



**Board of County Commissioners  
Nye County  
Pahrump, Nevada**

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February 7, 2011

U.S. Department of Energy  
Attn: Blue Ribbon Commission  
1000 Independence Ave., S.W.  
Washington, DC 20585

**Subject: Additional Comments for Blue Ribbon Commission Consideration**

Chairman Hamilton & Chairman Scowcroft:

We respectfully submit the following comments for your consideration.

Prior to the BRC meetings in New Mexico we forwarded three (3) Nye County resolutions (attached) associated with the Yucca Mountain Project that specifically demonstrate local government support for the Yucca Mountain Project. Local officials in Carlsbad have demonstrated their support for WIPP and have clearly stated their desire to extend that support for receipt of high-level defense waste. This has the potential of at least a partial solution to the nation's nuclear waste dilemma. We commend their efforts. New Mexico's Governor and Attorney General stated their openness to expanded operations at WIPP as long as those operations are supported by science.

Considering that the BRC is not a siting commission, and the fact that Yucca Mountain is by law the designated site for the nation's geologic repository for spent nuclear fuel and defense high level waste, we would like to point out, one more time, that strong local community support for Yucca Mountain exists at the host county level. Our own research, conducted with Nuclear Waste Policy Act provided funds, convinces us that the science embodied in DOE's license application for Yucca Mountain and its hundreds of supporting documents is sound. That conclusion is supported at least in part by the Nuclear Regulatory Commission staff review of the documents, wherein they have formally stated that they have no further questions and were about to issue their Safety Evaluation report when politics took over. While Nevada's Governor and Attorney General in concert with Nevada's federal delegation oppose a geologic repository at Yucca Mountain, it is still the law. In 1975 Nevada actually supported what would become the Yucca Mountain Project (resolution attached). Similarly, it is possible that New Mexico is only one election away from losing state support regardless of what sound science indicates if political winds change.

At the February 1, 2011 BRC meeting in Washington, D.C. expert witnesses present for the meeting testified to the importance of local government support and the necessity of a definitive role for state government. It took eleven years for the State of New Mexico to agree to the terms of its definitive role with WIPP. The business of Yucca Mountain is as yet unfinished, hi-jacked by the politics of a single powerful senator and what some view as complicity by the NRC Chairman. **As a minimum, for the sake of the science and other lessons that can be learned from the experience, we ask that the BRC recommend completion of the NRC review of the Yucca Mountain license application.** It is difficult to understand how a tour of WIPP without a comparable tour of Yucca Mountain and review of the technical issues provides any basis for beginning a dialog on paths forward for repository development. We invite the BRC to Nye County to visit Yucca Mountain and our Yucca Mountain Information center where we have retained what we believe to be the best public multi-media collection of Yucca Mountain history.

The complexity of the task you face is immense. Various subject matter experts testified to you that at the end of the day the nation needs to provide for geologic disposal of our nation's nuclear waste streams. We ask you not to lose sight of the following facts and issues:

- The nation needs more clean base load energy and nuclear fills that bill.
- Nuclear waste has always been an Achilles heel for nuclear energy development; the waste issue must be resolved for new nuclear to be successful. We need geologic disposal no matter what choices are made for future fuel cycles. In fact, most studies indicate the need for more than one repository.
- No site will be perfect - we need safe acceptable sites. We can waste years arguing whether WIPP or Yucca Mountain is better; please do not lose sight of the facts that the New Mexico proposal is for high-level radioactive waste and not spent fuel. Also, recent studies, as you are no doubt aware, suggest that even if the U.S. proceeds with an advanced fuel cycle involving reprocessing, the legacy wastes are not likely to be reprocessed. WIPP will probably need another 10 to 20 years to be characterized, resolve questions regarding high heat loads and complete NRC licensing required under current law. Yucca Mountain took nearly 30 years before a license application was submitted. **We urge you to recommend finishing the Yucca Mountain licensing process and start characterizing WIPP to the applicable NRC standards. The nearer term solution does not have to be an "either/or" process.**

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- Our current waste definitions need to be revised as there are several orphan streams such as Greater than Class C (GTCC) low level radioactive waste. WIPP may be a good site for some of these and they could possibly be technically and legally approved for disposal in a time frame to keep WIPP operational. It would be a shame to shut down WIPP when the legislative limit of TRU waste is emplaced while other nuclear waste streams do not have a home.
- No matter what recommendations the BRC comes up with, they must emphasize that any policy is only good if it's followed. Congress must define the policy and it's everyone else's job to follow it until and unless Congress changes it. Nothing the BRC does will be of use if the direction of Congress is not followed.

Sincerely,  
NYE COUNTY, NEVADA



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Gary Hollis, Commissioner

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Enclosures: Resolution 2002-22  
Resolution 2002-007  
Resolution 2004-25 support YMP  
Resolution–YM NC Res. Accepting HLRW.SNF 1975

cc: Nye County Board of Commissioners  
Rick Osborne, Nye County Manager  
Cash Jaszczak, Consultant, Nye County