

Pahrump Office
Nye County Government Center
2100 E. Walt Williams Drive
Suite 100
Pahrump, NV 89048
Phone (775) 751-7075
Fax (775) 751-7093



Board of County Commissioners
Nye County, Nevada

Tonopah Office
Nye County Courthouse
William P. Beko Justice Facility
PO Box 153
Tonopah, NV 89049
Phone (775) 482-8191
Fax (775) 482-8198

June 12, 2019

The Honorable Paul Tonko
Chairman

Environment & Climate Change Subcommittee
House Committee on Energy & Commerce
2125 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Shimkus
Ranking Member

Environment & Climate Change Subcommittee
House Committee on Energy & Commerce
2322 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Tonko and Ranking Member Shimkus:

Thank you for the opportunity to write you regarding legislation your subcommittee is considering to amend the Nuclear Waste Policy Act (NWPA). I am Leo Blundo, a member of the Nye County Commission and the designated liaison commissioner for nuclear waste issues. I was elected last year to my commission seat. I raise that issue to point out that the Nye County Commission remains in support of the proposition that the Yucca Mountain licensing proceeding should be completed so that the science behind the proposed repository can be fully explored and evaluated by qualified scientists and technical experts.

There has been lots of rhetoric about Yucca Mountain and many misleading statements put out about it. I, and my predecessors, have testified and written to this committee, and others, always in an attempt to keep the discussion on the facts and away from political and emotional side issues. We appreciate the opportunity to do so again.

We support H.R. 2699 for the following reasons:

1. We need to base decisions on Nuclear Waste on the Facts.

The State of Nevada says that the proposed repository at Yucca Mountain would be unsafe. Presumably they have studies that back up their assertions, although I am not aware of the results of such studies being published in peer reviewed journals. The overwhelming consensus of scientists and engineers that have looked at the project have found it to be safe. Included in that consensus are the top scientists at our national laboratories, the technical staff at the Nuclear Regulatory Commission (NRC), and the scientists that worked for Nye County in our authorized oversight capacity. It is time to move past empty rhetoric and to have the science behind Yucca Mountain fully vetted by independent professionals. If the repository is found to be unsafe, as the State asserts, it will end the discussion. One wonders why the State is so determined NOT to have the science fully reviewed.

2. There is local support to complete the review.

There are seventeen counties in Nevada. Nine of them have passed resolutions calling for an objective review of the science through the statutorily mandated licensing proceeding. Yucca Mountain is entirely within the boundaries of Nye County. We are the site county. We have the most to lose if the repository is found to be unsafe. And if it is found unsafe, we will be at the forefront to oppose building the

repository. The only way to settle the differences of opinion is to finish the license proceeding. While there is not universal consent in Nevada, there is from the local communities.

3. Calling for universal consent is an excuse to do nothing.

To believe that any controversial project in the 21st century will get consent from every level of government – state, counties, cities, tribes – is unrealistic. To believe that the consent will stand over the years of reviews and licensing is even more unrealistic. What if a State consents but one of its Senators opposes the project? What if one Member of Congress from that State objects? A very relevant example can be found in the State of Nevada itself. In the 1970s, the Federal government was seeking interim storage sites because the repository program at that time had just failed. In 1975, in response to the Environmental Statement for the Retrievable Surface Storage Facility, the Nevada legislature passed Joint Resolution 15, which strongly supported the project and made a strong bid to have the facility built at the Nevada Test Site. Letters supporting the Retrievable Surface Storage Facility were also submitted by the City of Las Vegas, Clark County, Nye County, and Lincoln County.

Historically, New Mexico has been receptive to nuclear waste facilities, as evidenced by the success of the Waste Isolation Pilot Plant. Very recently the new Governor of New Mexico sent a letter to the U.S. Department of Energy and the NRC opposing an interim site, throwing years of work into jeopardy. Clearly, "consensus" can change with time.

To pass legislation requiring universal consent for a nuclear waste repository before proceeding simply means nothing will happen. Such a bill should be called the "Leaving Nuclear Waste Scattered Around the Country Act."

4. Authorizing Interim Storage without a permanent repository is not a solution.

Given the unlikelihood of getting consent for a permanent repository, if an interim site is authorized, it will become a *de facto* final resting place for nuclear waste. As a result, States will likely be unwilling to accept interim storage. This also means that any waste stored at an interim site will not be stored with the safety features and assurances that a deep geological repository would guarantee.

5. The Nuclear Waste Policy Act is the law.

Congress has never repealed the NWPA. The act was a careful balancing act protecting the State of Nevada and the local counties while moving ahead on a national security mission. The provisions of the Act were violated by the last administration when it ended the license proceeding without proper cause. A federal court of appeals subsequently declared the action improper. H.R. 2699 makes important changes to see that the full intent of the NWPA is maintained. We support that bill. We call on Congress to fund the license proceeding and not be diverted by proposals like universal consent and interim storage without the backdrop of a permanent repository. Let's let the science prevail.

Sincerely,


Leo Blundo,
Nye County Board of Commissioners
Nuclear Water Issues Representative

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