

**Subcommittee on Investigations and Oversight and
Subcommittee on Energy and Environment
Joint Subcommittee Hearing on America's Nuclear Future**

**Testimony of Gary Hollis, Chairman
Nye County Board of County Commissioners,
Nye County, Nevada
October 27, 2011**

Mr. Chairman, Members of the Committee,

Thank you for the opportunity to testify today about some of the recommendations of the Blue Ribbon Commission. I am Gary Hollis, Chairman of the Nye County Board of Commissioners and one of the County's two liaison Commissioners on Yucca Mountain issues. I have worked at the Nevada Test Site and also worked on Yucca Mountain characterization activities.

As you know, Yucca Mountain is located in Nye County. In July 2002 Congress specifically designated Nye County as the site county for a nuclear waste repository in accordance with provisions of the Nuclear Waste Policy Act -- the law Congress enacted to establish our nation's policies on high-level radioactive waste. The Act also gives Nye County authority to oversee federal activities on the repository. It is a duty that I and my fellow commissioners take very seriously.

As part of Nye County's oversight role, we worked with DOE on the science of the Yucca Mountain project, participated in the licensing proceedings and carefully followed the deliberations of the Blue Ribbon Commission. Personally, Mr. Chairman, I have questions about the need for the Blue Ribbon Commission.

The provisions of the Nuclear Waste Policy Act are clear. The Act sets out specific procedures and rules to determine if a repository at Yucca Mountain can be built safely. In 2008, when the Department of Energy submitted the license application to the Nuclear Regulatory

Commission, it was with their assurance it could be built safely. Two years later DOE tried to withdraw the license application, but not on safety grounds. To me this is a clear violation of the law. To me there is no need for a Blue Ribbon Commission to determine alternatives to Yucca Mountain. Instead, DOE, the NRC and the Obama Administration should either obey the clear mandates in the Nuclear Waste Policy Act, or should try to change it.

However, in our oversight role, Nye County has been fully engaged with the Blue Ribbon Commission. We have attended a majority of the Commission's public hearings. We shared our unique and extensive experience and offered thoughtful advice.

We are disappointed that the BRC draft report implies there is no local support in Nevada when it insists that the siting of any repository be with the consent of the communities surrounding the project. Mr Chairman, Yucca Mountain has the support of the surrounding communities. Nye County supports completing the licensing process. If the NRC determines it is unsafe to build the repository, and that determination is based on sound science and not political pressure, Nye County would oppose the construction of the repository. If it is found to be safe, we favor its construction.

Mr. Chairman, Nye County is the third largest county in the United States. In a very real sense Nye County is the only community close to Yucca Mountain. At least six rural Nevada counties support continuing with the license application process to determine if Yucca Mountain can be build safely. Included in my written testimony are resolutions of support from Nye, Esmeralda, Mineral, Lander, Churchill and Lincoln counties. The land mass of these counties, taken together, is larger than many States in this country. By any reasonable geographic definition, Yucca Mountain has the support of the surrounding community.

The DOE, ERDA, and AEC spent many years in unsuccessful attempts to site a geologic repository. The current language in the NWPA was a compromise by Congress to deal with a very difficult problem. The Nuclear Waste Policy Act tries to encourage local support, but it also sets up procedures to follow if no local support is found. In other words, Congress carefully considered the possibility that the repository would have to be built despite local opposition. Congress determined that building the repository was a national priority and should proceed despite local conditions.

It is true that the State of Nevada currently opposes Yucca Mountain. However at one time it supported it. In 1975, the Nevada legislature passed a resolution that said in part:

"the legislature of the State of Nevada strongly urges the Energy Research and Development Administration to choose the Nevada Test Site for the storage and processing of nuclear material..."

In 1987, the State Legislature created a new county that completely enclosed Yucca Mountain. It was called Bullfrog County. The new county had no population, which meant that any payment by the federal government for Yucca Mountain would go to the State government. The State fully intended to benefit from the repository.

The point is that the State of Nevada, at one time, was not opposed to dealing with nuclear waste.

It will take decades to study, license and build something other than Yucca Mountain. What if we do not find a willing state? Or if we find a willing state, what happens if it later changes its mind. If ten or fifteen years into the process, what will happen if there is an election and the new Governor opposes the repository? Would we go back to the drawing board again? Would the fate of the repository be in jeopardy with every local government election? What if

the State favors the repository but it is opposed by an outspoken community activist group? Would that violate the consent based goal? The BRC does not answer those questions.

Finally, Mr. Chairman, I want to point out that Nye County in addition to its oversight role has conducted a robust science program to determine if the repository can be built safely. The full list of our investigations is in my submitted testimony, but they include extensive study of the underground water aquifer by :

- more than forty boreholes into about 145 water zones and tracer tests to determine underground water flow
- structural geologic studies
- development of information on hydrology south of Yucca Mountain that DOE needed to complete its license application
- underground ventilation measurements and modeling for worker safety, and
- participation, as a cooperating agency, in the preparation of Environmental Impact Statements

In short, Nye County took its site county oversight responsibilities seriously. We have been active participants in the science of Yucca Mountain. To date our studies have shown that the repository can be built safely. We do not have all the scientific facts, but that is why we want to see the licensing process completed. We want a decision to be made based on science.

To ignore all this science, the law and the facts, not to mention this administration's stated "scientific integrity policy", because the BRC says Yucca Mountain does not have local support, is an insult to the process and contrary to the rule of law. Yucca Mountain does have local support. My presence here today confirms that.

Thank you. I am available to answer any questions you may have. I am here with one of the County's technical professionals. He is available to answer questions as well.