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Presentation to the Nevada Senate Transportation Committee March 18, 2003

Presented by Judi Booe, Chair

Introduction of the Yucca Mt. Nuclear Waste Citizen Public Outreach Committee

- The Committee consists of citizens who promote factual information regarding Yucca Mountain and proposed activities about Nuclear Waste

- Goal: To develop and form a comprehensive working network of public, private, governmental and citizen groups in Clark County with the express purpose of informing the public about the position of Clark County on the proposed Nuclear Repository at Yucca Mountain

Topics of Discussion

- Discussion about transportation issues by this committee are premature. There are numerous lawsuits that have been filed and will not be settled for at least a year.
- Additionally, the issue regarding the ownership of the land is still in limbo - based on Native American treaties that have been signed.
- And if that were not enough, the NRC still has to complete all its licensing… that won't be done until maybe sometime in 2004.

State of Nevada Position

- In the presentation by the Department of Energy that you held earlier, many comments were made about negotiations.
- Those comments weaken the State of Nevada's position on Yucca Mountain. The "official position" of Nevada does not support the Nuclear Repository at Yucca Mountain.
- If you should ever begin to deal with DOE – you should first talk to your colleagues in New Mexico to find out what a disaster they have had to face with the WIPP project.
- (see attached information – WIPP Project)

Premature discussions

- Why is this being discussed now?
- There are not any established transportation routes at this time. If there is, the public has a right to know about them.
- The casks for transportation of nuclear waste have not been built or tested properly.
- Appropriate citizen input has not taken place at any level.

Recent NRC hearings

- As you may know, the Nuclear Regulatory Commission held hearings on the casks just recently.
- It is apparent there are more questions than answers on the stability and safety of the casks.
- The public has not been provided enough information about transportation of nuclear waste.
- As elected officials you are elected to represent the people.. Not the Nuclear industry.

Real Life

- It is time to step back and wait for the lawsuits to be settled
- It is time to wait until the issue of land ownership is decided in a Court of Law
- It's time to listen to the people you represent on this issue

What We, as citizens, would ask of you

- We urge you to:
  - Be patient
  - Be realistic
  - Listen to all sides
  - Don't rush into any negotiations
  - Do the right thing for the residents of Nevada

Members of the Citizens Committee

- Judi Booe, Chair
- Kalynda Tilges
- Calvin Meyers
- Margi Mark
- Denise Kelley

And Community Organizations, Task Forces, Citizen Committees, Business groups, and Seniors Organizations

WIPP
THE EXPERIENCE

Out here in New Mexico, for over 20 years, we have been fighting the DOE and to a somewhat lesser extent the EPA, NRC and from time to time even our own New Mexico Environment Department over the WIPP project the pilot project for your Yucca Mountain dump. Unfortunately, we have never had the backing of our state government as you.

We have also had some experience with nuclear waste transportation because of WIPP and the national labs in our state. Because of this experience, our advice to you is to fight as hard as you can to get the highest standards you can get now because within only a few months, DOE will be trying to decrease those standards. Type B standards the highest that exist for transportation containers and which apply to the TRUPACT-II, the WIPP transportation container are already 20 years out of date since there are currently over 21 chemicals transported routinely on the highways that burn hotter than the testing requirement of 1450 degrees F sometimes more than twice as hot. Type B containers also do not require a crush test even though this type of accident is quite possible. The TRUPACT-II was subjected to full-scale testing after the TRUPACT-I was found to be inadequate. Even full-scale testing does not answer all the questions however if the standards are not up to date. Less than full-scale testing certainly cannot guarantee safety.

The NRC has a history of lowering standards for WIPP transportation based on the flimsiest of scientific evidence. DOE has a history of not doing adequate or full-scale testing and then finding out that systems were unworkable when they were needed. Some examples follow. However, in the end, science and even regulations are irrelevant in this fight. It all comes down to who has the power. We lost the fight because we concentrated too much on trying to show that science was on our side and not enough on organizing with others to be able to show our absolute refusal to accept their plans for us. Perhaps in your transportation fight we could work more together since these issues affect both states.

EXAMPLES

REVISION 19

Originally DOE was not allowed to transport more than small quantities of high activity waste per shipment to WIPP. Radioactive waste in contact with some organic materials like plastic causes a breakdown of the plastic and the liberation of, among other things, flammable hydrogen gas (a process called "radiolysis"). The higher the activity (or "wattage") of the waste, the more hydrogen is liberated by radiolysis to concentrate in the transportation container. The limitation on the wattage of the waste was to make sure the amount hydrogen in the container would remain at a safe, non-explosive level during the entire trip to WIPP.

This limitation was extremely expensive for DOE and they applied for a revision (Revision 19) of the NRC WIPP transportation requirements claiming that a particle of plutonium would stick to one place on the plastic and would liberate only the hydrogen available at that location. They claimed that even shaking the drum would not move the plutonium particle to another location where it could liberate additional hydrogen. Therefore, they claimed, the amount of hydrogen that could be liberated by high activity waste had been greatly overestimated and they applied to NRC to be allowed to ship larger quantities of this waste in a shipment.

DOE's application was supported by several scientific studies that DOE said proved their case. However, only one of the studies appeared actually to support their argument. The others either came to no conclusion or in one case actually appeared to show that the plutonium particle could be shaken free and moved to a new location. Did NRC ever actually read these studies before granting DOE's revision?

TRANSPORTATION ACCIDENT

Some months ago one of the WIPP trucks was struck by another vehicle and suffered minor damage (They had to replace a tire.) The truck continued on its way to WIPP. The first TRUPACT container was checked and unloaded but the 2nd was found to have radiation in the Inner Containment Vessel (Fortunately, TRUPACTs have double-containment another requirement that DOE is trying to eliminate for future containers). The container was sent back to Idaho, its point of origin. It was later found that a lid had not been properly secured on one of the waste drums inside the Inner Containment Vessel.

Strangely enough, DOE had absolutely no protocol for dealing with this contaminated vessel and no place available to open it. It was about 5 months before they were able to open the container and determine the cause of the release. Though their own and others' studies had stated from early on that there would be accidents that released radiation (even into the accessible environment which this accident fortunately, did not), DOE appeared to be living in a dream world where there were no accidents since they never prepared to deal with such a release. Nothing was in place to deal with such a situation in Idaho even though numerous shipments had originated there. (Idaho also has a history of other improper procedures dealing with the WIPP waste.) Will anything be ready if a container has to be returned to a facility in another state in the future? DOE insisted on continuing to ship waste in the TRUPACTs for all those months even though they had no idea whether the problem was caused by improper loading (as turned out to be the case) or an inherent problem in the container itself.

EMERGENCY RESPONSE

Though New Mexico has received more training and materials for emergency response than many parts of the WIPP Route, we are still unable to respond quickly and properly along all parts of the Route in our state. There are many areas where it could take up to 3 or 4 hours before the technical hazmat teams could arrive. In addition, when asked to fill out questionnaires on emergency response training and preparedness, responders have previously indicated that many of them do not feel adequately prepared and ready to respond to a radioactive and hazardous waste accident. Will your transportation containers hold up long enough to protect your responders and the public possibly for hours or while burning? Can this possibly be known without full-scale testing?

WIPP PANEL CLOSURE SYSTEMS

The WIPP facility is a mine underground consisting of a series of "panels." Each panel consists of 7 rooms. DOE is just about ready to close the first panel now. For years we have been telling them that they need to do full-scale testing of the panel closure system (as well as the shaft seals) since this technology has never been tried before especially since there is a danger of explosion within the closed panels during the operational life of the project. DOE has consistently refused.

However, when they geared up to complete he first panel closure, they discovered that not only couldn't they get the required concrete mixture to "set up" properly, but pouring more than 100 feet of concrete in the panel corridor was virtually impossible. They have had to apply for a permit modification for a whole new panel closure system design. Though this design may be easier to construct, we still don't know if it will actually contain the waste for the 35-year operational period as they continue to refuse to do full scale testing on that aspect of the system. They also intend to begin filling a second panel before finding out if the new design will work or if it will even be approved.

WASTE RISK AT LANL

DOE also continues to refuse to contain some 48,000 drums of LANL plutonium waste destined for WIPP in a safe, secure facility. This waste sits in fabric tents on the mesa-top in the middle of a wild fire zone at Los Alamos. DOE insists on using shipping to WIPP as the only method of dealing with the risk posed by this waste to the surrounding communities even though this method leaves tens of thousands of these drums in the tents possibly for decades. (DOE is also continuously adding more waste to the tents from LANL activities.) DOE has no intention of ever building proper containment for this waste since this would take money and personnel away from transporting this waste to WIPP and would disrupt their transportation schedule. In this way the WIPP waste dump and its transportation have become direct causes of our continuing risk here in northern New Mexico.

***Thanks to the New Mexico groups who live with radioactive shipments in their state everyday for taking the time to put this repot together for us.**

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