mr. Alan Donnelly, from the United Kingdom, and Mrs. Karla Peijs, from the Netherlands, is here to meet with Members of the Congress and other American officials to discuss a wide range of issues of mutual concern.

The European Parliament plays an increasingly important role in shaping the new Europe. Parliament's authority has been expanded recently. It will continue to play a central role in the many challenges and opportunities facing Europe as European nations build upon free market economics, as they deepen the roots of democracy, as they define their relationships with Russia and the former Warsaw Pact countries and reach out to the rest of the world to forge viable economic, political, and security linkages.

Continued contact with and strong relations between the European Parliament and the U.S. Congress are essential in developing better economic relations with Europe and in reinforcing the many common goals which bring us together.

I ask all of my colleagues to join me in welcoming individually, by greeting them by hand, each of the distinguished parliamentarians who are here today from the European Parliament.

Mr. President, I ask unanimous consent that a list of all of the delegation be printed in the RECORD.

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

EUROPEAN PARLIAMENT DELEGATION FOR RELATIONS WITH THE UNITED STATES, JULY 1996

SOCIALIST GROUP (PSE)

Alan Donnelly (U.K.) Chairman.
Jean Pierre Cot (France).
Mrs. Ilona Graenitz (Austria).
Ms. Irini Lambraki (Greece).
Mrs. Bernie Malone (Ireland).
Gerhard Schmid (Germany).
Erhard Meier (Austria).

EUROPEAN PEOPLE'S PARTY (PPE—CHRISTIAN DEMOCRATS)

Mrs. Karla Peijs (Netherlands) Vice Chairman.
Ms. Mary Banotti (Ireland).
Bryan Cassidy (U.K.).
Reinhard Rack (Austria).
Elmar Brok (Germany).
Giampaolo D'Andrea (Italy).
Paul Rübig (Austria).

UNION FOR EUROPE GROUP

Raul Miguel Rosado Fernandes (Portugal).
Franco E. Malerba (Italy).

Mr. LUGAR. It is, indeed, a privilege to have this delegation with us, and I appreciate the time taken by the Chair and by the Senators so that we may have an opportunity to greet this distinguished delegation. I encourage all of us to do so before we proceed with our debate.

I thank the Chair.

RECESS

Mr. LUGAR. Mr. President, I ask unanimous consent, under the conditions stipulated by the distinguished Senator from Nevada, that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 4:37 p.m., recessed until 4:46 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. THOMPSON).

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The Senator from Nevada has the floor. I wonder if I can have unanimous consent that I not lose my right to the floor. I want to speak with the majority leader.

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

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

The PRESIDING OFFICER. There is no quorum call in progress.

The Senator from Nevada.

NUCLEAR WASTE POLICY ACT

Mr. REID. Mr. President, as we were discussing before the senior Senator from Indiana asked for a recess for the European Parliamentarians, we have a lot to do in this body. I hope we can do a welfare reform bill. It is part of the Democratic families first agenda. It is something my colleagues on the other side of the aisle have said that they want to pass, and I believe that.

I am a member of the Environment and Public Works Committee. I have responsibilities with my friend from Idaho, Senator KEMPTHORNE. I am the ranking member of a subcommittee, and we passed out of this body, with bipartisan support, a safe drinking water bill. That conference is now ready to meet. We should get a bill back here and debate that conference report and pass, for the people of this country, the Safe Drinking Water Act.

Health care reform: Health care is important. There is no way that we are going to be able to do all that needs to be done with health care, but we need to do what is possible to go with health care. Can we not do the portability of insurance? Can we not handle preexisting disability? We need to finish that important issue.

The only appropriations bill that we have passed is one that is chaired by the junior Senator from Montana, and I am the ranking member of that subcommittee, military construction. It was a bill that passed here on a bipartisan basis. We had very good debate on the underlying issues when the defense authorization bill came up. We had fully exhausted talking about those military construction matters when the military construction appropriations bill came up. When it came up, it passed out of here without a contrary vote.

There are many things that we need to do here that are doable, but the more time we waste on issues like nuclear waste, an issue that the President has said he is going to veto—interim storage—we are taking away from the important matters at hand.

I repeat, we were lectured today by my friend, the senior Senator from Utah, about the situation with the White House Travel Office. Listening to my friend from Utah, I think that is an issue that needs to be debated at length, because there are two sides to every story. Maybe Billy Dale is entitled to be compensated for all of his attorney's fees, but that would set a kind of strange precedent in this body that any time a Federal prosecution goes awry, we reimburse the defendant, who is acquitted, for his attorney's fees? Think about that one as a precedent-setting matter.

I have also seen a letter that was written on Billy Dale's behalf to the Justice Department that he would agree to plead guilty to a felony. I have also seen that one of the reasons that criminal prosecution was considered is he used to take part of the money home with him every night—I do not know about every night—but he would take cash home with him, kept it in his home. I think that would raise some suspicions in some people's minds.

Maybe Billy Dale is entitled to be reimbursed for his expenses. Maybe there are some overwhelming merits on his behalf of which I am not aware. But it is not a slam dunk, as the Senator from Utah would lead us to believe.

So, should that not be something we talk about here? The President has not said he is going to veto that. But, no, what we are being told is we are going to go to S. 1936, a bill that the President of the United States, Bill Clinton, has said he is going to veto. It will take up time of this body and take up time of the other body in conference.

The President said he is going to veto it. Why should he not veto it? It is one of the most irresponsible pieces of legislation that I can even imagine. I am sure there are more, but I do not know what they would be.

Remember, the 1982 act said that you could not put the permanent repository and the temporary repository in the same State. What S. 1936 tries to do is it says we are going to set that longstanding policy aside and site both the temporary storage and permanent storage in the same State. Is it any wonder that the President said, ''This is unfair, and I'm going to veto it?''

Our Nation's nuclear powerplants are operating and have the capability to manage the spent fuel for many decades. There is no emergency. There will be no interim storage problem for decades. I have heard every year that I have been in this body that there is an emergency. They have cried wolf so many times. To this Senator they have cried wolf 13 or 14 times. There is just no reason that we continually hear these cries: ''Please help us, we have no alternative. You've got to help us.''

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question under the preceding request that is outstanding that I not lose my right to the floor if it is a question.

Mr. BRYAN. Apropos to the Senator's comment that we have heard time and time again that there is a crisis that is unfolding, does the Senator recall back in the early 1980's when a program that was referred to as the away-from-reactor-storage concept, which is similar to the interim storage that we are dealing with, that the nuclear utilities in America came forward and indicated that if they did not have away-from-reactor-storage capability—this was in the early eighties—that by 1983 there may be brownouts across the country, that nuclear utilities would be forced to close with all kinds of electrical distribution crises appearing in cities across the country?

And if the Senator recalls that, does this not seem like a familiar refrain of the old cry of wolf again and again and again because, in point of fact, as I understand it—and I invite the Senator to respond to my question—there really is no crisis? There is no reason for us to be on an issue such as the S. 1936 bill, as the Senator mentions.

Does the Senator recall that history? The Senator has been in this Chamber longer than I have. But this is such a familiar refrain to this Senator.

Mr. REID. I remember very clearly that plea for mercy. ''We have to do it or we can't survive.'' The Senator is absolutely right. They said there would be parts of the United States that would have no power, there would be brownouts. Of course, there have been some brownouts, but those had nothing to do with nuclear power.

Mr. BRYAN. I believe, if the Senator would yield for a further question——

Mr. REID. I will yield for a question.

Mr. BRYAN. I believe that the state of the record will bear this out, that no nuclear utility in America has ever been required to close or cease generation of power because of the absence of storage.

Mr. REID. The Senator is absolutely right. It is very clear that the cooling ponds are sufficient. But one of the interesting things that my colleagues should understand is, since 1982, the scientific community has been working on a number of scientific endeavors relating to nuclear waste.

One of the things they have worked on is, if we are going to transport nuclear waste, we have to do it safely. How can we do it? You just cannot throw it in the back of a truck. You cannot just throw it in one of the boxcars. So they have worked and they have come up with something called a dry cask storage container. With a dry cask storage container, they said, you know, I think we can transport this stuff safely.

I will talk a little later how probably—not probably; there are still some safety problems in transporting. But all the scientists say you can store nuclear waste on site in a dry cask storage container and that will be perfectly safe because you do not have the problems with train wrecks and truck wrecks and fires on-site.

Mr. BRYAN. If the Senator would yield for a further question.

Mr. REID. I will yield for a question.

Mr. BRYAN. It is my understanding of the state of the record that in point of fact some nuclear utilities today are storing their high-level nuclear waste on-site in the facilities which the Senator has just described, dry cask storage. So as I understand it, we are not talking about some theoretical or technical possibility. We are talking about technology off the shelf, currently available, being used by many utilities and available currently today.

Mr. REID. The Senator's question is directly to the point. It is absolutely true. It is now beyond the planning stage. Dry cask storage containers work. They work better when you leave them on-site. Then you do not encounter the problems, as I indicated, with train wrecks and truck wrecks and firings and those kinds of things. So the Senator is absolutely right. The current law has health, safety and environmental safeguards to protect our citizenry from risks involved in moving and disposing of high-level nuclear waste.

S. 1936 would effectively end the work on a permanent repository and abandon the health, safety and environmental protection our citizens deserve. I am not talking about just Nevada citizens; I am talking about citizens of this country. It would create an unneeded and costly interim storage facility. It would expose the Government and its citizens to needless financial risk.

So, Mr. President, why are we here addressing this issue instead of issues that need attention, actions that will improve the condition of the average American, instead of this bill, which will only improve the bottom line of the nuclear power industry, at best?

We are here because the nuclear industry wants to transfer their risks, their responsibilities, and their legitimate business expenses to the American taxpayer. This has been their agenda for almost two decades. They think that now is the time to close the deal. They want the nuclear waste out of their backyard and into someone else's backyard. They do not care what the risks are.

The bill is not in the best interest of the people of this country. It should not become law. Because of Bill Clinton, it will not become law. The President will veto this. If we do not have the foresight, Mr. President, to kill it here and now, the President will veto it.

S. 1936 is not just bad, it is dangerous legislation. It tramples due process and it gives the lie to the claims of support for self-determination and local control, made with great piety by some of our membership. It legislates technical guidelines for public health and safety, arrogantly assuming the mantle of ''the Government knows best,'' when in actual fact this branch of Government knows virtually nothing about these technical issues. It mandates a level of risk to citizens of this country and the citizens of Nevada that is at least four times the level permissible at any other radioactive waste facility.

Mr. President, let me go over this chart again that I did with my colleague from North Dakota. There is no exposure level—there is no exposure level—any place in the country, anyplace in the world, that has laws like this.

The EPA safe drinking water, 4 millirems per year; NRC Low-Level Nuclear Waste Site, 25 millirems per year; the EPA WIPP facility in New Mexico, 15 millirems per year; the Independent Spent Nuclear Fuel Storage Facility, 25 millirems; the International Exposure Range, 10 to 30.

What do we have in S. 1936? One hundred millirems. I mean, look at it. Why would we allow radiation exposure levels to individuals that have anything to do with nuclear waste in Nevada 4 times, 10 times, 20 times what it is in other places, other agencies? It just simply is wrong.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield to my colleague for a question.

Mr. BRYAN. If I understand what the Senator is saying, this is absolutely astounding. Is the Senator suggesting that the EPA has said, as a safe drinking standard for America, 4 millirems? That is per year?

Mr. REID. Four millirems is the correct answer.

Mr. BRYAN. As the Senator well knows, the WIPP is a facility in New Mexico designed to receive transuranic nuclear waste. Is the Senator indicating for the good citizens of New Mexico, 15 millirems?

Mr. REID. The Senator is correct.

Mr. BRYAN. And that the citizens in the State of Nevada—we were admitted to the Union, if I recall, before the

good State of New Mexico—but somehow for the rest of America, they have a 4-millirem standard for safe drinking water, at another nuclear storage area in our country they are proposing 15 millirems, but in the State of Nevada from a sole source, a single source, they are suggesting that Nevadans would have to accept a standard of 100 millirems from one source on an annual basis? Is that what they are suggesting?

Mr. REID. My colleague is absolutely right, absolutely right. In Nevada they are saying, ''We're going to pour this cement pad and dump this out. If it leads to 100 millirems exposure, that is OK.'' That is what they are saying.

Mr. BRYAN. I must say, it prompts the question in this Senator's mind. There must be more to this than we understand. Somehow, in a deliberative chamber, that there would be a suggestion made that health and safety standards, which presumably are legislated for the Nation, and with each of us entitled to equal protection under the law, and presumably I would think we would be entitled to equal protection in terms of health and safety standards, that a Congress which purports to be interested and concerned with the rights and sovereignty of States, individual States, would suggest that one State out of the Nation, and one State alone, would have a standard applied to that State that is 25 times the safe standard for safe drinking water and would be more than 6 times the standard that the citizens of our southwestern State, New Mexico, would be subjected to for the transuranic, that somehow we have a standard of 100 millirems.

Mr. REID. The Senator is correct. The answer is yes. As the Senator from North Dakota, in questions to this Senator earlier in the day asked, is there any reason for that? No. There is no scientific basis. There is no scientific theory. There are only people who want to jam this down the throats of the people in Nevada saying, ''Don't worry about it. It will be OK.''

Mr. BRYAN. I must say, the thought occurs to this Senator, and the question arises in this Senator's mind, that why would any legislative body seek to impose a standard on a single State that no other Member of this body would be willing to accept for his or her State, when what we are talking about is health and safety? We are talking about potential dangers from the standpoint of cancer, genetic health problems, all of which, as I recall, we experience currently as a result of some of the atmospheric experiences in Nevada State in the 1950's and 1960's.

(Mr. ABRAHAM assumed the chair.)

Mr. REID. I say to my friend from Nevada, the question is absolutely pertinent. The answer is, we do not know why that standard is set. There is no scientific basis. There is none whatever.

It goes to show how maybe the two Senators from Nevada were not such great advocates after all to get the President of the United States to agree to veto this. For Heaven's sake, why would we? On this basis alone, the President should veto this legislation. On this basis alone, he should veto this legislation, notwithstanding the fact that they are trying to change the substantive law in effect since 1982, that you could not have a permanent site and a temporary site in the same State. The President of the United States has many, many reasons to veto this bill. That is why he has said he will veto the bill.

Yet, what are we doing? We have 34 legislative days left until we adjourn in October. I think it is 34 or 35 days. We are here talking about nuclear waste. We should be talking about health care, welfare reform, teenage pregnancy. We have a lot of things to do with pensions that we need to do work on. We have 12 appropriations bills we could better spend our time on. We have reconciliation. We have numerous conferences we could be completing and here debating. But what are we doing? We are going to spend days on a bill that the President has said he is going to veto.

Now, the State of Nevada, I say to my friend, the Presiding Officer, unlike his State, which is a very populous State, we are a small State. For many, many years we were the least populated State in the Union. We are used to having people say, ''Well, Nevada is not much. It is just a big desert, so we will give you anything we want.'' I think they have carried it too far in this instance. The President of the United States acknowledges it has been carried too far.

We have sacrificed a great deal for this country, and we have been willing to do it, the citizens of the State of Nevada. We have had numerous military installations in the State of Nevada. We still have a number. We have the most important airplane fighter training facility in the world, one for the Navy at Fallon—the best. If you want to be a Navy pilot and you want to be the best Navy pilot, you will train in Fallon. If you are in the Air Force and you fly fighter planes, if you want the Ph.D. of flying, you go to Nellis. Forty percent of the State of Nevada airspace is restricted to the military. If you want to fly to Nevada, you avoid 40 percent of the airspace in Nevada because this is restricted. We have given a lot. We have been willing to do that.

There have been almost 1,000 atomic devices set off in Nevada, some of them above ground, causing sickness and injury to people in Nevada and wherever the clouds went—lots of people upwind, including some in Utah. We sacrificed that.

There comes a time when the line has to be drawn. It has been drawn, Mr. President. We are wasting our time on this bill. As long as this bill is going to be brought before this body—there is no one that can say the President will not veto it—we are wasting our time.

We are going to talk about this bill at great length. That is why we have the Senate of the United States. That is why two Senators from Nevada, a sparsely populated State, have as much right, as much authority in this body, as Senators from very populated States like Michigan, New York, Florida, Texas, and California.

The two Senators from Nevada, although we are a State now of about 1.6 or 1.7 million—small by most standards—we have as much right to do whatever a Senator can do as our sister State of California, which has 32 million people. We are here exercising our rights that were set up in the Constitution of the United States. I carry one in my pocket, a Constitution of the United States. It gives us the rights we have on this floor.

We will do what we can to protect the State of Nevada. That is why we are here. This is not some unique thing that a couple of Senators from Nevada dreamed up. This is something that the Founding Fathers dreamed up over 200 years ago. We will use the Constitution that has established the Senate of the United States to protect the rights of the people of the State of Nevada, and we believe in the rights of the people of this country who are being misled and misguided by this very dangerous law that is being proposed.

Mr. President, S. 1936 is not just bad, it is dangerous. It tramples due process. I repeat, it makes light of the claims of support for self-determination made with great piety by some of our membership. It legislates technical guidelines for public health and safety, arrogantly assuming the mantle that Government knows best, when, in actual fact, as I have stated before, the Government knows virtually nothing about these technical issues.

I repeat, because it is worth repeating, it mandates a level of risk to Nevada citizens that is 25 times the level permissible at other radioactive standards. Radioactive exposure levels deemed safe by the sponsors of this bill are 25 times the level permitted by this Nation's Safe Drinking Water Act.

This bill prohibits the timely application of Federal, State and local environmental regulation activities that deal with some of the most hazardous materials known to man. I do not qualify that: It deals with the most hazardous substance known to man. I defy anyone to tell me anything that is more dangerous and more potent that plutonium.

Why would the sponsors abandon these protections? Could it be because this material is so hazardous that regulators of public health and safety might interfere with this rush to move waste out of the sponsors' and generators' backyards? Or could it be because there are serious uncertainties about how much contamination is safe, so that moving it around and storing it safely is a time-consuming and complicated process? Could it be possible that the desire to make this waste

someone else's problem is so intense that the proponents of this bill and the generators of this poison have abandoned all pretense of caring for our environment or caring for the health, safety, and prosperity of our fellow citizens?

I say, Mr. President, look at this chart: 25 times the level of safe drinking water, 4 times independent spent-nuclear-fuel storage; over 6 times more than the WIPP facility setup in New Mexico.

By denying the protections of environmental regulation, this bill makes a mockery of significant advances this Nation has made in promoting wise and prudent care for our increasingly fragile environment. But the sponsors do not care because it will be someone else's problem or at least that is what they think.

If they can do this to Nevada, what is next? Take, for example, a State that borders on Nevada—Idaho. Idaho is a beautiful State. I have floated down the Snake River. I have stayed at Sun Valley. It is a beautiful State, sparsely settled. But assume that California or assume one of the other States who have all the problems with landfills, solid waste, they decide they want to bring their mountains of garbage, of refuge that are accumulating in California or some other densely settled Eastern State, where usable landfill space is rapidly disappearing, and imagine the reaction if Idaho were made a garbage dump by prohibiting applicable environmental law, by denying judicial review of dangerous and intrusive activities and by legislative definition of unacceptable health and safety standards. What would the reaction be of the people of the State of Idaho, that beautiful State of Idaho, which suddenly was told that they are going to be the repository for mountains of garbage—every kind of garbage? They will just take it and pick a spot in Idaho and start dumping it. What would their reaction be?

Idaho did not generate the garbage. Idaho did not benefit from the products that generated this garbage. Their economy did not gain a single cent from the sale of products that generated this garbage. Idaho is just conveniently rural and is outnumbered by those who do generate it, those who did benefit and enrich themselves through the generation of the garbage. Could Idaho stop such a blatant, inexcusable abuse of power in their own home State, or of its environment, or of its future freedom to develop, occupy, or use its land? Could Idaho at least take action to ensure the health and safety of its residents and their children and their children's children in countless generations? Well, could they?

Before the introduction of this bill, I would say, sure they could. But if this bill is allowed to pass, that will not be the case. After all, that is what this Government is all about, protecting the rights of each and every one of us—our health, and protecting the security of our homes, protecting the rights of each of us in the pursuit of prosperity, assuring each of us the enjoyment of the freedoms of this great land.

Mr. President, I am not so sure that we could not start dumping garbage in Idaho. I am not so sure anymore because this bill proposes to deny the appeal to legal authority that has assured these rights to generations of Americans.

Mr. President, this bill denies due process and the rights of States to protect its citizens. It denies due process by legislating against legal injunctions against intrusive activity.

Mr. President, you, the occupant of the chair, are relatively new to this body, but you came with the reputation of being a legal scholar, really understanding the law. You are a graduate of one of the finest, if not the finest, law schools in America. You did very well there academically. I invite you to read this bill—you, as a person who understands the law and what the law is meant to be. This law stops the State of Nevada from going to court. How do you like that? That is what it does.

The sponsors say: Well, you will get your day in court sometime. Mr. President, I have tried about 100 jury trials. I always prided myself—when I talked to the jury, I said, ''You know, a lot of things have changed since we became a country. We no longer ride horses, we ride cars, which was something that people never thought about. We have airplanes, and we have gone to the Moon.'' I went through the process of how things have changed. But I said, ''You know, one thing has not changed since King John signed the Magna Carta in 1215. He gave those barons a right to a trial by a jury of their peers. That was carried across the ocean in the common law, and we have that right now—a trial by jury.''

I was very proud to be a lawyer and representing people who had problems that I thought I could help with. I also, on occasion, went to court for injunctive relief. Well, I say to those people who know a little bit about the law, read this bill. This changes the process of the legal system in our country. The bill says that you can sue, but you must wait a long time, and wait until there are a lot of actions that take place—in fact, until there is a done deal before you can even apply to court. It reverses the Nation's progress toward assuring our offspring a safe and nurturing environment. It does it by delaying assessments of environmental conferences until much of the groundwork, if not all of it, has been done. The sponsors will say, ''But we have not started construction yet.'' But the bill mandates land withdrawal, acquisitions of rights of way, and development of rail and roadway systems prior to the development of an environmental impact statement. That is an unusual theory of the law. Of course, the damage has already been done to the communities. Rights of way have been withdrawn. We have had Federal land withdrawals. We have had the development of rail and roadway systems prior to the development of an environmental impact statement.

These abuses of legislative power to relieve the nuclear power generating industry of its serious responsibility to manage and fund its business affairs are outrageous, Mr. President. They are outrageous, if not scandalous. It is more outrageous that this bill would mandate radioactive exposure risks to the people in Nevada—remember, we have millions and millions of visitors every year. It would mandate radioactive exposure risks for citizens far above that permissible in any other State—or foreign land, for that matter.

Did the sponsors single out Nevada residents for punishment? How can this bill be seen as equal protection of the law when it is so obviously not equitable, so clearly not protective of the Nevada residents? Do the sponsors think they know so much that they can decide what is OK for Nevada, but not OK for New Mexico? Why would the WIPP facility have a 15 millirem standard and Nevada have a 100 millirem standard?

If they think that they can decide what is OK for Nevada, how do they explain that the permissible exposure level at the generator sites is only one-fourth the level they say is OK for Nevada? The States in which this waste is generated and presently stored—remember, there is none generated in Nevada—and the businesses that profit from this generation say that their residents and employees have four times the protection they say is OK for Nevada.

I am trying to deal with this bill using the formal and really courteous traditions of this great institution. But, Mr. President, I am really upset. I am disgusted. I think this is wrong. I say that on behalf of the people of the State of Nevada. The people in Nevada are the first people whose health and safety, whose freedom to prosper and rights to equal protection under the law are being attacked by the nuclear power industry and the sponsors of this legislation. But they may not be the last to experience this kind of treatment by their own Government. If this bill is passed, it sets a dangerous precedent. The big utilities are in control here.

Interim storage. S. 1936 explores new regions of outlandish legislation by needlessly, and with great cost, requiring the establishment of a temporary interim storage facility. This interim storage facility is only a temporary facility, because it would be developed under S. 1936 at a site that does not meet the permanent repository requirements. So if Yucca Mountain is found unsuitable as a disposal site, under S. 1936 an interim storage facility would have to be developed somewhere else.

So, Mr. President, let us not play games here. In short, the reason for

this legislation is to do away with the permanent repository. That is what it is all about. They want to go on the cheap. They want to avoid all the environmental standards that have been set by law, and they want to shortcut it, because everyone knows that interim storage will be permanent storage. It will not be buried geologically. It will be dumped on top of the ground. But if it were only a Nevada problem and it would somehow miraculously appear in Nevada, I can understand why other States would not be concerned. But the fact of the matter is, Mr. President, this is not only the concern of Nevada. It is a concern of, and should be the concern of, States all over this country, because the nuclear waste will be transported all over this country.

We know that we have had a few train accidents lately. In the last 10 years, we have had over 26,000 train accidents. We average about 2,500 train accidents per year.

Mr. President, I am going to again look at this chart that shows how a lot of this activity is going to take place. Of course, we have a picture here of a train wreck which is all too familiar. We recently had one near the California border with Nevada, and the very, very heavily traveled freeway between Las Vegas and Los Angeles was actually closed because of a train wreck. The highway was about a mile from where the railroad wreck occurred, but the materials in the train were so caustic that they had to close the highway.

We have seen pictures of train accidents all too frequently. We also had one in Arizona that is believed by all authorities—local, State and Federal—to have been an act of terrorism. People are killed in these accidents, and tremendous property damage is done. We know of one train accident during this past year that burned for 4 days because of the materials.

I have talked about train accidents. That does not take into consideration the rail crossing accidents. Of course, in rail crossings, we know how many people are killed. We all have in our mind's eye the event that took place last year where the train took off the back of a school bus, killing those children.

Rail crossing accidents—during the past 10 years, we have had almost 61,000 train accidents, about 6,000 a year. We have hazardous material accidents averaging more than two a month on trains. We have hazardous material accidents averaging more than two a month.

So this is not a problem only of the State of Nevada. It is a problem of the people of this country, because the people of this country are going to be exposed to thousands of trainloads and truckloads—I should say, tens of thousands of trainloads and truckloads of the most poisonous substances known to man. Arizona: 6,100 truckloads, 783 trainloads. California: 44 truckloads, 1,242 trainloads.

The other interesting thing—we will talk about this later—is where trains go. Take through the Rocky Mountains. Colorado is a State that is going to be heavily impacted with trucks and trains; 1,347 trucks loaded, 180 trains.

I have never ridden a train through the Rocky Mountains in Colorado. That is something I would like to do. I understand it is a beautiful, very picturesque ride. But if an accident happens there like happened in California, where it wrecked over the river and dumped all of the chemicals into the river, it is very difficult to get to. It is very difficult to get accident crews in to take care of the trains or the truck. But not only do we have a problem with location, but we also know that there are no train people to take care of these accidents.

Interestingly, we just received an evaluation of emergency-response capability along the waste routes in Nevada. It would apply to any place in the United States.

A study was done to assist the Western Governors Association in planning for the onset of the U.S. Department of Energy's transuranic waste shipments to the WIPP facility in Carlsbad, NM. As a result of this, it was learned that there are some significant problems with transporting nuclear waste. Remember, the quantity of nuclear waste going to the WIPP facility pales in comparison to the waste that goes to these other waste facilities. Contractors surveyed personnel from fire departments, law enforcement officers, hospitals, ambulance services, emergency management offices, State, Federal, and travel agencies.

In short, in this report, which is entitled ''Evaluation of Emergency Response Capabilities Along Potential WIPP Waste Routes,'' prepared for the Western Governors Association, you find that there is no preparation. There are no people that are trained to take care of these potential accidents.

The study described four potential waste routes in detail, and it asked questions. Is the current level of training and equipment adequate for safety and to identify the hazard, isolate the scene, notify the authorities in incidents involving the WIPP shipments alone or in conjunction with other hazardous materials? The answer is ''No.''

Is there an emergency plan? Do these plans address the response to radiological incidents in local jurisdictions? The answer is ''No.''

Do respondents feel that they are able to handle radiological incidents? The answer is ''No.''

What other factors require emergency response near the jurisdiction? They list numerous factors.

Mr. President, this brings me back to the point that we addressed early on. Why are we doing this? Not only is it unnecessary to haul these truckloads of nuclear waste all over the United States, haul them partly in trains and ship them even farther, but why are we doing that, especially when we can avoid the potential for accidents by just leaving it on site, as we are told we should do? Why are we doing that? To satisfy a few big utility companies that are afraid they will be embarrassed because they have spent so much money on permanent geological storage. They are unwilling to let the process go forward to see what science will come up with. They want to short-circuit the system. They want to trample on the rights of people in Nevada and all over this country, and expose the people of this country to dangers that certainly are unnecessary.

Interim storage is not necessary. For now, let me deal simply with the fact that interim storage facility sites are not needed. We talked about it a little bit. We will talk about it some more.

In accordance with its charter, the Nuclear Waste Technical Review Board this year—I answered this question for the Senator from North Dakota earlier today. The one thing I failed to add for him is that the decision they made is not stagnant, not stale. The decision they made was made this year, 1996. They reported to Congress that it found ''no compelling safety or technical reason to accelerate the centralization of spent nuclear fuel. The board knows that of the more than 100 operating nuclear power reactors on 75 sites in 34 States, 23 will require additional storage by the year 1998.'' Twenty-three will require additional storage by 1998, and the Nuclear Waste Technical Review Board knows that. It may be the year 2000, but we can say 1998.

The board also notes that implementation of dry cask storage at generating sites is feasible and cheap. I told the Senator from North Dakota how inexpensive it is to set up a dry cask storage facility, and how cheap it is to monitor. In fact, the dry cask storage, if it is properly implemented on site, the investment will double its return by storing the material in certified, multipurpose transportation canisters so the material is ready for shipment once the permanent repository is designated. That could be in 5 years, 25 years, 50 years, or 100 years.

Operating costs for on-site dry cask storage amounts only to $1 million per year per site; capital costs for on-site storage in preparation of an replacement site and cannisterization of this spent fuel. Storing spent fuel in multipurpose canisters means that the marginal on-site capitalization costs only a few million dollars compared to more than $1 billion with interim storage. Implementing on-site storage at all sites claiming a need for additional storage space would require less than $60 million for capitalization and less than $30 million per year for open operations.

So on-site storage could be maintained for 40 years at least before equalling the construction costs of interim storage at Yucca Mountain as estimated by the sponsors of this bill.

Mr. President, the marginal expense of on-site storage of spent fuel is very

cheap when compared to the unnecessary and redundant transportation costs and risks of a premature interim storage facility.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield to my colleague for a question.

Mr. BRYAN. The Senator may be aware of this. The Senator was making a very telling point, when the Senator was pointing out to our colleagues and to the listening audience in America, that 43 States are impacted and the number of shipments. The Senator may not be aware of the fact that as you look across this chart—here we have 50 million Americans who are within a mile of either the rail or highway shipment routes, so for people who are watching the floor of the Senate tonight who may think it is just the two Senators from Nevada that would be impacted by this, my question to the Senator is, this has a national impact, does it not?

Mr. REID. It certainly does. As the Senator has pointed out, within a mile of these routes are 50 million Americans.

Now, the Senator will recall—it happened within the past year, but I just mention it briefly—within a mile of the freeway between Los Angeles and Las Vegas a train wreck occurred. They closed that route. That wreck did not involve the most dangerous substance known to man. It had some cars loaded with chemicals, but it did not have nuclear waste.

It is difficult to imagine how long that road would have been blocked off had there been nuclear waste involved.

As I pointed out to the Senator and the rest of the people within the sound of my voice, we do not have people trained to deal with nuclear waste accidents. We do not have people trained to deal with nuclear waste at all as indicated by the report that I just received today on the ''Evaluation of the Emergency Response Capabilities Along Potential Waste Routes.''

Mr. BRYAN. I think the Senator's point is that in New York, with over 7 million people; in Los Angeles with over 5.5 million; Chicago, with 2.7 million; Houston, TX, 1.6 million; Dallas, over a million; San Antonio, nearly a million; Baltimore, 736,000; Jacksonville City, 635,000; Columbus, 632,000; Milwaukee, 628,000; the Nation's Capital, 606,000; El Paso, 515,000; Cleveland, 555,000; New Orleans, 496,000; Nashville-Davidson, 488,000; Denver, 467,000 people; Fort Worth, TX, 447,000; Portland, OR, 437,000; Kansas City, MO, 435,000; Tucson, 405,000; St. Louis, 396,000; Charlotte, NC, 396,000, and Atlanta, site of the Olympics, 394,000; Albuquerque, 384,000; Pittsburgh, 369,000; Sacramento, 369,000; Minneapolis, 368,000; Fresno, 354,000; Omaha, 335,000; Toledo, 332,000; Buffalo, 328,000; Santa Ana, CA, 293,000; Colorado Springs, 281,000; St. Paul, 272,000; Louisville, 269,000; Anaheim, 266,000; Birmingham, 265,000; Arlington, TX, 261,000; our own home city of Las Vegas, 258,000; Rochester, 231,000; Jersey City, 228,000; Riverside, CA, 226,000; Akron, 223,000; Baton Rouge, 219,000; Stockton, 210,000; Richmond, 203,000; Shreveport, 198,000; Mobile, 196,000; Des Moines, 193,000; Lakeland, FL, 188,000; Hialeah, 187,000; Montgomery, 186,000; Lubbock, 180,000; Glendale, CA, 180,000; Columbus City, 178,000; Little Rock, 175,000; Bakersfield, 174,000; Fort Wayne, IN, 173,000; Newport News, VA, 170,000; Worcester, MA, 169,000, and I could go on and on, but I believe the Senator's point, if I understand him—and this is my question—is that this is not just a fight that just concerns the citizens of Nevada?

What the Senator is suggesting, for those who may be watching the floor of the Senate tonight, is that it is not just two Nevada Senators who are fighting for the health and safety of their States, but there are people in these communities who do not think they have a stake in this fight who ought to be sharing their concerns with our colleagues and saying, look, we are affected, we are within a mile of these transportation routes and thousands of shipments of nuclear waste may be coming through our communities. I believe that is the Senator's point that he is trying to make, if I understand the Senator correctly.

Mr. REID. In answer to my friend's question, I was not aware of these numbers, but having had the Senator read them to me, I must say that, if anything, these numbers are small because we can look at Las Vegas as an example. If you look at Las Vegas, you will know that the greater Las Vegas area is about 2.1 million people and most of those people would be affected because it is down in that basin. If something happened, it would spread like wildfire, and I would bet the same applies to other cities. These are very conservative, very unrealistic numbers, and it would probably involve more than 50 million people.

I should also say in response to my friend's question, let us look, for example, at Chicago, 2,673,000 people. If I were a resident of the State of Illinois and particularly a resident of the city of Chicago, I would not want—they produce a lot of nuclear power in Illinois—I personally would not want this nuclear waste taken from where it is in Illinois.

I think it would be much safer, if I were a Chicago resident—I am going there at the convention this summer—it would be much safer for the people of Chicago if they put these materials in dry cask storage containers or leave them in the cooling ponds because, if they do not, they are going to have thousands and thousands of trainloads of nuclear waste being shipped right through that main railhead, which is Chicago—not only the Chicago nuclear waste, not only the Illinois nuclear waste, but nuclear waste from all over the eastern and southern parts of the United States. That is a main railhead just like Omaha, NE, is.

So I appreciate very much the question of my colleague from Nevada. It is very enlightening.

I ask unanimous consent that we have printed in the RECORD these cities with these very conservative, modest numbers. We, of course, for the RECORD will reduce this to letter size.

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

Major population centers affected by proposed nuclear transportation routes

City and State	*Population*
New York, NY	7,321,564
Los Angeles, CA	3,485,398
Chicago, IL	2,783,726
Houston, TX	1,630,672
Dallas, TX	1,006,831
San Antonio, TX	935,927
Baltimore, MD	736,014
Jacksonville City, FL	635,230
Columbus, OH	632,258
Milwaukee, WI	628,088
Washington, DC	606,900
El Paso, TX	515,342
Cleveland, OH	505,616
New Orleans, LA	496,938
Nashville-Davidson, TN	488,518
Denver, CO	467,610
Fort Worth, TX	447,619
Portland, OR	437,398
Kansas City, MO	433,141
Tucson, AZ	405,390
St. Louis, MO	396,685
Charlotte, NC	396,003
Atlanta, GA	394,017
Albuquerque, NM	384,736
Pittsburgh, PA	389,870
Sacramento, CA	369,365
Minneapolis, MN	368,383
Fresno, CA	354,202
Omaha, NE	335,795
Toledo, OH	332,943
Buffalo, NY	328,123
Santa Ana, CA	293,742
Colorado Springs, CO	281,140
St. Paul, MN	272,235
Louisville, KY	269,157
Anaheim, CA	266,406
Birmingham, AL	265,852
Arlington, TX	261,763
Las Vegas, NV	758,295
Rochester, NY	231,636
Jersey City, NJ	228,537
Riverside, CA	226,505
Akron, OH	223,019
Baton Rouge, LA	219,531
Stockton, CA	210,943
Richmond, VA	203,056
Shreveport, LA	198,528
Mobile, AL	196,278
Des Moines, IA	193,187
Lincoln, NE	191,973
Hialeah, FL	188,004
Montgomery, AL	187,106
Lubbock, TX	186,281
Glendale, CA	180,038
Columbus City, CA	178,701
Little Rock, AR	175,781
Bakersfield, CA	174,820
Fort Wayne, IN	173,072
Newport News, VA	170,043
Knoxville, TN	165,121
Modesto, CA	164,730
San Bernardino, CA	164,164
Syracuse, NY	163,860
Salt Lake City, UT	159,936
Huntsville, AL	159,866
Amarillo, TX	157,615
Springfield, MA	156,983
Chattanooga, TN	152,488
Kansas City, KS	149,768
Metairie, LA	149,428
Fort Lauderdale, FL	149,377
Oxnard, CA	142,192

City and State	Population
Hartford, CT	139,739
Reno, NV	133,850
Hampton, VA	133,793
Ontanio, CA	133,179
Pomona, CA	131,723
Lansing, MI	127,321
East Los Angeles, CA	126,379
Evansville, IN	126,272
Tallahassee, FL	124,773
Paradise, NV	124,682
Hollywood, FL	121,697
Topeka, KS	119,883
Gary, IN	116,646
Beaumont, TX	114,323
Fullerton, CA	114,144
Santa Rosa, CA	113,313
Eugene, OR	112,669
Independence, MO	112,301
Overland Park, KS	111,790
Alexandria, VA	111,183
Orange, CA	110,658
Santa Clarita, CA	110,642
Irvine, CA	110,330
Cedar Rapids, IA	108,751
Erie, PA	108,718
Salem, OR	107,786
Citrus Heights, CA	107,439
Abilene, TX	106,665
Macon, GA	106,640
South Bend, IN	105,536
Springfield, IL	105,227
Thousand Oaks, CA	104,352
Waco, TX	103,590
Lowell, MA	103,439
Mesquite, TX	101,484
Simi Valley, CA	100,217

Mr. BRYAN. A further question of the Senator, if the Senator will yield.

Mr. REID. I will be happy to yield for a question from my friend.

Mr. BRYAN. I think the Senator's point was that the population numbers that I read of part of those cities represents the corporate city limits, and I believe the Senator's point, if I understood him correctly, is that each of these communities are part of a metropolitan area. As the Senator pointed out, in our hometown of Las Vegas, there are roughly a million people in the metropolitan area who would be directly and adversely impacted by a rail or highway accident. Yet, Las Vegas is listed for purposes of population as 258,000. I believe, if I understood the Senator's point, in addition to the population indicated here, there are suburban communities that would be populated as well, perhaps even greater.

Mr. REID. The Senator's question is appropriate, pertinent, and in fact very enlightening. The city of Las Vegas is part of a metropolitan area, and it is just like most areas in the United States. You have a city surrounded by suburbs, and that is, in effect, what we have in Las Vegas. Of course, the numbers that were brought forth by my colleague from Nevada are staggering even if you do not take into consideration the fact that these are only the incorporated areas.

If you elaborate on that and indicate that the population of nearly every place we talked about is much greater than almost every place we talked about on the chart, it involves more than 50 million people. The example we talked about, with Chicago, is certainly in point. Chicago would not only be responsible for, in effect, gathering up its nuclear waste and transporting it, but they would be responsible also, being the major railhead that it is, for other people's nuclear waste. The people of Illinois should tell the nuclear power industry, ''Don't do us any favors. Leave it here. You will not only save the ratepayers and taxpayers huge amounts of money, but it will be safer to leave it where it is either in the cooling ponds or in the dry cask storage containers.''

There is simply no need, certainly no compelling need, to rush to a centralized interim storage before a permanent repository site has been designated.

I say again, the statement I just made is not a statement developed by the Governor of the State of Nevada or the Nevada State Legislature or the Chamber of Commerce of Las Vegas. In accordance with its charter, the Nuclear Waste Technical Review Board just this year reported to the Congress that it ''found no compelling safety or technical reason to accelerate the centralization of spent nuclear fuel.'' In effect what they are saying is give the process an opportunity to work.

I said before and I will say again, the President has stated he will veto this bill since it would designate interim storage at a specific site before the viability of a permanent repository has been determined. Both the Department of Energy and the Environmental Protection Agency have taken strong positions in opposition to this bill.

Here we are at 6 o'clock at night. It is Wednesday. At my home in the suburbs here it is garbage night, which I will miss—taking the garbage out. We should be debating welfare reform or the 12 appropriations bills. We should be talking about matters that need to be addressed. We should not be wasting time on a bill the President has said he is going to veto. The Secretary of the Department of Energy said she does not like it. The director of the Environmental Protection Agency, the Director of that has stated she is opposed to it.

As the administration points out, personally through the President of the United States and through its agency heads and Cabinet-level officers, they have a plan which is making significant progress and provides appropriate protection to the environment of our citizens. The President of the United States, the first time I ever met the man—Senator BRYAN who was Governor then, was with him and knew him, I did not know the man—he was running for President 4 years or so ago. I met him at National Airport. Four years ago one of the issues we talked about—we only talked about two or three issues. We had a 40-minute meeting with him. He was very busy, but he gave us 40 minutes—was nuclear waste. As we told him at the time it is a very important issue for the State of Nevada. We told him then the scientific community had almost perfected a dry cask storage container, and that we wanted him to take a look at that, as far as storage goes. He told us at the time: We have nuclear waste in the State of Arkansas. I understand what you are trying to do. I think it is a good idea. And he has never wavered from that. This is an issue he understands. This is not something he suddenly decided that he wanted to do because Nevada was important in a Presidential election. The President of the United States has been with us from the first time I met him. He has been with us this whole time.

The President of the United States has not said I am opposed to permanent storage in Nevada. He has not said that. But what he has said, unequivocally, without hesitation, to anyone who will listen, is it is unfair what you are trying to do to Nevada with bills like S. 1936. Do not do it. Because if you do, I will veto it. And he should. But we are wasting our time here at 6 o'clock at night when we should be doing important amendments on the defense appropriations bill. I am a member of the Appropriations Committee.

My colleagues have to understand that we are protecting our rights, the rights of the people of the State of Nevada and the rights of the people of this country. It is wrong what is being done. It is being driven by big business, and it is wrong. If there were ever a time that the rules of the U.S. Senate become important, to me it is when you are trying to protect the interests of the people of the State of Nevada. I am doing no more than what the Presiding Officer of this body would do. I am doing no more than what any Senator from these United States would do.

It would be as if there was legislation offered in the State of Maryland to do away with Chesapeake Bay. It would be like telling the States that surround the Great Lakes: We are going to take one of the lakes away from you. Would you fight? Sure you would fight. You would use all the rules at your disposal, and we are going to do that.

I expect the two Senators from Idaho, if they were suddenly told that we were going to start hauling thousands of tons of garbage into their State—I would think they should have some rights, minimal rights, the rights equal to other States in this Nation, that we should not allow garbage to be dumped in Idaho. That is what we are doing here to Nevada.

We are saying: In Nevada, you are not only going to get permanent repository, you are going to get a temporary repository and the temporary repository is worse than the permanent because we are setting the safety standards so low, and the exposure levels so high.

The President stated he will veto the bill. He is doing the right thing. Technical review boards, commissioned by the Government, have consistently found there is no immediate or anticipated risk with continuing dry cask

storage for several decades. What I am saying is there is no reason for this legislation. The administration acknowledges that. The technical review bodies have also found the environmental and safety standards should be retained or strengthened, rather than weakened as this bill calls for.

Mr. BRYAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question from my friend.

Mr. BRYAN. The Senator just made the point there is really no need for this legislation. I call to the attention of the Senator, and I ask him if he recalls that in the CONGRESSIONAL RECORD on July 28, 1980, in the context of a debate on the away-from-reactor proposal, a statement was made on the floor by one of our colleagues that this bill—referring to this away-from-reactor storage, which is a progenitor, if you will, of this temporary storage facility that we are dealing with in our discussion this evening—it was said, the date again, July 28, 1980:

This bill deals comprehensively with the problem of civilian nuclear waste. It is an urgent problem, Mr. President, for this Nation. It is urgent first because we are running out of reactor space at reactors for the storage of the fuel and if we do not build what we call away-from-reactor storage and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983.

Mr. REID. Could I ask my friend to repeat the date of that CONGRESSIONAL RECORD?

Mr. BRYAN. Responding to my colleague, this is kind of a deja vu. This is in the CONGRESSIONAL RECORD, on July 28, 1980. That is almost 16 years ago, in which, on the floor of the Senate it was asserted that, if this particular legislation, this away-from-reactor storage was not obtained, that by 1983—that is 13 years ago—that civilian nuclear reactors in this country would shut down.

I do not know if my colleague from Nevada is aware of this but, upon my propounding the question to him—was he aware that among those utilities that were claiming they would be shut down was Alabama Power Co., the J. Farly Reactor, Arkansas Power & Light Co., Arkansas Nuclear 1 and 2, Boston Edison Co., Pilgrim 1, Carolina Power & Light Co., Brunswick 1, Brunswick 2, Robinson 2, Cincinnati Gas & Electric Co., Zimmer No. 1, Commonwealth Edison Co., La Salle 1 and 2, Consumers' Dairy Co., Palisades, Duke Power Co., Maguire No. 1, Maguire No. 2, Okonee No. 1, Okonee 2 and 3; Florida Power & Light, St. Lucy 1, St. Lucy 2, Turkey Point 3, Turkey Point 4, General Public Utilities, Oyster Creek, Northeast Nuclear Energy Co., Millstone 1, Millstone 2, Northern States Power Co., Monticello, Omaha Power District, Fort Calhoun, Power Authority of the State of New York, J.A. Fitzpatric, Indian Point No. 3, Philadelphia Electric Co., Peach Bottom 2 and 3, Rochester Gas and Electric, R.E. Genna facility, Virginia Electric & Power Co., North Anna No. 1, North Anna No. 2, Surrey 1, Surrey 2, and the Vermont Yankee Nuclear Power Co., Vermont Yankee.

I ask unanimous consent the material from the CONGRESSIONAL RECORD of 1980 be printed in today's CONGRESSIONAL RECORD.

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

EXCERPT FROM THE CONGRESSIONAL RECORD, JULY 28, 1980

Mr. JOHNSTON. Mr. President, I yield myself 15 minutes.

Mr. President, this bill deals comprehensively with the problem of civilian nuclear waste. It is an urgent problem. Mr. President, for this Nation. It is urgent, first, because we are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage and begin that soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983, those predictions coming from the Nuclear Regulatory Commission and the Department of Energy.

It is essential that we set a predictable policy for utilities to operate on so that they know if they begin either to run a reactor, or if they are making a decision now as to whether to build one, that they have some policy to which they can refer that is predictable and certain for the United States.

Mr. BRYAN. My question is that we were told in 1980 that if that away-from-reactor legislation that was on the floor being debated on July 28 was not enacted, that these utilities would have to close by 1983.

My question to the Senator is, Is he aware of any of these facilities ever closing as a result of the lack of storage, as was suggested to us, in the crisis-ridden prediction?

Mr. REID. I say to my friend in response to the question, I had forgotten about this. I appreciate very much the Senator bringing it to my attention.

The Senator knows during the past 10 years, we have heard in this body, and other places, dire pleas for emergency help; that you have to do something tomorrow. These are the perennial crying-wolf stories.

That is why the technical review boards have said, ''Cool it.'' I guess they are saying leave it in the coolers, leave it in the cooling ponds. There is no reason to rush into this. The technical review boards commissioned by the Government consistently found there is no immediate reason for continuing with these continual cries for help. They are saying, slow down. There is no need or excuse for this bill. It threatens the health and safety of all Americans and is a reckless and unnecessary expense.

Mr. President, the sponsors of this bill say one thing, and what I say to them is, if you really think there is a need for interim storage in the near term, then let's put this bill in committee and have a good hearing and try to make a determination why we are doing this. There is no reason for it. It is not fair, and certainly if you are going to do this on a fair basis to find the best site, we should remove from this legislation the site specificity. We must restore the environmental and safety provisions of the current law. We must observe the same rights of Nevada residents to health and prosperity as the citizens of any other State, and we must be assured that a search for a permanent solution is not sidetracked by short-term business or political agenda.

We have talked several times today about the transportation risks, and they are significant. One of the greatest risks of this bill is that it will force vast amounts of dangerous nuclear waste to be transported cross country. But it is unnecessary, and it is certainly premature. If this is to be done, should we not wait until the permanent repository is completed?

In the past, we have had roughly 100 shipments per year of nuclear waste, and most of these shipments were relatively short hauls in the East between nuclear power plants and reprocessing facilities. This bill will increase the shipment rate into thousands and thousands of shipments per year and send them on cross-country journeys through routes in our most populated cities in America. The pressure to start shipments as soon as possible and to move as much as possible can only increase the risk of an accident. Safety last rather than safety first is the hallmark of this bill.

Mr. President, we have here a map that shows the routes the nuclear waste will travel. I ask those who are looking at this map, are any of these routes in your backyard? Are any of these routes in cities where your family lives or your kid is going to college? If it is, you should be concerned.

Most of the waste, of course, is produced in the Eastern part of the United States. Is it not interesting that we are going to ship the waste 3,000 miles, in some instances, for no reason? If you live in the heartland of America, ask, why should all the Eastern nuclear waste be shipped through your State, perhaps your town, when we do not yet know where the final repository will be?

If you live in Wyoming, Utah, or Colorado, you should note that you are on the main line for these shipments. S. 1936 mandates shipment of nuclear waste crosscountry by 1999, regardless of technical problems or risks involved.

There is no need for these shipments at this time. There may never be a need for these shipments. If and when they are needed, we should take our time to do it right and not force this issue as it is being done today.

The industry and the sponsors of this bill would like you to believe that this transportation is risk free. Well, it is not. There have been truck and train accidents involving nuclear waste, and there will continue to be accidents involving nuclear waste and other hazardous substances.

I am reminded of a friend of mine who I went to high school with. He was a police officer in a town in east-central Nevada, a town called Ely,

E-l-y. Kennecott had a big mine there at one time. He was, as I indicated, a police officer, and he told me:

> Harry, one of the things that I do that gives me as much concern as anything else is we get notices every day of hazardous substances that are being driven through our town.

He said:

> It would be better if they didn't even tell us about it, because if something happened with one of those vehicles with the hazardous substance in it, there is nothing we can do about it anyway. We have no equipment. None of our personnel, police or fire, are trained to handle these hazardous substances. Our equipment is certainly inadequate.

Multiply this thousands and thousands of times all over America. We are going to ship nuclear waste on trucks and trains. There will be accidents. There have been accidents. We have already had seven nuclear waste accidents. They have not been significantly harmful, but there have been accidents.

The industry and the sponsors of this bill, as I have indicated, would have you believe, would like you to believe that this transportation is risk free. Well, it is not. There have been truck and train accidents involving nuclear waste, and there will continue to be accidents involving nuclear waste. There will be many more accidents because there will be many more shipments.

The industry and the sponsors of this bill will tell you that the probability of an accident resulting in a large radioactive release is very small; that, in fact, we have never had a significant release. Well, probabilities have inevitable results, that if you push them long and hard enough, the adverse outcome will occur.

The day before Chernobyl, the probability of such an accident was very, very low. But the day after the accident, the consequences were enormous, and the probabilities of other such accidents increased significantly.

Mr. President, there are a number of us who have been concerned about the safety and reliability of our nuclear arsenal. In working on these issues, I came to realize that there have been numerous accidents involving nuclear weapons. We have been so fortunate. We have been so lucky that there has not been death and destruction as a result of those accidents. In North Dakota, a B–52 caught fire loaded with nuclear weapons. The wind usually blew in one direction, but during the course of this fire on the airplane, it blew in the other direction and, as a result of that, there was no danger as a result of nuclear weaponry.

We know that there has been an accident in Canada of an airplane with nuclear weapons on it. Again, it was found and everything worked out fine. But these accidents will happen. The day before Chernobyl, the probability of such an accident was very low. But the accident happened. And the consequences were enormous. The same potential exists here.

Mr. President, again, I would like to draw your attention to the chart that shows the number of trucks and trains that will be used to transport this very high-level nuclear waste. I, of course, highlighted the States with the biggest risks. It is in bold print: Illinois, Nebraska, Nevada, Utah, and Wyoming. There are others that are close to that. But I just highlighted those.

It is significant, because we are talking about over 12,000 shipments through Illinois alone; over 11,000 shipments through Nebraska and Wyoming; over 14,000 through Utah; over 15,000 for Nevada. These are some of the States.

As I have indicated, we have already had seven nuclear waste transportation accidents. The average has been 1 accident for every 300 shipments of nuclear waste. Well, we do not know for sure how many new trains and trucks will be required because of S. 1936. But we know it will be magnified significantly. So we can expect at least 150 or 200 accidents if this S. 1936 is implemented.

Where will the accidents take place? Omaha? Chicago? New York? Atlanta? I do not know. No one knows, just like no one knew that this inferno would occur at Chernobyl. We should not be ready to take that risk, because it is unnecessary. Why would we want to take the risk? To help the nuclear industry reduce its costs and risk exposure? It is a tautology that accidents are unpredictable; but that an accident will happen is certain.

Based on studies done for the Nuclear Regulatory Commission, at least one serious radioactive accident with leakage and contamination will happen sometime, somewhere along the transportation route. That is a very modest estimate. We cannot know where it will happen before it happens. We cannot know when it will happen before it happens.

So, Mr. President, today we could not respond effectively or rapidly to accident sites because we have not taken the time, the trouble or gone to the expense to equip and train emergency responders along the routes that the waste will take. We have not made the investments necessary to assure capable response to remote, inaccessible areas where the accidents could happen.

Mr. President, we simply could not respond. But how long would it take to get trained and equipped emergency crews to a railway accident site somewhere in the mountains, like the Rocky Mountains I talked about earlier, like the Sierra Nevada Mountains between California and Nevada? What about the Wasatch Range in Utah? What about the mountains of Arizona? It makes a big difference how well and how rapidly we can respond. Let me give some illustrations.

The Nuclear Regulatory Commission requires that transportation containers survive a 30-minute exposure to a fire environment of 1,475 degrees Fahrenheit temperature. Sounds very strong and protective—30-minute exposure to a fire environment of 1,475 degrees.

Yet diesel fuel fire temperatures can exceed 3,200 degrees and their average temperatures are about 1,800 degrees Fahrenheit. So a diesel fuel fire—and most trucks use diesel fuel, most trains use diesel fuel—the average temperature of a diesel fuel fire is 1,800 degrees, 325 degrees higher than what the Nuclear Regulatory Commission requires these containers to survive. And these are exposed for only 30 minutes.

I indicated earlier today we all read in the newspaper about a fire that occurred on a train this year that lasted 4 days, not 30 minutes, but 4 days. One recent train wreck, as I have indicated, burned with its hazardous chemical cargo for 4 days. The firefighters could not even get access to the wreck for 4 days. It was so hot, so caustic that they could not get close to it for 4 days.

Transportation canisters are meant to contain the waste material in fires or collisions. The nuclear regulatory certification requirements for thermal survivability are no guarantee against fire-disbursed radioactive debris. The collision survival criteria appear just as inadequate.

We have talked about the fire exposure. We know that for a diesel fire—these are all diesel trucks here—the average temperature of a fire in a diesel vehicle is 325 degrees higher than what the Nuclear Regulatory Commission has set.

That is for fire. What about collisions? The collision survival criteria appear just as inadequate. The Nuclear Regulatory Commission requires that a canister survive a 30-mile-per-hour collision. I was driving this weekend in Las Vegas, from Boulder City to Las Vegas, on an expressway. I was going 75 miles an hour, and I was passed by two heavily loaded trucks, big semis. I was going 75. They were going 80. I say to my friend from Nevada—he knows the area—as you are coming down Henderson, going toward the Henderson plants, that downhill grade there, trucks were going 80 miles an hour. They passed me. I remember it because it was frightening.

The NRC has set these canisters to survive a collision at 30 miles per hour. I do not know of many trucks that go 30 miles an hour. The collisions are going to take place at much higher speeds than that most of the time.

The NRC also requires that the 30-mile-per-hour collision be with a rigid flat surface. Most collisions are not going to be with a rigid flat surface. It is going to be with a pile of rocks alongside the road, going to be hitting another truck, another car. So that is why it is beyond the ability to comprehend why you would want to move these poisonous, spent fuel rods from where they are now located so that they are exposed potentially to fire or potentially to collisions.

My question I ask to the world is, Would it not be much safer to leave them on-site in these dry cask storage containers than to take the uncertain

route in a train or truck, knowing that there is going to be an accident, only wondering when and where it will occur? Well, I ask the world, but the world must respond that the only logical thing to do is to leave it where it is—leave it where it is. By leaving it where it is, you avoid totally the danger of an accident. You also avoid not only the fire but the collision. I say ''also,'' Mr. President.

One of the things I have not talked about that we should be doing here, we should be clearing judges. We have 23 judges that should be cleared. We have not cleared a single one of them. The last year that we were in power, the Democrats were in power, we cleared 60-some-odd judges. We have not cleared a single judge this year. There are 23 that need to be cleared.

While we are talking about the court, I see the Presiding Officer here, one of the things we need to get done is to get a study of the circuits so we can make determinations on how we should realign the circuits. Anyone that has practiced law in the Federal court system knows we probably need to do some realigning of the Federal appeals court. We should get that done. I hope we can get it done right away so that the questions that have been raised by the Senator from Montana, the junior Senator from Montana and others, about some of the appellate courts, we can get those resolved. That is one thing we can do.

There is no good reason that we cannot leave the nuclear waste where it is to avoid collisions, to avoid fires.

Certainly, what we should be doing is talking about welfare reform. I see walking off the floor the junior Senator from Louisiana who has spent weeks of his time, weeks of his time working on welfare reform. As a result of the work that he and Senator MIKULSKI did, we came up with a proposal here that we passed by over 80 votes. It went to conference, fell apart, was vetoed. I hope we would use his good work in building another welfare reform bill.

Many Senators are concerned about judges, whether there should be approval of judges. I hope we can do that, rather than wasting our time on a bill the President has said he will veto.

I repeat, the Nuclear Regulatory Commission has said if there is a fire, one of these canisters must withstand temperatures of 1475 degrees; diesel, when it burns, is 1800 degrees. We know, also, that collisions are survivable under the Nuclear Regulatory Commission standards only at 30 miles an hour. That is inadequate. We do not need to expose these canisters to collisions or to fire. All we need to do is put dry cask storage containers on site, and as a result of doing that, we could avoid all the concerns that the Nuclear Regulatory Commission has.

As we know, most accidents will exceed the criteria set by the Nuclear Regulatory Commission on highway and rail accidents. The NRC certification requirement for spent-fuel transportation containers are not insurance against the consequences of a remote inaccessible accident, but the consequence of an accident will not observe the boundaries of the accident. Just because the accident might be remote is no basis for comfort. Radioactive waste will burn and disperse many tens of miles that will contaminate far distant territory.

So, along the transportation routes, within a mile, include at least 50 million residents being at risk. Are we going to warn this at-risk population to stay tuned to some emergency frequency just in case something unexpected happens? If we do that, what are we going to tell them to do if an accident does happen?

Mr. President, as my colleague pointed out, and the chart has been printed in the RECORD, at least 50 million people are within a mile of the routes that we have pointed out time and time again today, the train travels and the truck travels. Are we going to warn this at-risk population to stay tuned to some emergency frequency just in case something unexpected happens? If we do that, what are we going to tell them to do if an accident does happen? Who will help? We do not have people trained. When will they get help? We do not know. Who will be liable?

The term Mobile Chernobyl has been coined for this legislation. That is what it is. ''Mobile Chernobyl'' has been coined for S. 1936. A trainload of waste may not contain the potential for disaster that Chernobyl supplied, but the result will be little different for those affected by this inevitable accident.

Mr. President, I submit that we are not prepared to implement the transportation of this hazardous material—not today and not tomorrow. The risk is real, and we are responsible for assuring readiness and preparation to reduce it to minimal levels for both probability and consequence. It does not make sense to double that risk by premature and unnecessary transportation to an interim storage site that has not been determined to be the final disposition site.

Mr. President, one thing we need to talk about is terrorism, vandalism, and protests generally. There are unforeseeable accidents, but accidents are only one kind of a problem that we may be dealing with. Much has been spoken of America's vulnerability to both domestic and foreign terrorist attacks.

It saddens me, Mr. President, to agree that some of America's enemies today are not people from outside its borders but American citizens. Misguided they may be, enemies they certainly are. We know from this past weekend in Arizona, a sister State to Nevada, a large group of terrorists were arrested. They were luckily infiltrated by some patriotic person. There were films of explosions that they set, conversations of how they would kill anyone that turned against them. They are out there.

There are vipers all over, Mr. President. There are also known foreign enemies of America, and the values that America stands for they do not like. There are known foreign enemies of America in our open society, which is our national heritage and the essence of America. We cannot deny our enemies many of the same freedoms we enjoy ourselves.

There are, as well, many foreign interests, some clandestine, that will want to promote and publicize their existence and goals through outrageous acts of blatant terrorism and destruction. We know that they occur not only in Saudi Arabia but in Oklahoma City, New York City, and even in the city of Reno, NV, where we had, recently, an act of terrorism that failed. They tried to blow up the Internal Revenue building. The bomb was a dud.

Terrorists have had, on a smaller scale, success in Nevada, blowing the roof off of a BLM building. They twice attacked a forest ranger, once blowing up the office, another time blowing up a device in his driveway at his home.

There are evil people in America, Mr. President. I do not say that with pride, but it is a fact. What better stage could be set for these enemies than a trainload or a truckload of the most hazardous substance known to man, clearly and predictably moving through our free and open society.

We face a fraction of this kind of risk every day in our cities, at our airports, and around our centers of local, State and Federal governments. But the opportunity to inflict widespread contamination, terror, and horror, to engender real health risks to millions of Americans, to encumber our treasury with hundreds of millions of dollars in cleanup costs, to further reduce the confidence of all Americans in our treasured freedoms will be irresistible to our enemies.

Why would we want to transport nuclear waste when we do not have to? I go back to what has been stated time and time again, Mr. President, by the people that we have assigned to determine what should be done with nuclear waste—that is, the technical review board, which has said consistently that there is no immediate or anticipated risk in continuing using either cooling ponds or dry cask storage containers on-site. So there is no need to do that.

Mr. President, we have had a number of problems in America in the last few years that we are not proud of in dealing with terrorists. We look for ways to avoid terrorist activity. Some of it is somewhat painful, like closing off Pennsylvania Avenue and closing off the ways into the Capitol Building. I consented to that, even though I did not have a lot of control over it.

When I was chairman of the Legislative Branch Appropriations Committee, Senator FORD, and others who serve on the Rules Committee, indicated that was the right thing to do. So

I went out of my way to make sure that the Capitol Police had enough money to do the things that it would require because of these terrorist activities in our Nation's Capital. Why do we not avoid those activities even more? We can do that, Mr. President. We can do it by simply not hauling nuclear waste. Just do what the technical review board said we should do and leave it on-site. We avoid all these problems.

We must prepare for such realities as terrorism, vandalism, and protests. We must prepare for such realities that accompany the massive transportation campaign that will be required to consolidate nuclear waste at a repository site. They do not want to be bothered by reality. They ask that we not confuse them with facts. The old saying is that ''haste makes waste.''

That takes on a whole new dimension in the context of S. 1936, because the waste that we are talking about is the most poisonous substance known to man. Mr. President, we also, of course, must be concerned about vandalism, such as graffiti sprayed on walls, and windows knocked out of buildings, and buildings that are completely destroyed for no good reason. ''Vandalism'' is a word that came as a result of the invasion of the Vandals. They came and destroyed for no good reason. They destroyed just to be destroying.

Protests. In Nevada, it has become very standard that we have people who come there to protest. They come there to protest at the Nevada Test Site. Some of them protest because they think there are aliens out there, secret storage facilities for aliens from outer space. We have people that come there and protest because they believe at the test site they are doing things dealing with atomic devices, which they should not be doing. They lay down in the streets. They stop people from coming to and going from work. They are going to do the same with transporting nuclear waste. There is no reason that we should give these people the opportunity to cause mischief. I am not saying that the people who believe that there are alien test sites are mischievous. I am sure they believe they are there. I am sure they are people of good will, who picket the test site and do those kinds of things.

But I say, why should we allow terrorism activity to take place? Why should we allow the opportunity for vandals at these nuclear storage facilities transportation when it is unnecessary? Why would we want to do that? Why do we need the protests? Why do we not simply leave the spent fuel on-site, where the technical review board said it should be left until we get a permanent repository or determine there cannot be one, which is not very likely.

We have talked about the exposure risks a little bit. But S. 1936 will certainly gut our environmental laws and expose Americans to unreasonable risks. S. 1936 removes the Environmental Protection Agency's authority to set environmental standards. This runs directly counter to the recommendations of the National Academy of Sciences' recommendations, which were asked for by Congress. S. 1936 mandates a radiation exposure safety limit that is inconsistent.

Mr. President, I will yield to the two leaders, who are on the floor. I ask that until some agreement is reached, I not lose my opportunity to maintain the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, it is our intention at this point to ask unanimous consent with regard to the Executive Calendar and then have a closing script, which would involve us closing up for tonight. We would come in in the morning at 9 and have morning business which, I believe, was requested by the Democratic leader, equally divided between 9 and 10. And then at 10 we would go to the Department of Defense appropriations bill.

I know how seriously the two Senators from Nevada feel about this issue. I appreciate them letting me intervene at this point. I look forward to working with them later as we go along.

Mr. REID. Reserving the right to object, it is my understanding that this is wrap-up, and there is going to be no more after we finish here.

Mr. LOTT. That is right.

Mr. REID. I thank the majority leader.

MORNING BUSINESS

FOREIGN OIL CONSUMED BY THE U.S.? HERE'S WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending July 5, the U.S. imported 8,000,000 barrels of oil each day, 1,500,000 barrels more than the 6,500,000 barrels imported during the same week a year ago.

Americans relied on foreign oil for 55 percent of their needs last week, and there are no signs that this upward spiral will abate. Before the Persian Gulf war, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Shouldn't more attention be paid to this perilous situation in light of the June 25 bombing which killed 19 American servicemen in Saudi Arabia? American troops are in Saudi Arabia to protect United States petroleum interests.

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 8,000,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 9, 1996, the Federal debt stood at $5,151,106,744,723.87.

On a per capita basis, every man, woman, and child in America owes $19,419.07 as his or her share of that debt.

SUSTAINABLE FISHERIES ACT

Mr. PRESSLER. Mr. President, on March 28, 1996, the Committee on Commerce, Science, and Transportation reported S. 39, the Sustainable Fisheries Act. A report on the bill was filed on May 23, 1996. At that time, the committee was unable to provide a cost estimate for the bill from the Congressional Budget Office. On July 8, 1996, the accompanying letter was received from the Congressional Budget Office, and I now make it available to the Senate. I ask unanimous consent that the letter from CBO be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 8, 1996.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 39, the Sustainable Fisheries Act.

Enactment of S. 39 would affect direct spending and receipts. Therefore, pay-as-you-go procedures would apply to the bill. S. 39 contains several new private-sector mandates (see the enclosed mandates statement), but it does not contain any intergovernmental mandates as defined in Public Law 104–4.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill).

Enclosures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 39.

2. Bill title: The Sustainable Fisheries Act.

3. Bill status: As reported by the Senate Committee on Commerce, Science, and Transportation on May 23, 1996.

4. Bill purpose: S. 39 would amend the Magnuson Fishery Conservation and Management Act (the Magnuson Act), which governs federal regulation of commercial and recreational fishing within the exclusive economic zone (EEZ) of the United States. The bill also would amend other marine fishery and maritime laws including the Anadromous Fisheries Act, the Interjurisdictional Fisheries Act, the Fish and Wildlife Act of 1956, the Atlantic Coastal Cooperative Management Act, the Merchant Marine Act, and the Saltonstall-Kennedy Act. Programs authorized under these acts are managed locally by eight regional fishery councils and