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INTRODUCTION

Mr. Chairman, I would like to make a simple assertion – taking 70,000 metric tons of dangerous radioactive nuclear waste, removing it from reactor sites around the country, and putting it on trucks and trains and barges moving through cities and towns and waterways across America is a disastrous scheme.

According to the Department of Energy, 50,000 to 100,000 truck shipments, or 10,000 to 20,000 rail shipments and nearly 1,600 barge shipments would be required to transport high-level nuclear waste to Yucca Mountain. Anyone who believes the argument that this waste can be transported without incident only need look at what happened last July in the Baltimore tunnel, when a CSX freight train carrying hazardous waste derailed and set off fires that burned for five days. Imagine a similar incident, only the waste is radioactive.

But even if we put aside the possibility of a catastrophic accident – what about a terrorist attack? In the midst of a global war on terrorism that could last for years, and perhaps decades, trucks and trains carrying radioactive fuel would be prime targets for terrorists. Consider: some 3,000 people died when terrorists hijacked planes and crashed them into the Pentagon and World Trade Towers September 11th. Hijacking or blowing up a truck of nuclear waste would be an easy way for terrorists to devastate one of our major metropolitan areas.

Indeed, the most senior al Qaeda leader in US custody, Abu Zubaydah, told interrogators that al Qaeda is seeking to explode a “dirty bomb” in the United States. Al Qaeda doesn’t need to buy nuclear material and smuggle the device into our country. They just have to use a TOW missile to hit a truck carrying nuclear waste. Let’s not fool ourselves. Every truckload of nuclear waste going to Yucca Mountain on our highways is a potential “dirty bomb.”

NUCLEAR WASTE SECURITY

Mr. Chairman, nuclear power plant sites are among the most secure commercial facilities in the country. Following the events of September 11th, they are being made even more secure, and there are even proposals for military protection at these sites. Modest infrastructure improvements can further increase the level of protection against any conceivable terrorist threat.

After building up all that security, what is the logic of removing spent fuel from this safe and secure storage, putting it on the nation's roads and railways, within easy reach of terrorists?

Secretary Abraham asserts these shipments will be "a secret". They will not – they will be extremely high profile and, because of the long duration of the campaign and large numbers of repetitive shipments, they will be easily predictable.

And even if they were "secret," let's all reflect for a moment about what it means to the people of the towns and communities that will play temporary host to this radioactive refuse. The federal government intends to take highly dangerous nuclear waste, and bring it through your towns and cities, *without your even knowing about it*. No warnings to local governments. No opportunities for local communities to prepare safety precautions. No chance for parents to protest the shipment routes. An accident or terrorist incident in their backyard would be the first time they learned that their children were in proximity to radioactive waste.

In other words, the federal government is treating every community in America with the same contempt as they are the people of Nevada. In fact, they are treating them with even greater contempt. At least they have had the decency to tell us that we Nevadans will be exposed to radioactive material—the rest of the country will just have to wait for disaster before they find out.

CASKS

And Mr. Chairman, disasters will happen. The NRC hasn't even conducted physical tests on actual casks, only scale models. I wouldn't put my children in a car that hadn't been crash tested; but I'm supposed to put them on a highway next to a truck with casks of nuclear waste that haven't been physically tested.

These casks are going to be traveling by homes, schools, and churches. And at this time we can't be sure they will survive real world conditions. For example, the casks have not been tested in real fires – only with computer simulations – and not to the extent they need to be. The computer simulation is for 30 minutes at 1475 degrees Fahrenheit. The temperature in the Baltimore tunnel fire reached 1500 degrees Fahrenheit and the fire burned for five days.

Last week, in order to better understand the risks of transportation, Senator Reid and I asked the NRC for complete information on every shipment of spent nuclear fuel and high-level radioactive waste shipped in the US by truck, rail, or barge. We have a responsibility to investigate all of the potential risks to public health, safety and the economy posed by these large numbers of shipments.

Yesterday, in the *Washington Times*, the NRC stated that it is doing a top-to bottom

review of security requirements, including a review of transportation cask vulnerabilities to terrorism. Let's make sure these casks are properly tested before the Congress votes on Yucca Mountain.

NOT WORTH THE RISK

Mr. Chairman, it's just not worth the risk to transport 70,000 metric tons of nuclear waste across our nation. Even with Yucca Mountain, there will continue to be nuclear waste stored at all operating reactor sites.

You see, even if it were possible to immediately and magically remove all of the existing spent fuel from commercial nuclear power plant locations, there would still continue to be spent fuel stored at each and every operating reactor in the country. That's because nuclear waste is highly radioactive and thermally hot and must be kept at the reactor sites in water-filled cooling pools for at least five years. The only way spent fuel storage can be eliminated from a reactor location is to shut down the reactor. I don't think that option figures in the nuclear industry's long range plans.

Mr. Chairman, we will have 65,000 metric tons of commercial nuclear waste by the time Yucca Mountain is scheduled to open. We produce 2,000 metric tons of nuclear waste a year. The DOE plans to transport 3,000 metric tons a year. Just do the math. We won't get rid of the nuclear waste backlog for nearly a century – and Yucca Mountain will be filled long before then.

All that moving waste to Yucca will do is create one additional large storage facility. But to do that, the cost will be tens of thousands of shipments of deadly radioactive waste on the nation's highways and railroads, day after day, month after month, that will travel constantly through cities and communities in 45 states.

So if transporting nuclear waste across our country to Yucca Mountain isn't the answer, what is?

Mr. Chairman, we should keep that waste right where it is, safely stored for the time being. The federal government should offer to take title and liability to the waste stored on site, just as it did in Pennsylvania under the PECO settlement. The NRC has stated fuel can be stored safely on site for at least 100 years in dry cask storage. That leaves plenty of time to continue to develop new technologies at our National Labs to reprocess the waste without producing weapons-grade plutonium as a byproduct.

CONCLUSION

Mr. Chairman, transporting tens of thousands of tons of nuclear waste across the country wasn't a good idea before September 11, and it's certainly not a good idea now. We had never thought of a fully fueled passenger plane as a weapon. Let's not make the same

mistake with the trucks, trains, and barges that will be transporting nuclear waste.

You are being asked to risk the health and safety of your constituents for a scheme that will leave this country looking for another nuclear waste storage site 24 years after Yucca Mountain opens. It's just not worth it.

As a legislator, like all of you, I need to be fully informed about the effects of legislation on my constituents before I vote. At least I know that transporting waste to Yucca Mountain will be bad for the people of Nevada. You don't know how transporting nuclear waste to Yucca Mountain will impact the people in your states. The Department of Energy transportation routes published in the final EIS are suggestions; they are not set in stone. It may be better for your folks – it may be worse – but you don't know. And until you do, you shouldn't support Yucca Mountain.