

**TESTIMONY OF NEVADA STATE SENATOR JON C. PORTER
TO THE SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
AND THE SUBCOMMITTEE ON RAILROADS OF THE
HOUSE COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE**

**On the Transportation of Spent Rods to the
Proposed Yucca Mountain Storage Facility**

**2167 Rayburn House Office Building
10:30 a.m., April 25, 2002**

Good morning, Chairman Young and members of the Joint Subcommittee. On behalf of the citizens of Nevada, I thank you for this opportunity to express our long-standing, continuing, and absolute opposition to the storage of high level nuclear waste at Yucca Mountain.

For many years, we in Nevada have adamantly opposed the establishment of a nuclear dump in our state. As a result, we've been accused of being unpatriotic. We have been charged with nimbyism – not in my backyard.

And now we stand accused of scare tactics and “desperate efforts.”

This fight has nothing to do with patriotism. You have only to look at Nevada’s history to know that we have always been willing to do our part, and more, for the safety and security of this nation.

And you have only to look at the Nevada Test Site to know that in doing our part, we have sacrificed in ways that the citizens of *no other state* have been asked to do.

Throughout this long fight, we’ve argued endlessly about whether putting nuclear waste in Nevada was a victory for politics or a vindication for science.

The battle has been fought hard on both fronts. Most believe that it's been won on the political front – that Nevada will lose, not because you dismiss our opposition as nothing more than nimbyism, but because 49 other states don't want the waste in *their* backyards.

That's what this debate is really all about.

So now to the latest charge – that our national campaign to educate the public about the dangers of transporting nuclear waste constitutes scare tactics.

Well, let's talk about that.

Should millions of Americans in nearly every state be scared?

Unquestionably. And that includes Americans in states that currently store nuclear waste. Perhaps *particularly* in states that currently store nuclear waste.

An editorial in the *New York Times* this weekend offered two arguments against Nevada's campaign to publicize the dangers of transporting nuclear waste: first, that "spent fuel rods have been shipped in small quantities for decades now with no obvious harm to the public," and second, "whatever new risks may emerge with more numerous shipments in an age of terrorism will have to be addressed in detail by federal regulators before they approve the burial plan."

Small quantities? We're not talking now about **small** quantities. We're talking about seventy-seven thousand tons being shipped through or near cities and communities across the country for nearly four decades. Common sense alone tells you that the greater the number of shipments the greater the potential for accident.

And "no obvious harm?" that, perhaps, is the most frightening of comments. For many years, Nevadans were subjected to radiation from nuclear testing. We thought then that there was no obvious harm – now we know differently. The effects of radiation may go undiscovered for years. And those effects, when discovered, are lethal.

What is more, it is irresponsible at best and disingenuous at worst to draw the universe of examples so small – to say that there have been no accidents of a particular size or severity within a set number of years – and then to conclude, from that small sample and those narrowly defined parameters, that accidents will not occur.

We know that is not the case. Nuclear accidents have happened. Nuclear accidents *will* happen.

There has been a lot of talk about "acceptable risk" over the past few weeks. But that term has always been applied to Nevada and to Yucca Mountain.

Let me ask all of you now: what is an acceptable risk to *you*, and *your* families, and the communities in which you live?

Let's assume for the moment that an accident involving the transport of nuclear waste is rare. Will its rarity be of any consolation to you if the accident occurs in your state?

But it's not only transportation accidents we must consider. Now, we also have to prepare for the threat of a terrorist attack. We already know, from tests sponsored by the industry itself, that a tow missile can blow a hole through any cask used to store nuclear waste.

There are half a million tow missiles in the world today, many of them in countries not friendly to the U.S. since nuclear waste will always be stored at nuclear facilities – *always*, a fact that the industry does not like to acknowledge – transporting waste across the nation, every day, thousands of miles, thousands of tons, merely increases the number and attractiveness of terrorist targets.

And I do not need to tell you the devastation that would follow with spent nuclear fuel rods in the hands of terrorists.

Scare tactics? Yes. Because you should be scared.

The next argument advanced by the *New York Times* and by many nuclear industry proponents is that "whatever new risks may emerge with more numerous shipments in an age of terrorism will have to be addressed in detail by federal regulators before they approve the burial plan."

Let Nevada tell you about answering questions "on the road."

There are nearly 300 questions remaining regarding the safety of Yucca Mountain. Even the GAO called the decision to recommend the site premature. Yet we are told the project should nevertheless proceed -- that the questions will all be answered by the time the site is open.

As we in Nevada have learned, when the answer doesn't suit the DOE or the Nuclear Industry, they simply change the question.

Over the past 20 years, we have seen everything -- the studies, the procedures, the politics, and the science -- revised as necessary or even ignored to support a decision that had already been made.

Can you trust the DOE and the nuclear energy to be more honest with you than they have been with us?

The Industry is fond of pointing out how much money has been spent studying Yucca Mountain, as if the amount already spent somehow justifies spending more. But has anyone told you how much the site will cost from this point on?

It is estimated the program will cost, *over and above industry fees*, \$35 billion or more. You in this body know that it is not *sunk* costs that matter in making a decision; it is

future costs. And the Nuclear Industry is demanding that you and your constituents, the American taxpayers, foot the bill for an unnecessary and unsafe project.

And it is not just the cost of the repository itself – we must now ensure that every shipment is heavily guarded from its point of departure to its arrival.

Or perhaps the DOE and the Nuclear Industry don't want you to know that they have no intention of ensuring the safety of shipments?

As members of Congress, you consistently seek evidence *before*, rather than after, making a decision. Can you do less now, when the stakes are so much higher? Yet that is exactly what the Nuclear Industry, in its arrogance, expects you to do.

No one has told you how many truckloads, how many rail shipments, how many barges, how many casks and containers are involved. No one has told you where and how often those shipments will be made.

Perhaps they do not wish you to know that deadly shipments will pass near population centers in your state every day for nearly 40 years.

Mr. Chairman and Members of the Committee, these are answers to which you are entitled.

A little over a year ago, during Nevada's legislative session, I introduced a resolution on this very issue. Senate Joint Resolution no. 11 urged Congress to require an environmental impact statement on the risks of transporting nuclear waste to Yucca Mountain.

I said to my legislative colleagues then, and I say to you now: "transportation is key to our stopping yucca mountain from being used as a dump site. I believe in having the

public involved, and once they realize the health hazards, they too can be involved in the process of stopping Yucca Mountain.”

Our public education campaign is not, as the *New York Times* says, simply a desperate attempt. The simple fact is: we don't know. You don't know. And no level of risk can ever be deemed acceptable until we do.

I urge you to require, to demand that a study be done of the dangers of transporting nuclear waste. I urge you to demand to know now, before you make your decision, if that waste will pass through *your* backyard on the way to Nevada's.

Finally, I ask you to remember this: establishing a nuclear repository at Yucca Mountain will never remove the risk at nuclear facilities.

The truth is that a significant amount of waste will *always* be stored onsite at nuclear facilities, since spent rods cannot be moved for years until they have cooled. By transporting the waste, you merely increase the potential for accident or, terrifyingly, terrorist attack.

Chairman Young, let me conclude by offering my personal gratitude as well as that of all Nevadans for agreeing to conduct this hearing. I have been fighting the establishment of a national dump since 1985, when as a Boulder City councilman I introduced one of the first resolutions in the state in opposition to the proposal.

To the Nuclear Industry and the states in which nuclear energy plants currently exist, Nevada has likely appeared to be an irritant, a nagging obstacle to what must seem, to anyone who does not call Nevada home, the perfect solution.

But that is precisely the point: *Nevada is our home*. It is not a desert, it is not an uninhabited expanse of federal land that can or should be used without any consideration given to the health and safety of those who live there.

Now the DOE and the Nuclear Industry are asking you to do the same: to risk the health and safety of your own communities and your own families.

But there is no reason to rush through this decision – *none, because nuclear waste will always be stored onsite* -- other than that the Nuclear Industry is worried that if you take the time to consider the dangers of a national dump and to evaluate the risk to your own states, they will lose.

They do not want you to ask the very questions I've posed to you today.

Mr. Chairman, Members of the Subcommittee, you *must* ask those questions. And it is not enough to have the dubious reassurance of the DOE and the Industry that the answers will come all in good time. Do not wait to get your answers "on the road."