

ulatory Agency to license the project, several federal officials said Monday.

A two-day symposium to examine problems related to licensing of the radioactive waste repository started off with calls for reevaluation of the Environmental Protection Agency's standards for the project.

The symposium is sponsored by the National Research Council, which last month issued a report criticizing EPA standards as too inflexible and unrealistic.

The EPA is revising standards designed to ensure that the underground repository, proposed 100 miles northwest of Las Vegas, will safely contain highly radioactive wastes for at least 10,000 years. The standards will set maximum levels for radioactive releases into ground water and air, and performance requirements for waste containers.

U.S. Nuclear Regulatory Commissioner James Curtiss set the tone for the conference's first day when he warned in an opening speech that a complex mix of EPA standards and NRC requirements could make it difficult for the commission to license a repository.

Curtiss said he was troubled by the legal difficulties that may arise from the fact the EPA standards require scientists to compute the probability of many natural events to determine whether a repository will be safe. The NRC has long used a "deterministic" method that relies more heavily on design and engineering criteria to assess risks.

"We now have what amounts to two legally distinct licensing standards: NRC's deterministic requirements . . . and EPA's probabilistic standards," Curtiss said. The use of two methods to evaluate repository plans could make it difficult for the NRC to defend any license in court, he said.

"In short, while we may have reduced the technical uncertainty with such an approach, we have increased the legal uncertainty," Curtiss said. Conflicts between the two risk assessment methods could "overwhelm the programs," the commissioner said.

Curtiss called for the EPA to consider switching to the risk assessment method traditionally used by the NRC. He declined to say whether the EPA standards also should be relaxed to make licensing easier, but he said the Energy Department should have greater freedom to juggle numbers as long as the overall performance of the repository wasn't affected.

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Moeller suggested that standard was unrealistically stringent. He said risk assessment experts believe radon, a radioactive gas that seeps through the ground into some homes, claims the equivalent of one life every three minutes. Although Moeller did not advocate raising the repository standard to match the risk from radon, he said he believed it could be increased to a level higher than the risk from unmined uranium ore.

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with the EPA standards, that will make it difficult to license a repository.

Loux, who is spearheading Nevada's fight against the project, alleged in an interview Monday that the two-day conference is an attempt by the "nuclear priesthood"—pro-nuclear regulators and businesses—to interfere with EPA's effort to set reasonable standards for a repository. Loux said relaxing the standards to make it easier to win approval of a repository at Yucca Mountain would be like "having the ball in the air and moving the goal posts."

The conference also will hear today from EPA, NRC and Energy Department staff.

[From the Las Vegas Review Journal, Sept. 18, 1990]

REVISION OF EPA'S NUKE DUMP SAFETY STANDARDS URGED

(By Steve Adams)

WASHINGTON.—Safety standards could doom the proposed Yucca Mountain nuclear waste repository unless requirements are revised to make it easier for the Nuclear Reg-

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against whom they may be aimed and fired.

Mr. President, I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

Mr. REID. Mr. President, I was in the Senate Chamber during the time the senior Senator from California was rendering his remarks about the situation in the Middle East. I would like to recognize the statement for the content of the statement.

I think that the Senator who has been a long time leader in setting foreign policy in this body has certainly reviewed what has taken place in the past, what is now taking place, and has rendered a statement to this body that is well worth considering. I would think that in the days to come this is an approach that this body should strongly consider.

#### YUCCA MOUNTAIN

Mr. REID. Mr. President, in last Friday's newspapers all across this country, the syndicated column by Jack Anderson appeared. In this syndicated column, the Department of Energy's enterprise called Yucca Mountain was highlighted. I commend this article to my colleagues, and I ask unanimous consent that it be printed in the RECORD in its entirety at the end of my statement.

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

(See exhibit 1.)

Mr. REID. This Yucca Mountain issue, nuclear waste issue, has been visited before and will be visited again.

Mr. President, in the rush to establish public policy to deal with high-level radioactive waste, we neglected to take testimony of the most influential participant in the process—Mother Nature.

As much as we want, we cannot legislate nor regulate science. We cannot regulate or legislate mother nature.

Soon, the Department of Energy's independent scientific panel that was seated to evaluate the findings of the Department of Energy scientists will offer their collective judgment on the adequacy of Yucca Mountain to serve as the Nation's nuclear graveyard. The nuclear waste dump issue is an issue of passion in Nevada. It is not as simple as vilifying the governmental representative charged with the responsibility of implementing legislation; we all recognize that Admiral Watkins is trying to do a very important job for our country in this area.

The nuclear waste dump issue is on the minds of all Nevadans, folks in the

towns and cities, all over Nevada, who look upon the contribution that they are now making and have made to our Nation's security in the nuclear arena and the legislative insult they have received from Washington in return by virtue of the "screw Nevada" legislation.

Mr. President, recently, the National Academy of Science's and National Academy of Engineering's National Research Council, one of the organizations that specifically provides advice to the Government on science issues, proffered their perspective on the Yucca Mountain enterprise. The Nuclear Regulatory Board on Radioactive Waste Management reported that the current approach to construct the high level waste dump is "bound to fail."

If we are not going to allow sound scientific investigation to get in the way of legislation, then we have been too modest in our goals, Mr. President. We should pass legislation to prohibit seismic and volcanic activity and even eliminate storms and floods. I am sure people throughout America would appreciate this new-found power of legislation to protect the public from suffering at the hands of calamities. Just think of the significant savings of resources that would otherwise be expended to protect them.

I welcome the challenge offered by Admiral Watkins and the Secretary of the Department of Energy, after the NRC report was issued, that we can, in his words, "cool the rhetoric and take advantage of the best, unbiased minds the country has to offer in renewing a constructive dialog."

That was a direct quote from Admiral Watkins.

We need to shed the biased opinion and start attending to the problem with the nuclear fuel cycle: Dealing with high level radioactive waste. Under today's ground rules, the Federal Government has little alternative but to attempt to justify the viability of the Yucca Mountain site as the Nation's nuclear garbage pile.

The process established by Congress dictated that the U.S. Nuclear Regulatory Commission would ultimately be responsible for the licensing of the Nation's waste repository. The U.S. Nuclear Regulatory Commission was to be wholly independent. The U.S. Nuclear Regulatory Commission was to establish a criteria for the evaluation of any application for the disposal of high level radioactive waste. But on Monday, at a forum sponsored by the National Research Council to examine the problems related to licensing of a high level waste repository, a commissioner of the U.S. Nuclear Regulatory Commission stated that we ought to shift from traditional analytical methods and provide the Department of Energy greater freedom to juggle numbers.

Mr. President, standards are set to provide for public health and safety. We do not compromise on health and

safety by juggling numbers. Where does Secretary Watkins expect to find those "best unbiased minds" if even a commissioner of the Nuclear Regulatory Commission is predisposed to rewriting science to make it fit the goal?

Whatever happened to the real goal that puts regulatory programs on the map: The safety and protection of the health and welfare of the public? Is anyone involved in the process unbiased and untainted?

I ask unanimous consent that an article by Steve Adams on the Nuclear Regulatory Commission symposium be printed in the RECORD at the end of my statement.

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

(See exhibit 2.)

Mr. REID. Mr. President, a decision with respect to a high level nuclear waste repository will be like few others that we face personally. While we here routinely deal with legislation that has a significant nationwide impact on our society, in my opinion, they pale with respect to a decision on high level nuclear waste.

Few appreciate the enormity of this decision, because it does not impact on them or their constituency directly. Mr. President, this decision about which I speak will have ramifications for a period that is 50, and I repeat, 50 times longer than our Nation has been in existence. America is less than 10 generations old. Columbus set sail less than 25 generations ago. The decision on a high level waste repository will be with us for more than 500 generations. This is longer than recorded history or any manmade structure has survived.

In the rush to repair a weak link in the nuclear fuel cycle, a problem that has been with us little more than a single generation, the solution must be one with which our entire Nation can live, and live with for 500 generations.

If we insist on giving short shrift to the oversight and quality assurance activities of large-scale Government projects, we wind up with Hubbles and maybe even Challengers.

We have been accused of taking the politically expedient route to resolutions all too long. We need to do what is right, rather than what is expedient.

It is easy to say "not in my backyard, put it in my neighbor's backyard." We need to move on the right course. If this means starting fresh in search of the optimal solution for dealing with high level nuclear waste, Mr. President, will the next 500 generations not agree with us? The answer is a resounding "yes."

#### EXHIBIT 1

(From the Washington Post, Sept. 14, 1990)

NEVADA: SHAKY SITE FOR A NUCLEAR DUMP

(By Jack Anderson and Dale Van Atta)

It's a hot potato, the proverbial licking time bomb. America's nuclear waste needs a safe resting place, and soon. The government has spent years searching for the perfect spot, a location that some esteemed sci-

entists now say could be a catastrophic mistake.

Yucca Mountain in the Nevada desert is the main site under consideration to hold spent nuclear fuel for at least the next 10,000 years.

Nevada became the reluctant target owing as much to political gyrations in Washington as practical considerations at Yucca Mountain. From the moment that the Energy Department picked Yucca Mountain in 1987, the most credible critic of the choice has been the department's chief geologist on the project.

Jerry Szymanski says he is neither a whistle-blower nor a political activist. He is just an Energy Department employee who is willing to say what others won't: Yucca Mountain is the wrong place.

It seems that groundwater under the mountain could flood the radioactive dump in the event of an earthquake, which his study says is highly likely in the next 10,000 years, barely a tick on the radioactive clock. If that happened, the water and earth would be poisoned.

Nevada's leadership, understandably opposed to turning their state into a nuclear dump site, got an early copy of Szymanski's study and made it public several years ago. Szymanski's bosses fired back with a propaganda blitz suggesting that his analysis was off-the-wall and solitary.

Szymanski didn't back down. When the final draft of his study was finished last year, he insisted that it be reviewed by five scientific peers. That panel of geologists is winding up its review and the preliminary report is due out any day.

While the panel chairman declined to tell us which way the panel was leaning, one prominent member told our associate Dan Njegomir that it looks like Szymanski is right on the money.

"You've got a volcano staring you right there in the face," said panel member Charles Archambeau, an eminent geologist at the University of Colorado. "I've already decided they should start looking for another place."

Archambeau said he was reluctant to jump the gun and preempt other panel members. He also doesn't want his criticism to delay construction of the dump even longer. It's just that he wants it in the right place.

Why would the federal government be so blindly devoted to Yucca Mountain?

Szymanski offered one explanation—Inertia. The bureaucracy gets sold on one notion and can't change course. He noted that two other sites under consideration earlier were also touted as ideal by their respective fans in the Energy Department.

The panel's findings won't be the last word on Yucca Mountain. Politics and yet other studies will see to that. But Archambeau said that if science alone is the judge, it won't take much to scratch Yucca Mountain off the list. The federal licensing requirement for the dump allows almost no possibility of any of the geological catastrophes that Szymanski says are likely. "If Szymanski is correct, it will kill the site," Archambeau said.

#### EXHIBIT 2

[From the Las Vegas Review Journal, Sept. 18, 1990]

#### REVISION OF EPA'S NUKE DUMP SAFETY STANDARDS URGED

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ulatory Agency to license the project, several federal officials said Monday.

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The conference also will hear today from EPA, NRC and Energy Department staff.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. CRANSTON. I want to amplify on one point in the remarks I made a few moments ago proposing that we lease rather than sell weapons to Saudi Arabia.

I cited the transfer of Stinger missiles to Bahrain as one of the precedents. I want to provide some details. The transfer of 70 Stinger missiles to Bahrain occurred on April 9, 1988. It was technically not a lease, but rather a sale with buy-back provisions, as mandated by Congress. It had the same effect as a lease. We could get the Stingers back whenever we wanted. This might be an alternative way of approaching the disposition or transfer of weapons to Saudi Arabia.

In the Foreign Assistance Appropriations Act of 1988, which was enacted December 22, 1987, a DeConcini amendment was enacted prohibiting the sale, lease, grant, or transfer by other means, of Stingers to any country in the Persian Gulf region. An exception was made for Bahrain, which was allowed to buy the missiles on the basis of a Presidential certification that four requirements were met, including Bahrain's written agreement to return all Stingers other than those fired or otherwise destroyed, whenever the United States requested their return, or not later than 18 months after enactment, which would be June 22, 1989. That date was extended by law to December 30, 1990, and extended again to September 30, 1991, in view of the unsettled situation in the gulf and the threat to the security of Bahrain and to our interests there. That was done in the appropriations bill enacted November 21, 1989.

Another of the requirements was that there be a finding that:

The Stingers are needed by Bahrain to counter an immediate air threat or to contribute to the protection of United States personnel, facilities, equipment, or operations.

H.R. 1578. An act to modify the boundary of the Cranberry Wilderness, located in the Monogahela National Forest, West Virginia; to the Committee on Energy and Natural Resources.

H.R. 4632. An act to amend title 14, United States Code, to impose penalties for inducing the Coast Guard to render aid under false pretenses, to impose liability for costs incurred by the Coast Guard in rendering that aid, and to authorize appropriations for use for acquiring direction finding equipment for the Coast Guard; to the Committee on Commerce, Science, and Transportation.

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2419. An act to authorize the Secretary of Agriculture to exchange certain property in the Chattahoochee National Forest for the construction of facilities in the National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4309. An act to establish the Smith River National Recreation Area in the State of California; to the Committee on Energy and Natural Resources.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3603. A communication from the Principal Deputy Comptroller of the Department of Defense, transmitting, pursuant to law, a supplemental contract award report for the period September 1, 1990 to October 31, 1990; to the Committee on Armed Services.

EC-3604. A communication from the Comptroller General of the United States, transmitting, pursuant to law, an analysis of the estimated costs of the assistance agreements the Federal Savings and Loan Insurance Corporation entered into during 1988 and 1989; to the Committee on Banking, Housing, and Urban Affairs.

EC-3605. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, an assessment of the Flexible Subsidy program; to the Committee on Banking, Housing, and Urban Development.

EC-3606. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report of HUD's Internal Control Review of the Capital and Administrative Requirements of the Multifamily Coinsurance Programs; to the Committee on Banking, Housing, and Urban Development.

EC-3607. A communication from the Assistant to the Chairman and Director of the Interstate Commerce Commission, transmitting, pursuant to law, a copy of the Interstate Commerce Commission's annual report of 1989; to the Committee on Commerce, Science, and Transportation.

EC-3608. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to amend the Hazardous Materials Transportation Act; to the Committee on Commerce, Science, and Transportation.

EC-3609. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report describing the technology transfer program for the period 1989-1990; to the Committee on Commerce, Science, and Transportation.

EC-3610. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for fiscal year ending September 30, 1989; to the Committee on Commerce, Science, and Transportation.

EC-3611. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Federal Onshore Oil and Gas Leasing Report for fiscal year 1989; to the Committee on Energy and Natural Resources.

EC-3612. A Communication from the Deputy Associate Director for Collection and Disbursement of the Minerals Management Service of the Department of the Interior, transmitting, pursuant to law, notification of the intention to make refunds listed on the enclosure; to the Committee on Energy and Natural Resources.

EC-3613. A Communication from the Deputy Associate Director for Collection and Disbursement of the Minerals Management Service of the Department of the Interior, transmitting, pursuant to law, notification of the intention to make refunds listed on the enclosure; to the Committee on Energy and Natural Resources.

EC-3614. A Communication from the Deputy Associate Director for Collection and Disbursement of the Minerals Management Service of the Department of the Interior, transmitting, pursuant to law, notification of the intention to make refunds listed on the enclosure; to the Committee on Energy and Natural Resources.

EC-3615. A Communication from the Deputy Associate Director for Collection and Disbursement of the Minerals Management Service of the Department of the Interior, transmitting, pursuant to law, notification of the intention to make refunds listed on the enclosure; to the Committee on Energy and Natural Resources.

EC-3616. A Communication from the Deputy Associate Director for Collection and Disbursement of the Minerals Management Service of the Department of the Interior, transmitting, pursuant to law, notification of the intention to make refunds listed on the enclosure; to the Committee on Energy and Natural Resources.

EC-3617. A Communication from the Deputy Associate Director for Collection and Disbursement of the Minerals Management Service of the Department of the Interior, transmitting, pursuant to law, notification of the intention to make refunds listed on the enclosure; to the Committee on Energy and Natural Resources.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2846. A bill to authorize and direct the Secretary of the Interior to conduct a study of the feasibility of establishing a unit of the National Park System to interpret and commemorate the origins, development, and progression of jazz in the United States, and for other purposes (Rept. No. 101-469).

By Mr. AKAKA, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute:

S. 190. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay without reduction in the amount of the compensation and retired pay.

Mr. AKAKA, Mr. President, on behalf of the Committee on Veterans'

Affairs, I am pleased to report S. 19 as amended, to the Senate. This bill was ordered reported by the Committee on June 28, 1990, by a 5-to-4 vote. Under a previous unanimous-consent agreement, the legislation will be referred to the Committee on Armed Services for further consideration.

S. 190, as amended, would eliminate the statutory offset between veteran disability compensation and military retirement pay to the extent that a retiree is disabled. For example, a 100-percent disabled veteran would not be subject to the offset. A veteran rated 30 percent disabled, however, would receive both his retirement pay and compensation minus an amount equal to 70 percent of his disability compensation. A veteran rated 0 percent disabled would, of course, be subject to the full offset. Thus, S. 190, as amended, is carefully designed to benefit the most needy or seriously disabled veterans.

Mr. President, legislation to eliminate or modify the offset was first introduced by my predecessor, Senator Spark Matsunaga, in the 100th Congress. His strong advocacy impelled the committee to hold hearings on the so-called concurrent receipt bill on June 9, 1989, at which military and veterans service organizations unanimously expressed support for the measure. Now, little more than a year later, the committee has acted favorably on a measure that goes a long way toward addressing a century-old injustice done to the Nation's retired disabled veterans. In fitting tribute to the late legislator's efforts, the committee has agreed to name the bill the Spark M. Matsunaga Disability Benefits Improvement Act of 1990.

Mr. President, it would be remiss of me not to recognize the outstanding efforts of another committee member, Senator BOB GRAHAM of Florida, who assumed primary advocacy of the offset bill upon Senator Matsunaga's untimely death last Easter. It was Senator GRAHAM—supported by myself, Senator DENNIS DECONCINI of Arizona, Senator JAY ROCKEFELLER of West Virginia, and Senator JIM JEFFORDS of Vermont—who, with the gracious permission of Chairman ALAN CRANSTON, managed to steer the bill to a committee vote. Whatever the ultimate fate of this legislation, the nearly half a million retired disabled veterans who stand to benefit from this bill should rest assured that in Senator GRAHAM they have the finest possible advocate.

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

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

S. 190

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