

**Testimony of Nevada Senator John Ensign  
Before the Subcommittee on Energy and Air Quality,  
U.S. House of Representatives  
On the proposed Yucca Mountain Nuclear Waste Repository**

**April 18, 2002**

**INTRODUCTION**

Thank you, Mr. Chairman, for the opportunity to testify today on behalf of the people of Nevada.

Nevada is a diverse state, with people of many races, religions and political persuasions. But no single issue unites Nevadans—no single issue transcends region, political party, or industry—like our fight against becoming the nation's nuclear dumping ground.

Nevada's slogan is Battle Born. It is on our state flag. It reflects the firmness of purpose and the willingness to fight for what is right that is so much a part of the character of Nevadans. This is as true today as it was when our state entered the Union during the Civil War. And when it comes to Yucca Mountain, we intend to fight.

**HISTORY**

From the beginning of this process, our state has been the victim of Washington power politics.

The 1982 Nuclear Waste Policy Act gave the Energy Department until 1998 to open a permanent underground geologic repository for high-level nuclear waste. By the late 1980s, the Energy Department had narrowed its search to just three western states: Nevada, Washington, and Texas. The DOE had not reached a scientific determination as to which location was most suitable, but, truth be told, science really was not the issue. At the time, the House Speaker was a Texan, Jim Wright, and the Majority Leader was from Washington—Tom Foley.

Guess which state got picked as the dump site?

In 1987, Congress directed the Energy Department to study a single site: Yucca Mountain. Even supporters of the deal conceded that Nevada was a victim of a raw power play. "We've done it in a purely political process," former Washington Rep. Al Swift said at the time. "We are going to give somebody some nasty stuff."

That "somebody" is the people of Nevada. They are not happy—and rightly so.

**WHY YUCCA?**

Since then, successive Administrations, Democrat and Republican, have spent billions of dollars trying to justify this blatantly political decision. Having come to their predetermined conclusion, they commissioned all sorts of junk science to justify using a site like Yucca Mountain—which is obviously such a poor geologic repository, and thus would have been disqualified under the 1982 Act.

Only junk science could explain the logic of storing thousands of tons of dangerous, radioactive waste on a earthquake fault-line. There are 32 known active faults at or near Yucca.. In 1992, an earthquake that measured 5.6 on the Richter scale occurred just eight miles from Yucca—damaging DOE's Yucca Mountain Project office.

There also appears to have been recent volcano activity near Yucca. And we now know that the rock at Yucca Mountain—which the scientists promised was so solid that water could not possibly reach the underground storage tunnel for 1,000 years—is in fact quite porous. Rainwater, the scientists now tell us, could reach the stored waste in just 50 years—about 20 times more quickly than expected.

With all this information, DOE was in a quandary. The science they had depended on to justify choosing Nevada as America's nuclear dumping ground had come apart like a cheap suit. But instead of doing the honest thing—admitting their mistake and disqualifying the site—DOE decided to do a typically Washington thing: move the goal posts. They retroactively changed the site suitability rules to rely not on geology but instead on "man-made" barriers.

In other words, they could no longer justify discarding the nation's nuclear refuse in Nevada on scientific and geological grounds. But they decided to go ahead and do it anyway.

John Bartlett, who used to head the Yucca Mountain project, has said that, at this point "the project has become simply an array of engineered waste packages that happen to be 1,000 feet underground." In other words, there is nothing unique about Yucca Mountain that requires us to dump the waste there. It could be stored anywhere. But the politics dictates that the people of Nevada get the short straw—so their children get to grow up in the warm glow of the nation's radioactive refuse.

But even the man-made solutions DOE came up with are faulty. The U.S. General Accounting Office has criticized DOE's decision to move ahead with recommending the Yucca Mountain site as unfounded and premature. The U.S. Nuclear Regulatory Commission had advised DOE that there are 293 unresolved technical issues that directly impinge upon the suitability of the site. And the Nuclear Waste Technical Review Board, an independent agency, reported, " the technical basis for DOE's repository design is weak to moderate at this time."

## **TRANSPORTATION**

Aside from the safety and suitability of Yucca mountain is the safety of transporting the waste. The Department of Energy and the nuclear industry want Americans to believe that taking tens of thousands of tons of dangerous radioactive nuclear waste, removing it from reactor sites around the country, putting it on trucks and trains and barges, and moving it through cities and towns and waterways across America so it can be buried on an earthquake fault line in southern Nevada is a good idea.

It's not.

The government is trying to convince us that this project is going to be safe—more than safe; the government would have us believe that it is the key to keeping our children safe from radioactive waste that's going to be dangerous for 10,000 years.

Anyone who believes the argument that this dangerous waste can be transported without incident only needs to 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 forget an 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 this: Some 3,000 people died when terrorists hijacked planes and crashed them into the Pentagon and World Trade Towers on September 11. Hijacking or blowing up a truck of nuclear waste would be an easy way for terrorists to kill not just thousands, but tens of thousands of our citizens.

Nuclear power plant sites are among the most secure commercial facilities in the country. Following the events of September 11, 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 and 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.

## **THE GOVERNMENT'S BIG LIE**

Not only is the government's plan dangerous for both Nevada and the rest of America—it also won't solve the problem.

The government's big lie is that we Americans have a choice: to have one central nuclear waste storage site at Yucca Mountain or to have waste stored at reactor sites all around America.

That sounds like an easy choice—except that it's not true.

Even if, by some stroke of luck, waste is shipped across the country safely to 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.

The DOE only plans to transport to Yucca Mountain 1,000 metric tons a year more nuclear waste than our reactors produce. Plus there's going to be a backlog of around 62,000 tons of waste by the time Yucca opens. All that moving waste to Yucca will do is create one more 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—a permanent convoy of nuclear refuse that will never end.

## **COST**

So Yucca Mountain isn't safe, and it doesn't solve the problem. But here's the kicker—it's also a multi-billion dollar boondoggle.

To date, the U.S. government has spent about \$8 billion on this fiasco—\$4 billion evaluating sites and another \$4 billion on Yucca Mountain itself. So admitting they were wrong would amount to an awfully expensive mistake.

But not half as expensive as proceeding with this dangerous, ill-considered and flawed storage plan. The DOE current cost estimate for Yucca Mountain is \$58 billion—a dramatic increase from the 1998 estimate of \$46 billion and over double Yucca Mountain's projected cost in 1983. According to a December 2001 GAO report, we have no idea what it will really cost by the time it is ready to receive waste.

When bureaucrats come up with plans that have those kinds of numbers attached to them, the contractors and industry-types start salivating—and the bureaucratic and commercial self-interests take over.

Either way, the American taxpayers get the bill. If industry were to carry the cost, nuclear power could become much more expensive and ratepayers would be forced to take on that burden. If not, the taxpayers will be on the hook for the most expensive public works project in the history of our country—equal to the cost of our entire fleet of aircraft carriers. It's a sobering picture, either way you look at it.

## **ALTERNATIVES**

So if Yucca Mountain isn't the answer, what is?

The federal government should offer to take title and liability to the waste stored on site at nuclear reactors, 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. Accelerator technology and new fuels are promising alternatives to burying this valuable resource.

A recent Wall Street Journal article noted that the Department of Energy's own scientists from Argonne National Laboratory have come up with a way to recycle nuclear waste called pyroprocessing. And a scientist from Los Alamos in New Mexico agreed that process is possible.

Nuclear waste is going to be a valuable resource; we shouldn't bury it. Once it is buried, the opportunity will be lost forever to reduce its hazards through recycling. Nuclear waste is one of the most deadly substances known to man, and our nation needs to find a long-term solution that will protect the American people, our land, and our water from its harmful effects.

## **CONCLUSION**

Mr. Chairman, as you well know, our Founding Fathers established a complex set of procedures in Congress. It is not easy to take legislation and turn it into law. They did this with an explicit reason in mind—to prevent what they called the "tyranny of the majority." There are all sorts of procedures available to us as members of the House and Senate that allow us to prevent a bunch of bigger states from getting together and ganging up on us to do something that would harm the interests of our constituents.

That is what is happening today with Yucca Mountain. But with the help of my colleagues and the Senate Majority Leader, I am going to try to stop it. Yucca Mountain was originally chosen because of a political power play. How fitting that it could die because of one too.

People have been asking me whether it is tough to go against my President and many of my colleagues on this issue. I had to fight the Republican leaders in the House in 1998 on this issue, and I have to fight the Republican leaders in the Senate right now. That doesn't matter. When it comes to choosing between the interests of my party and the interests of my state, I always will choose my state.

I am a fourth-generation Nevadan. I know that the fighting spirit of our settlers has been passed on from one generation of Nevadans to the next. Our battle-born state was formed by facing up to difficult challenges. And we are up for the challenge of making sure that, when it comes to nuclear waste, it's not going to go in Yucca Mountain.

Thank you.