



April 7, 2004

Re: Proposed Yucca Mountain high-level nuclear waste repository

Dear Member of Congress:

As national environmental and consumer organizations, *we are writing to urge you to oppose any increase of the Yucca Mountain project budget during FY05 appropriations, as well as the proposal to take any part of the project's funding off-budget.* The numerous scientific questions and management problems surrounding the repository require stringent congressional oversight and budget scrutiny of the project.

- 1. Nuclear industry expert testified that the U.S. Department of Energy (DOE) can't meet 2010 waste shipment goal.** On March 3, Eileen Supko, a nuclear engineering consultant with Energy Resources International, testified in a federal lawsuit that the repository could not accept waste until 2015 at the earliest. *Even if DOE were to receive its full FY05 request of \$880 million, DOE is unlikely to meet its unrealistic deadline to receive waste at Yucca Mountain by 2010.* According to U.S. Nuclear Regulatory Commission (NRC) Chairman Nils Diaz at the House Energy Committee hearing on March 25, only 90 of the 293 technical questions that must be answered before the application can be submitted to the NRC have been completed; 123 are still under review and an additional 80 responses to questions have not yet been submitted. Furthermore, the U.S. Court of Appeals for the District of Columbia is expected to make its rulings this spring on pending lawsuits brought by environmental and consumer groups and by the State of Nevada. The decisions could potentially force a significant reassessment of the project that would necessarily take years.
- 2. Truck accident in Connecticut and Madrid bombing illustrate danger of transporting nuclear waste.** On April 5, DOE announced that it will use mostly rail to transport irradiated fuel to Yucca Mountain nationally and that it will construct a rail line in Nevada along the so-called Caliente corridor. Some shipments will still have to be transported by truck from reactor sites to Nevada, because rail lines are not available near the sites. Moreover, DOE has acknowledged that the Nevada rail corridor is unlikely to be completed by 2010. On March 10, DOE issued a memo evaluating the possibility of transporting the waste in truck casks by rail to Nevada, where they would be trucked to Yucca Mountain, for the first six years of shipments, a proposal that had been rejected in the Final Environmental Impact Statement (EIS) as too costly and too risky for workers and the public.

Irrespective of whether truck or rail shipments are used, public health and safety will be placed at risk. On March 26, a tanker truck carrying home-heating oil struck a concrete barrier on Interstate 95 in Connecticut and exploded, burning for two hours and melting part of the highway. Rail shipments would pass through 44 states and near 51 million residents along the proposed rail routes. At the House Energy Committee hearing on March 25, former Under Secretary of Energy Robert Card testified that DOE does not intend to conduct a specific study of the March 11 Madrid train bombings, which killed 190 people and wounded another 1,450, for its development of transportation security. According to General Accounting Office (GAO) testimony on March 23 before the Senate Committee on Commerce, Science, and Transportation, “The lack of clearly delineated roles and responsibilities [between the Transportation Security Administration and the Department of Transportation] could lead to duplication, confusion, and *gaps in preparedness.*” (Emphasis added.) ***Congress should require that DOE, TSA, DOT, and NRC assess the Madrid bombings and determine what additional security measures are needed for potential shipments of irradiated fuel to Yucca Mountain.***

3. **Sick Yucca Mountain workers file lawsuit against DOE contractors.** On March 11, former Yucca Mountain workers filed a class action lawsuit against DOE contractors who were hired to excavate the exploratory tunnel at Yucca Mountain. The suit was filed against Bechtel Corporation, SAIC Corporation, the Kiewit Group, Parsons Brinckerhoff, Morrison-Knudson, and TRW, as well as others. More than 1,500 employees and many visitors have been exposed without adequate protection to potentially dangerous amounts of silica dust while working at the site. Inhalation of silica dust can lead to silicosis, a potentially fatal lung disease. At least one worker has died. DOE’s disregard of its workers’ health is indicative of a larger pattern by DOE of pushing projects forward regardless of the human costs. Nuclear weapons workers have routinely been exposed to dangerous levels of radiation since the 1940s, and many are still fighting to be fairly compensated. The DOE’s lack of concern for the health and safety of its workers and the public needs serious scrutiny. ***Congress should call for a federal investigation into the safety practices at Yucca Mountain and request that the tunnel and other portions of the work area are sealed off until it is determined to be safe.***
4. **DOE hired a law firm for as much as \$45 million to prepare license application.** On March 24, DOE announced that it has hired the law firm Hunton & Williams for as much as \$45 million over the next five years to help DOE prepare its license application for the NRC. This is an enormous increase from the previous \$16 million contract with Winston & Strawn, which withdrew in 2001 after two years of work due to conflict of interest allegations. ***Congress should closely monitor the costs of this excessive contract.***
5. **State of Nevada sues DOE for FY04 oversight funds required by Nuclear Waste Policy Act.** On March 17, the State of Nevada filed a lawsuit against DOE

for failing to provide adequate oversight funds in FY04 to the State and local governments affected by the Yucca Mountain repository. In its FY04 budget, DOE did not request *any* funding for Nevada. Congress appropriated \$1 million for these grants – \$2.5 million less than in FY03. Section 116(c) of the Nuclear Waste Policy Act (NWPA) requires these grants to enable the State and affected local governments to meaningfully participate in oversight activities as required by the NWPA, including determining the economic, social, public health and safety, and environmental impacts of a repository; monitoring and evaluating site characterization programs; providing information to residents; and making comments and recommendations to DOE. These funds are particularly critical now, because DOE is preparing to submit its license application to the NRC in December 2004. ***In order for Nevada and local governments to fulfill their responsibilities under the NWPA, Congress must appropriate full oversight funding to the State of Nevada and the affected counties in FY05.***