

know the ultimate end point of this research does not mean we have to change course at this time. Independent reviews support this position. The Nuclear Waste Technical Review Board, I repeat, says keep the present course. We need not do anything more than we currently have for many years. There is no crisis. There is no need for new regulation.

We have heard referred to on a number of occasions today what the Washington Post said. The Washington Post is a newspaper that we in Washington read on occasion. I misplaced my copy. I appreciate a copy being handed to me. It is on every desk in the Chamber. The Post said today, among other things, in one sentence that sums up this whole debate:

This is too important a decision to be jammed through the latter part of Congress on the strength of the industry's fabricated claim that it faces an emergency.

This, Mr. President, is not a statement made by the Senator from Nevada but a statement made by the editorial board of one of the largest, most prominent newspapers in the United States. There is no crisis.

We have also heard people say that S. 1936 does address the problems of S. 1271, its predecessor bill. Not true. They claim that the deficiencies in S. 1271 have been corrected in S. 1936. They acknowledge that there were problems with S. 1271 and they have taken care of them. Not true.

My colleague spoke at some length about why that is a fabrication. There is new window dressing. A new paint has been put on the same old wreck of a house but under the paint you still have the very old wood that will not last long. Substantive changes simply have not been made. S. 1936 still preempts all State and local laws and essentially all Federal laws. S. 1936 undermines the objectivity of the scientific research at Yucca Mountain. The criticisms by the President of the United States of S. 1936 are just as valid as his criticisms of S. 1271. There have been no substantive changes. That is why the President last night through his Chief of Staff did not sign a letter to the minority leader outlining his objections to this disastrous law, S. 1936, until it was thoroughly reviewed by the entire staff the White House.

You do not have to take my word. You can just read the bill. For example, take page 73 of this bill entitled "General and Miscellaneous Provisions," and its subheading is "Section 501, Compliance with Other Laws."

If the requirements of any law are inconsistent with or duplicative of the requirements of \* \* \* this act, the Secretary shall comply only with the requirements of the \* \* \* act in implementing the integrated management system. Any requirement of a State or political subdivision of a State is preempted if—

And it outlines the ifs; not very broad except it just emasculates every environmental law we have passed within the last 25 years:

Complying with such requirement and a requirement of this act is impossible; or—

Listen to this dandy:

Such requirement, as applied or enforced, is an obstacle to \* \* \* this act \* \* \*

I do not know what an obstacle is, but it does not take much.

One of the things that we have not talked about that we should be talking about, Mr. President, is the NRC, Nuclear Regulatory Commission, certification requirements for spent fuel transportation. And what I want to talk about there is that the certification requirements for spent fuel transportation containers certainly are not insurance against the consequences of a remote accident. And I might add, they are certainly not insurance against any act, but the consequences of an accident will not observe the boundaries of where the accident occurs. Just because the accident might be remote is no basis for comfort. And we know, we have described where the railroads and the highways go. Fifty million people live within a mile of the highways and railroads.

Radioactive waste will burn and disburse many tens of thousands of miles before deposition and contamination of far distant territory takes place. We know by looking at what happened at Chernobyl, Olga Korbut, the great Olympian I talked about earlier today, who lived 100 miles from Chernobyl, is dying of her disease that came about as a result of this nuclear accident. Are we going to warn this at-risk population, this 50 million people along the transportation route, are we going to warn them to stay tuned to some emergency frequency just in case something unexpected happens? Chernobyl never happened until it happened. Now we are concerned of other Chernobyls. And if we do that, that is, warn the at-risk population to stay tuned, what are we going to tell them if an accident does happen? Who will help? When will they help? Who will be liable?

The term "mobile Chernobyl" has been coined for this legislation. A trainload of waste may not contain the potential for disaster that Chernobyl did, but the result will be little different for those affected by the inevitable accident. I submit that we are not prepared to implement the transportation of this hazardous material—not today, not tomorrow. The risk is real, and we are responsible for ensuring readiness and preparation to reduce it to minimal levels of 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 site where these materials are to be disposed.

Terrorism, vandalism and protests. Unforeseeable accidents, even of small likelihood, are intolerable in the absence of responsible capability to respond to these accidents. Accidents are only one kind of a problem we must be able to deal with. We must be capable of dealing with accidents, but it is only

one of the problems that develop. Much has been spoken recently of America's vulnerability to both domestic and foreign attacks. It really saddens me to agree that some of America's enemies today are American citizens. Misguided as they may be, enemies they certainly are. Vipers in Arizona—we have on film their little escapades, blowing up things. We had someone who was able to infiltrate that group, who heard the statements they made: Anybody who talks against them to authority, we will kill them. But that is only one of many.

The trade center in New York blown asunder, Oklahoma City—we can go all over the country and find these acts of terrorism that have taken place. But we certainly must look at our own States: Reno, Bureau of Land Management, roof blown off; IRS building, the bomb which was a dud; Carson City, Forest Service wall blown off; part of a Forest Ranger's home blown up.

So we know they are out there. There are known enemies of America and the values it promotes and stands for. Because of our constitutional rights, which are our national heritage, we cannot deny our enemies many of the same freedoms we ourselves enjoy.

Mr. President, I see the leader on the floor. I will be happy, at such time as he wants me to desist for whatever he might want to do—I will be happy to do that. All he has to do is give me the word.

Mr. LOTT. Mr. President, if the distinguished Senator is at a point where it would be appropriate?

Mr. REID. Certainly.

Mr. LOTT. Mr. President, we are in the process, now, of working with both sides to see if we cannot come up with a further agreement with regard to how we would handle the nuclear waste issue. We do have some agreements that have been worked out on the Executive Calendar and on a couple of bills. I would like to go ahead and get those done. These have been cleared with the Democratic leadership. Then, as soon as we get this other agreement finally worked out, we will take that up.

#### MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

#### SAFE DRINKING WATER

Mr. BYRD. Mr. President, there is an old adage that, "You never miss the water until the well runs dry." I come to the Senate floor today to speak about an issue that is essential to the health and well-being of every American—safe drinking water. All life as we know it depends on the necessary element of water.

Most Americans take safe drinking water for granted. Most Americans just