

MR. PERICOLA: My name's James Pericola. I'm working with the State of Nevada on transportation issues. I work with Jim Hall who's the former Chairman of the National Transportation Safety Board who has also worked with the State for a number of years. And due to a meeting that he could not avoid, he could not be here and he asked that I read this on his behalf.

"Hello. My name is Jim Hall and for almost seven years, I served as Chairman of the National Transportation Safety Board (NTSB). The NTSB is the federal agency that is charged with the investigation of major transportation accidents, or as I like to say, is the "eyes and ears" of the American people at transportation accidents across the country and around the world. In that role, I became all too familiar with the human and economic toll caused by these accidents. As a result, the Board and I did everything possible to find ways to prevent such tragedies from recurring.

Prior to heading the NTSB, I served for six years as the Director of the State of Tennessee's State Planning Office, which was charged with overseeing the Department of Energy's clean-up of the Oak Ridge Nuclear Weapons complex.

Today, I am speaking on behalf of the State of Nevada, Agency for Nuclear Projects. My comments address the fact that the Department of energy (DOE) still does not have a comprehensive plan for the safe transportation of spent nuclear fuel and high-level nuclear waste to the proposed repository at Yucca Mountain, and it is not clear that the actions proposed by DOE in these notices of intent, published on the last Friday the 13th, will produce such a plan.

I came to this issue in May 2002. This was after the DOE issued its Final Environmental Impact Statement (FEIS) and I was asked to give my opinion on this and

related matters before the United States Senate. In my testimony, I noted an important fact: even though DOE was moving ahead with the Yucca Mountain site selection process, they had yet to put in place a transportation plan. In fact, I was surprised to learn that then Secretary Abraham, in testimony before Congress said, "The DOE is just beginning to formulate its preliminary thoughts about a transportation plan." When I heard this statement, I was shocked. How and why would they decide on a repository if they did not yet know if they could safely transport this highly radioactive waste to the site? For me, it was a clear case of putting the cart before the horse.

DOE released its FEIS for Yucca mountain on February 14, 2002. That was Valentine's Day. Today, more than four and one half years later, most of what we know about Yucca Mountain transportation impacts, still comes from that FEIS. DOE said that the cross-country shipments to Nevada might be mostly by truck or mostly by rail. Under the mostly truck scenario, DOE said there could be as many as 53,000 truck shipments over 24 years, or about 2,200 shipments per year. That would be six shipments per day, every day, and seven days a week. Under the mostly rail scenario, DOE said there could be as few as 10,700 cask-shipments over 24 years, or 175 to 450 shipments per year, depending on the number of casks shipped per train. But then, the mostly rail scenario could also require about 1,600 barge shipments, and 600 shipments on monster heavy haul trucks, more than 200 feet long. That's because one-third of the reactors can't ship by rail.

It sounds confusing, doesn't it? DOE has done precious little to clear up the confusion in the past four and one half years.

Since releasing the FEIS, DOE has also given confusing answers about the routes these shipments might take on their way to Yucca Mountain. Any member of the

public might reasonably ask how many of those shipments might travel through his or her neighborhood, city, county, or state. In the FEIS, there are maps that show possible highway, rail, and barge routes, nationally and for each state. FEIS says: "DOE has not determined the specific routes it would use to ship spent nuclear fuel and high-level radioactive waste to the proposed repository." [p. J- 23] However, with two exceptions (highway routes in Colorado and Pennsylvania), the FEIS cross-country routes agree with the highway and rail routes identified in previous routing studies by DOE and Nevada contractors. The State of Nevada believes that the FEIS maps show the most likely highway and rail routes to Nevada.

If you live in New York or New Jersey, you probably want to know if DOE might actually make more than one thousand truck shipments across the Hudson River on the Tappan Zee or Bear Mountain Bridges, as the FEIS says it might. If you live in Pennsylvania or Ohio, you probably want to know if DOE might actually make thousands of truck shipments on the Pennsylvania and Ohio Turnpikes. If you live in Illinois or Missouri, you probably want to know if DOE might actually make thousands of rail shipments through Chicago, St. Louis, and Kansas City. If you live in Wisconsin or Michigan, you probably want to know if DOE might actually make hundreds of barge shipments on Lake Michigan. If I didn't mention your state, don't feel left out. At least 40 states will be directly affected by DOE shipments to Yucca Mountain.

DOE has been promising to answer these basic questions about shipment modes, routes and numbers, since early 2002. It has now been 55 months since the Secretary of Energy sent the Yucca Mountain site recommendation to President Bush, and DOE has

yet to present a transportation plan. There were two instances in the last three years when it appeared that DOE was about to issue a plan, but both turned out to be more false promises.

The first instance was in November 2003. After much hoopla, DOE released a "Strategic Plan for the Safe Transportation of Spent Nuclear Fuel and High-Level Radioactive Waste to Yucca Mountain: A Guide to Stakeholder Interactions." In spite of its grandiose title, this document barely outlines the topics that need to be addressed in a transportation plan. It is not even an acceptable plan for the development of a transportation plan.

The second instance occurred in April 2004, when DOE issued its Record of Decision selecting "mostly rail" as its preferred shipping mode and selecting its preferred corridor -- Caliente -- for a new railroad to Yucca Mountain. At the same time, DOE requested that the Bureau of Land Management (BLM) withdraw 308,600 acres of federal land along the Caliente corridor from public use for 20 years just in case DOE decides to select this route. It appeared that DOE was about to make major decisions on transportation modes and routes.

Well, another 30 months have come and gone. Little more than two weeks ago, on Friday the 13th, October 13, 2006, to be exact, DOE issued two Notices of Intent (NOI) in the Federal Register regarding transportation to Yucca mountain. One NOI regards amendments to the plan for selecting a rail alignment to Yucca Mountain, and the other regards the transportation and the other impacts of the so-called TAD canister system. You would think that DOe would have gotten a little smarter about transportation since 2002. But there is not much evidence of that in these NOIs. It is clear, however, that DOE is about to become embroiled in even more controversy.

Put bluntly, DOE's new NOI says that DOE will continue to study the Caliente corridor in spite of its failure, to date, to demonstrate the feasibility of constructing and operating a railroad along the Caliente corridor. At 319 miles, it would be the longest new track construction effort in the United States since the 1930s. The length of the Caliente route would be longer than the distance from Washington to New York (204 miles) or from Chicago to St. Louis (259 miles). DOE now estimates the cost of constructing the Caliente railroad would be about \$2 billion, up from DOE's estimate of \$800 million in 2002.

Standing in DOE's way are a dozen mountain ranges that will challenge railroad construction and operation. There are four mountain crossings in the first 100 miles alone that would require steep grades, up to 2.4 percent, and sharp curves to make those steep grades.

DOE's own consultants warned in 1996 that "operating difficulties increase significantly as grades increase above about 1.5 percent" and "loss of braking control with subsequent 'run-away' is a recurring incident" on rail lines with grades in excess of 2.2 percent. [TRW Environmental Safety Systems, 1996, p. 3-3]

And the mountains are just the part of the problem. Where it travels through valleys, the Caliente route would disrupt major ranching operations. Ranchers are strongly opposed.

The entire Caliente corridor lies within lands claimed by the Western Shoshone Nation under the Ruby Valley Treaty, and crosses traditional Paiute and Shoshone holy lands. Native Americans are opposed. There are significant conflicts with environmental resources, including threatened and endangered species. The environmental community is opposed.

Moreover, DOE selection of the Caliente rail corridor would adversely impact downtown Las Vegas. At least six percent, and up to 89 percent, of all rail shipments to Yucca Mountain would travel through Las Vegas, on a Union Pacific mainline located less than one mile from the world famous Las Vegas Strip, if Caliente is selected.

So now DOE says that, in addition to studying the Caliente corridor, it will also examine the so-called "Mina Route," an alternative rail route that comes down to Yucca Mountain from the north, across the Walker River Paiute Indian Reservation. At present, we know too little about this route to evaluate its feasibility. However, at 240-2254 miles of new rail line construction, the "Mina Route" would also be the longest new track construction effort in the United States since the 1930s.

Is DOE confident about its ability to build and operate a railroad to Yucca Mountain? Apparently, it is not. If you read the NOIs closely, you will see that DOE is still considering the feasibility of transporting nuclear waste to the repository using a variety of intermodal arrangements, including casks designed for legal-weight trucks shipped by rail, and shipment of large rail casks on heavy-haul trucks.

DOE still does not have a comprehensive transportation plan for Yucca Mountain. The NOIs published on Friday the 13th again promise that DOE will develop such a plan. We are still waiting for answers to the following questions:

Is rail access to Yucca Mountain feasible?

How many rail shipments would there be?

How many truck shipments would there be?

Which rail routes would be used cross-country?

Which highway routes would be used cross-country?

Would legal-weight truck casks be shipped by truck and/or by rail?

Would all rail shipments be made by dedicated trains?

Would shipping casks be tested full-scale?

Would the TAD canisters comprise the majority of rail shipments?

Would the TAD canisters be shipped from some reactor sites by barge?

Would the TAD canisters be shipped from some reactor sites by heavy haul truck?

Would the TAD canisters have welded closures, bolted closures, or some combination?

Would DOE ship the oldest fuel first?

Does DOE still support Congressional legislation that would exempt Yucca Mountain shipments from NRC, DOE, state and tribal regulations?

Thank you.

MS. DESELL: Thank you.