

JOHN WALKER'S
INTERVIEW WITH
JOHN GERVERS

EUREKA COUNTY, NEVADA
YUCCA MOUNTAIN LESSONS LEARNED PROJECT

held in

RENO, NEVADA

June 10, 2011

1 (10:34 Begin Tape 1)

2 MS. CLANCY: This is Gwen Clancy running the camera
3 today. It is June 10, 2011, and we are in Reno, Nevada.
4 And, conducting the interview today is John Walker.

5 MR. WALKER: Hi. I'm John Walker. We're here
6 today to do the Lessons Learned video project for Eureka
7 County, and we're here to interview Mr. John Gervers.

8 MS. CLANCY: Okay, rolling.

9 MR. WALKER: John, tell me about your background
10 and what you do for Eureka County, and how you came to be
11 involved with the nuclear waste issue.

12 MR. GERVERS: Well, background, I have had several
13 careers, including working in international banking, and I
14 was with the U.S. Diplomatic Service for seven years, and
15 then I came to New Mexico and was casting around for
16 something new to do, and I went to a hearing on the Waste
17 Isolation Pilot Project. And, there was plenty of
18 stimulating, shall we say, objections that were going on, and
19 so I thought hey, this is an interesting issue, what's going
20 on here, and so before I knew it, I think what happened was
21 is that one weekend I sat down and wrote up some of the
22 socioeconomic impacts that might come from siting a waste
23 repository down at--near Carlsbad, impacts on Carlsbad and on
24 the local region and on the State of New Mexico.

25 And, the next Monday morning, I gave this paper to

1 my office director, and he gave it to the Secretary of the
2 Department of Energy and Minerals, who was just heading off
3 to give testimony before a Congressional committee. And,
4 when he came back, he said, "That was really helpful, and I
5 think we need to have a WIPP person here, so you're it."
6 And, so, that's how it all started.

7 So, a couple of years later, I was selected to be
8 the principal staff person to the governor's task force on
9 nuclear waste, and work for three secretaries of the
10 departments. And, during that time, I spent a lot of time
11 actually giving speeches around the state and went off to
12 Washington and gave testimony myself. So, that's how it got
13 started. I was working as a representative, essentially
14 doing the same sort of thing that Bob Lexus did for many
15 years in the state as the coordinator of the State of New
16 Mexico's Program on WIPP.

17 MR. WALKER: So, just to interrupt, that--

18 MR. GERVERS: In terms of what I do for Eureka
19 County, I spend a lot of time in Washington, D.C., and my
20 official function is to monitor the development of nuclear
21 waste policy at the national level, and to keep Eureka County
22 informed of the ways in which this might impact their
23 interests back in Nevada.

24 So, I'm kind of the outside guy. That means that I
25 spend a lot of time interviewing people back in Washington,

1 talking with people who represent the Department of Energy.
2 I used to work with the Director of the Office of Civilian
3 Radioactive Waste Management, who was basically in charge of
4 the program, and also with other people who are in the upper
5 echelons of the Nuclear Regulatory Commission, the
6 Environmental Protection Agency, and then of course people
7 who primarily staff on Capitol Hill, who were working for the
8 various energy committees, or appropriations committees to
9 determine the direction of nuclear waste policy and how it
10 might affect Yucca Mountain.

11 And, then, in addition to that, I would also talk
12 with the lobbyists for the nuclear industry, and that was
13 really quite interesting because I developed some quite close
14 relationships with some of the people there. And, you know,
15 my feeling has always been that you talk to everybody, and
16 everybody has a slant on this, and they also have perspective
17 and also information about what's going on. So, if I talk
18 with the folks from the nuclear industry, they will tell me
19 things that I won't hear from the environmentalists, and vice
20 versa. So, that's kind of the way that this has worked in
21 Washington.

22 MR. WALKER: Excellent. When did you first become
23 aware of the Yucca Mountain Project, and what was your
24 reaction, John, to that?

25 MR. GERVERS: Well, after I worked for the State of

1 New Mexico for a couple of years, that responsibility came to
2 an end, and I started working for the State Planning Council
3 on Radioactive Waste Management, and the offices were in
4 Washington, D.C. And, then, I worked for the National
5 Governors Association for a while, and it was during that
6 time that I came on a trip out to the Nevada Test Site, and,
7 so, we were bringing a group of state representatives out to
8 basically hear more about what was going on in the field.
9 And, that was probably my first exposure to Yucca Mountain,
10 and that would have been about, I'm thinking, 1981 or '82.

11 And, we came out, we made the tour out to the
12 mountain. At that time, there was no tunnel or anything, so,
13 you just went out to the mountain and up on the top, and
14 looked around and saw the volcanic cones out in the distance,
15 and various things of that sort. And, I remember there was
16 one person, one representative from the State of Rhode
17 Island, and he looked around and he said, "Wow, this is
18 really a barren wasteland. This is the perfect place to put
19 the nuclear waste." And, of course, I could see that some of
20 the people from Nevada were saying--they weren't too happy
21 with that idea. But, in any event, that's when I first got
22 involved with Yucca Mountain.

23 MR. WALKER: Very good. Just to follow up, John,
24 tell us about the early history of the Nuclear Waste Policy
25 Act, and why you think it ultimately came down to Nevada as

1 the only site that Congress selected in 1987.

2 MR. GERVERS: Okay. Well, you know, I was very
3 much involved with that, starting with the State Planning
4 Council. We put together a report which formed the basis--
5 many of the recommendations formed the basis for the
6 legislation that found its way into the Nuclear Waste Policy
7 Act.

8 And, the principal thing that we were interested in
9 at that time was the concept of so-called Consultation and
10 Concurrence, is what it was originally called, C and C, and
11 that found its way into certain provisions in the Nuclear
12 Waste Policy Act that provided for the affected states and
13 tribes initially to obtain resources from Congress to be able
14 to look at the various potential impacts from the repository,
15 to basically track what the Department of Energy was doing,
16 and also to engage in public outreach to citizens. And, that
17 Act was passed in 1982.

18 And then there were some famous amendments in 1987
19 which, among other things, brought in the affected units of
20 local government. It started out with just Nye County, Clark
21 County, and Lincoln County. And, subsequently, there was a
22 lawsuit by Esmeralda County and Inyo County, California which
23 resulted in the Ninth Circuit saying well, these are also
24 impacted communities and, therefore, they should be given the
25 same rights as the first three.

1 And, then, the Department of Energy said, well,
2 we're not going to go through this again, so let's just say
3 that anybody who is contiguous to the Nye County, which is
4 the site county, should be included and should be given the
5 opportunity to become an affected unit of local government.
6 And, there were one or two counties who said who us, you
7 know, what have we got to do with this. But, nonetheless, it
8 worked out, and there have been ten counties ever since then
9 that have been involved.

10 I might say that the decision by the courts to
11 include Inyo County, which is the downstream county from the
12 repository, and the base of which--or where any water that
13 comes from the aquifer under the repository actually surfaces
14 in Death Valley, and Death Valley, of course is in Inyo
15 County. So, that brought them into it as well.

16 Now, what happened in 1987 was a great misfortune
17 in a way, because in 1982, the crafters of the Nuclear Waste
18 Policy Act, and this is particularly Moe Udall from Arizona
19 who was the Chairman of the relevant committee at the time,
20 they tried very much to balance the interests so that it
21 would be a fair process. Among other things, they said that
22 there would be a western repository and then that there would
23 be an eastern repository, and this was intended to allow for
24 some sense of equity between the two regions of the country,
25 particularly since most of the nuclear reactors that would be

1 generating the waste are located in the east. And, at least
2 the first repository was slated to go to the west.

3 So, they initially identified six states, Nevada of
4 course was one, Washington state on the Hanford reservation,
5 Utah in salt beds, Mississippi in salt domes, Louisiana in
6 salt domes, and Texas also in salt beds. And, then working
7 on the second repository in the east, they were looking
8 primarily at the Canadian Shield granites. And, so, that
9 brought in initially I think 17 states in the east, and that
10 was gradually winnowed down to about six. And, the western
11 states were winnowed down from six to three, and that was
12 Texas, Washington, and Nevada.

13 So, what happened? In 1986, the people of New
14 Hampshire were very concerned that a Republican
15 Administration at the time was asking them to consider
16 becoming a possible site in the Canadian shield granites in
17 Northern New Hampshire for a nuclear waste repository, and
18 the people were outraged, and they really started protesting
19 a lot, and as a consequence, George Bush the first, who was
20 coming up for potentially for election after the Reagan
21 Administration was completed was very alarmed, and said this
22 isn't going to do because that's the first place that I have
23 to go to as part of the political process to get elected.

24 And, so, the Department of Energy was persuaded to
25 suspend the second repository altogether. And, so, all work

1 stopped on all of the second repository states, primarily
2 because of that sensitivity about the politics in New
3 Hampshire.

4 And, the next year, the Congress took up this issue
5 and, well, there were originally 17 states that were under
6 the gun, and all of their representatives thought it would be
7 a great idea for them to be eliminated. And, that's what
8 Congress did, they eliminated the second repository in the
9 east. So, what that did basically was it upset that balance
10 that had been so carefully crafted in the original Nuclear
11 Waste Policy Act between the east and the west of the
12 country, the regional equity.

13 And, so, that part of it was already determined,
14 and then the other part was what are we going to do with
15 these three remaining sites, Washington, Texas, and Nevada,
16 and the proposal was, I think that Senator Johnston, who was
17 very active on this at that time, came back from a tour of
18 Europe and discovered that nobody else was looking at three
19 sites at the same time, and, so, he thought well, this is
20 really just a waste of money and we should be trying to
21 winnow down these sites a little more quickly.

22 But, the key to the three sites, that originally
23 was six, was that you look at these sites on the basis of
24 their technical capabilities, and you're making a
25 determination on technical merit, and that's what happened

1 when they eliminated Mississippi, Utah, and Louisiana, and
2 they went to Washington, Texas, and Nevada.

3 So, what then happened? That proposal to winnow
4 these down in one more year went into Conference Committee
5 with the House, and the House at that time was led by Jim
6 Wright, I think, from Texas, who was the speaker of the
7 House. And, the Majority Whip was Congressman from
8 Washington State, whose name I can't remember right now.
9 But, in any event here were two very powerful people
10 representing Texas and Washington, and in those days, Nevada
11 wasn't represented by anybody very powerful in the Congress.
12 And, so, when that Conference Committee met, there was nobody
13 in the room from Nevada, and there were representatives, very
14 powerful people from Texas and Washington, and what they said
15 was we don't want it. Give it to Nevada. And, at the end of
16 the day when that conference was over, Nevada came out as
17 being the only site to be considered from hence forward.

18 And, so, it became known in Nevada as the "Screw
19 Nevada" bill, and justifiably so because really that's what
20 happened. It was a political decision, and what it did was
21 it undermined one of the principal concepts that had been
22 crucial to the Nuclear Waste Policy Act of 1982, which was
23 some kind of regional equity and selection on the basis of
24 technical merit. And, so, this was probably one of the key
25 things that undermined the sense of trust in the Federal

1 Government's effort to try to find a nuclear waste repository
2 site to dispose of the nation's nuclear waste.

3 MR. WALKER: That's a really good summary, John.
4 Let's move on to the next question.

5 (10:50 End of Tape 1)

6 (10:35 Begin Tape 1-1)

7 MR. WALKER: I've got kind of a long question here.
8 Of course, you're familiar with the WIPP project in New
9 Mexico, and with Yucca Mountain. Often these sites are
10 compared. How are they similar and different? Do you think
11 that WIPP has been a success? Why or why not? And, what
12 kind of future nuclear waste planners, or what did the
13 nuclear waste planners, what have they learned about the WIPP
14 experience?

15 MR. GERVERS: That's all? Okay.

16 All right, well, yes, I do have a perspective on
17 WIPP because, as I mentioned earlier, I was the coordinator
18 for the WIPP program for the State of New Mexico for a couple
19 of years when it was first being considered, this was back in
20 the early Eighties, and WIPP actually took a long time to get
21 off the ground. It was actually constructed by 1989, but it
22 didn't get opened until 1999. And, ten years of basically
23 going back and forth on various issues that were of concern
24 to the State of New Mexico.

25 So, one of the parallel is that both the State of

1 New Mexico and the State of Nevada have had an active role in
2 attempting to ensure the safety of the facility. But, what
3 was different between the WIPP project and the Yucca Mountain
4 project was that New Mexico had a history of involvement with
5 basically things nuclear, and they also had, very
6 importantly, a local community that was very much in support
7 of the facility, and saw it as a way of generating jobs and
8 incomes in the local area.

9 This is not too different from what has happened
10 actually in Nye County. But, the main difference was that
11 the State of New Mexico was very sensitive to the fact that
12 there were national laboratories and nuclear weapons labs,
13 two of them, Sandia and Los Alamos in the State, and also--

14 (10:38 End of Tape 1-1)

15 (10:37 Begin Tape 1-2)

16 The State had an active uranium mining industry,
17 which had an impact, I think, upon the willingness of the
18 State to consider a nuclear waste repository within the
19 State's boundaries.

20 There was a division, basically, within the State.
21 People around the capital in Santa Fe, and also up in Taos
22 were quite energized in their opposition to the facility.
23 And, the people in Carlsbad were very much in support of it,
24 and their situation was such that they had been dependent
25 upon potash mining for many years, and the potash mines were

1 closing because of competition from Canada, as it turned out,
2 and, so, a lot of the young people from Carlsbad were moving
3 away. They were having to go to Albuquerque or to Denver in
4 order to get jobs.

5 And, so, for the city fathers of Carlsbad, anything
6 like this was a potential blessing if it would bring up to a
7 thousand jobs to the community. And, so, they actually went
8 to the old Atomic Energy Commission and said to them you're
9 interested in salt beds, why don't you look at our salt beds.
10 And, the AEC came down and looked at the salt beds, and, you
11 know, there was local support for this, and why don't we give
12 it a try. And, so, that was one of the things that I think
13 that really distinguished the WIPP project.

14 There are similarities in a way between Carlsbad
15 and Nye County, because Nye County is a rural county, also
16 dependent largely on mining, has also been looking for other
17 industries that would potentially provide jobs and incomes
18 for the area. And, so, in that regard, they are similar.

19 But, I think what really distinguished New Mexico
20 from Nevada was what I referred to before in terms of the
21 history of the Congressional decision-making process, where
22 they abandoned the dependence upon the technical evaluation,
23 and went to basically a political decision. That same kind
24 of dynamic did not exist in New Mexico, so it didn't poison
25 the well in the same way that it did in Nevada. The way that

1 things started at WIPP was that the House Armed Services
2 Committee wanted to find a repository for defense waste, and
3 they also wanted to find a place that would be outside the
4 jurisdiction of the Nuclear Regulatory Commission.

5 And, the NRC had responsibility for high-level
6 wastes, both from commercial reactors and also from high-
7 level defense wastes that came from construction of weapons.
8 So, what they decided was that they would focus in on the
9 transuranic wastes, and transuranic wastes are very long-
10 lived, but they are cold, whereas the high-level wastes are
11 hot wastes and generate heat and are also very long-lived.

12 And, so, that was the basis for the decision to go
13 with transuranic wastes at WIPP. And, I think at some level,
14 that helped because people in New Mexico knew that this was
15 not the really hot wastes that were being considered for that
16 repository, and certainly the Department of Energy encouraged
17 that by saying these are just low-level wastes and they
18 described, you know, a slightly contaminated booties and
19 things like this, and you will hear a lot about gloves and
20 booties, and things of that sort, to try to make people feel
21 secure that this was not going to be something that would be
22 excessively dangerous. In Nevada, they didn't have that
23 advantage because it was going to be a high-level waste
24 repository, and was going to take waste from both the
25 commercial reactors and from the weapons side of it.

1 MR. WALKER: We're talking about WIPP.

2 (10:42 - End of Tape 1-2)

3 (10:39 - Begin Tape 1-3)

4 MR. WALKER: --planners learn from the WIPP
5 experience.

6 MR. GERVERS: Well, I think that it's important to
7 understand that WIPP is now considered to be a success. It
8 went through some difficult periods earlier, and long delays,
9 lots of court challenges, and all kinds of things like that.
10 But, since it began in 1999, it has been managed in such a
11 way that there have been no incidents essentially. A couple
12 of truck drivers got lost and went down the wrong road, but
13 there's been nothing that has really had a major impact upon
14 the health and safety of New Mexicans.

15 And, so, New Mexico has become more comfortable
16 with the WIPP, and the people of Carlsbad think that it's,
17 "the best thing since sliced bread," because it's produced a
18 number of jobs for people in the area. And, I think the key
19 learning from this experience is that the siting of a
20 controversial nuclear waste facility must have local support,
21 and the locals must feel empowered in some way to have some
22 influence over this.

23 Now, I'm not saying that--in WIPP, perhaps the
24 empowerment issue was not an issue because the Carlsbad City
25 Fathers were so enthusiastic about having the economic

1 development benefits from the WIPP site, that they really
2 didn't question the Department of Energy too much. So, I do
3 think, however, that the lesson to be learned is that you
4 must have local support for any kind of a controversial site
5 of this type.

6 MR. WALKER: Let's move on to the next question.

7 John, now, you've been the federal liaison for
8 Eureka County and for Clark County and Inyo County. Tell us
9 about your experiences and reflect on some of the highlights
10 and lessons learned from that work.

11 MR. GERVERS: And, actually, I was the liaison for
12 White Pine County and Esmeralda County at various times, so
13 about half the counties I've represented over a period of
14 time.

15 I think that it's important to understand that
16 there are quite some major distinctions between these
17 counties. Eureka County's primary concern was about a
18 potential railroad line running through the county. And,
19 Clark County had a wholly different issue, and being
20 basically a visitor-based economy, they were very concerned
21 about the possibility that the Yucca Mountain Repository
22 would involve some kind of an incident, either in the
23 transportation to the facility, or in the actual operation of
24 a facility, that might scare away the tourists and cause huge
25 costs to the county as a result of that.

1 And, I think if we look back to 911 and see what
2 happened when people are afraid of getting into airplanes,
3 and the impact that that had on Clark County's economy as a
4 result, where people just stopped coming and the hotels were
5 laying off people right, left and center, they lost billions
6 of dollars as a result of that. And, their concern in Clark
7 County was that the same sort of thing would happen if there
8 was to be a transportation incident, let's say a cask fell
9 off a train, or there was a truck accident, or something like
10 that, it doesn't take much for the national media to get
11 ahold of that. And, of course, Clark County was concerned
12 about the large population in Las Vegas and the possibility
13 that they might be exposed to radioactive releases.

14 But, I think most of all, what was concerning Clark
15 County was that there might be something that would cause a
16 major economic cost to their local economy. And, that was
17 not the same for Eureka County, and to a much lesser extent,
18 Inyo County. Inyo County was more concerned about the
19 groundwater effects, and the possibility that there could be
20 contamination of the groundwater coming in.

21 So, those are the kind of major distinctions
22 between the three areas. But, one of the things I have to
23 say is that there also have been major distinctions between
24 those three counties in terms of the way in which the program
25 was managed. And, in Eureka County, the county was very

1 fortunate to have a consultant actually, who started right at
2 the very beginning and has been part of the management of
3 that county's program all the way through, right up to the
4 present day, Abby Johnson.

5 And, in Inyo County, by contrast, there were
6 multiple directors of the program down there, and they, in
7 turn, were responsible to multiple planning directors, who
8 changed almost every couple of years, and so as far as my
9 function was concerned, I became sort of the historical
10 memory of the Inyo County program, because there was nobody
11 there that was there, you know, back in 1990, or whenever it
12 was.

13 So, Clark County took a whole different approach to
14 this, in that they developed quite a large in-house staff in
15 order to do various functions like reaching out to local
16 citizens and carrying out certain impact assessment work, and
17 stuff like that. So, it has been quite a different
18 experience working for those three counties, with different
19 interests and different management structures.

20 MR. WALKER: Excellent. Let's move on to the next
21 question.

22 (10:46 - End of Tape 1-3)

23 (10:42 - Begin Tape 1-4)

24 MR. WALKER: --of the Blue Ribbon Commission on
25 America's nuclear future since its inception. Where are they

1 headed, and what do you think of the major recommendations
2 and directions so far that the Commission has taken?

3 MR. GERVERS: Well, maybe we should talk about why
4 we have a Blue Ribbon Commission at all. Because when the--
5 well, this is a little bit more political history, if that's
6 okay.

7 During the run-up to the 2008 Presidential
8 Elections, Candidate Obama went to Senator Reid and said,
9 "What is it that your state would really need in order for
10 them to want to vote for me?" And, he said, "Promise that
11 you will close down Yucca Mountain if you get elected." And,
12 so, Senator Obama made that promise to the people of Nevada.
13 And, then, he did get elected. Not only did he get elected,
14 but he also got the support of Nevada as one of the states
15 that was in his corner.

16 So, once in the White House, Senator Reid, who as
17 everybody knows is currently the Majority Leader in the
18 Senate, went to President Obama and said, "Okay, time for you
19 to live up to your pledge." Sometimes, you know, when
20 Presidents make campaign promises, they find a way to, shall
21 we say, to work around them, and to wiggle out later. But,
22 in this case, President Obama really needed Majority Leader
23 Reid's support for a number of principal issues that were on
24 his agenda, and so, he said, "Okay." And, so, the Department
25 of Energy was told that the repository program at Yucca

1 Mountain was going to be terminated. And, not terminated on
2 the basis of technical reasons, but rather because it wasn't
3 workable. And, ultimately, what the Department of Energy
4 came to the point of saying was it isn't workable because the
5 people of Nevada are not supportive of this program.

6 And, so, part of what was done by the Department of
7 Energy, as often happens when a decision is made, a
8 commission was appointed to look at alternatives to Yucca
9 Mountain, and to try to come up with some recommendations as
10 to how to move forward from here.

11 They were specifically told not to get involved
12 with any sites. So, they weren't allowed to talk
13 specifically about Yucca Mountain, except for lessons that
14 might have been learned from Yucca Mountain that could be
15 applied in the future. And, so, just recently, they came up
16 with about maybe ten recommendations. These are the
17 recommendations that were put forward by the subcommittees in
18 May and will probably form part of the recommendations that
19 are made to the Congress and to the President.

20 And, I would like to comment just briefly on a half
21 a dozen of these, because I think they have some relevance to
22 the interest of Eureka County, and of course to other
23 counties in Nevada and to the state itself.

24 The first one was that the government should
25 proceed expeditiously to develop one or more repositories,

1 and one or more interim storage facilities. And, I would
2 say, my comment is that the success in siting either a
3 repository or an interim storage facility will depend on the
4 ability to find a technically suitable site that is
5 acceptable to the people who live nearby. And, that's the
6 core requirement.

7 The second recommendation was that a single purpose
8 organization is needed to develop and implement a program for
9 transportation, storage, and disposal of wastes. This is
10 aimed directly at the U.S. Department of Energy, and I think
11 the Commission felt that the Department of Energy had
12 basically lost the trust of the people of Nevada, and as a
13 consequence, there would have to be some other kind of a
14 structure. And, so, I would like to comment on that as well.

15 MR. WALKER: Okay, great. We'll just change tapes.

16 (10:47 End of Tape 1-4)

17 (10:47 Begin Tape 2)

18 MS. CLANCY: Tape 2.

19 MR. GERVIS: Okay. I agree that the Department of
20 Energy should be replaced in any future siting effort,
21 because basically, I feel it has forfeited the trust of
22 Nevadans. And, the Department of Energy, as an off-shoot
23 from the old Atomic Energy Commission, has a basic
24 institutional culture of being mission oriented, and wanting
25 to proceed in a very directive way. It's called "decide,

1 announce, defend." And, this approach really doesn't work,
2 and it hasn't worked in Nevada.

3 Nevada is not the only place it's been tried. It
4 was tried in Germany and it failed. It was tried in France
5 and it failed. It was tried in the UK and it failed. It was
6 tried in Sweden and it failed. It was tried in Japan and
7 it's still failing. And, in most of those other cases, they
8 had to start all over again. And, instead of coming in and
9 doing a lot of investigations of the geology and then going
10 off and saying okay, this is the best place to go, and then
11 trying to negotiate with the host area, they tried to
12 basically just power ahead. And, the Department of Energy
13 frequently would take people out to the Nevada Test Site, to
14 the Yucca Mountain site, and would say guys, this is a done
15 deal, you know, we're going ahead with this, and get used to
16 it. And, that is not the way that local people like to be
17 treated.

18 They want to be consulted. They want to be given
19 an opportunity to influence the way that decisions are made,
20 not just comment on documents and then have their comments
21 ignored, as they often were by the Department of Energy, but
22 to have an opportunity to meaningfully make an input into the
23 process. And, the Blue Ribbon Commission, to its credit, is
24 recommending that there should be an opportunity for local
25 governments and people to have this kind of responsibility.

1 And, I will talk a little bit more about that in just a
2 moment.

3 So, I do think that the idea of a single purpose
4 organization, not just an office in the Department of Energy,
5 is better suited to working with local communities. And, it
6 also would give them an opportunity to start fresh, and to
7 try to develop trust from the very beginning by involving the
8 stakeholders, by consulting with people right from the very
9 start. And, DOE has lost that trust. They forfeited that
10 trust. And, so, unfortunately, I don't think that they have
11 the potential to be able to manage any further nuclear siting
12 initiatives.

13 The next recommendation was that the new nuclear
14 waste organization must have assured access to the Nuclear
15 Waste Fund, which is the fund in the federal treasury that
16 the rate payers contribute money for the costs of disposal of
17 nuclear wastes that are generated by the power plants in
18 their areas. And, that, of course, is something that has to
19 be assumed, is there has to be adequate money.

20 But, I think I would like to say that as far as the
21 local governments are concerned, that it is equally critical
22 that there be a reliable source of funds for them to
23 undertake their responsibilities for identifying the impacts
24 from the potential facility, for reaching out to the public
25 and keeping them informed, and, of course, for participating

1 in a decision process with the organization that has been
2 created. There must be money for that.

3 And, in general, there has been money provided by
4 Congress, but there's been a lot of discussion about how much
5 and under what conditions. And, for years, the
6 Appropriations Committees kept adding conditions, that you
7 couldn't use it for any kind of legal action, for example.
8 And, the Department of Energy took that and said well, that
9 means that you aren't going to be able to participate in the
10 Nuclear Regulatory Commission's licensing proceeding, because
11 that's a legal context and you have to have lawyers to defend
12 your contentions, and things like that. So, we can't allow
13 you to use the money for that.

14 So, we had to go to the Appropriations Committee
15 and say it ain't going to work, and it doesn't work to have
16 the Department of Energy have full authority to determine
17 whether or not the ways in which we spend our money is
18 consistent with their interpretation of our responsibilities.
19 We have to make that determination. And, so, the Congress
20 did make those changes, and as a consequence, we have
21 generally had support from Congress for the activities that
22 have been undertaken.

23 There was one time in 1995, '96, '97--'96, '97 when
24 Congress, in its wisdom, decided that the money that was
25 being provided to the local governments, and to the State of

1 Nevada was, in their view, being used to obstruct the
2 facility, and they didn't think that that was worth
3 supporting, and it went on for a couple of years, and then
4 Senator Reid got onto the Appropriations Committee and became
5 the ranking minority member, and he said this won't due, we
6 have to have money for these people to be able to undertake
7 the oversight programs that are authorized by the Nuclear
8 Waste Policy Act. So, the money was restored, and it
9 continued on until this year.

10 Another of the Blue Ribbon Commission's
11 recommendations was that siting processes should be consent-
12 based, transparent, phased, adaptive, and science-based. Of
13 course, we agree with the science-based part, and that's
14 essentially where the focus has been in the past. It's
15 always been on the science. But, the aspect of it being
16 consent-based, that means that the local people should have
17 some say in the key decisions. And, I think I can say that I
18 am delighted to see that the Blue Ribbon Commission is
19 acknowledging this and is recommending that future siting
20 initiatives should be consent-based.

21 And, what they mean by that is that the local
22 community has a right to opt out of the siting process at any
23 time that they feel either a loss of confidence in the
24 process, or they feel that there are issues that they cannot
25 resolve. And, this is different from what was in the Nuclear

1 Waste Policy Act, which allowed a veto by the state
2 government, a veto which in 2002 was exercised by the State
3 of Nevada and was then overridden by the Congress. They
4 passed a resolution that said that Yucca Mountain should be
5 the only site to be considered for potential repository and
6 should be subject to the Nuclear Regulatory Commission
7 licensing process. So, that's different from being able to
8 opt out at the local level.

9 And, I think that it makes a lot of sense, because
10 at the local level, they're thinking not only about health
11 and safety, but also about economic issues, and there are
12 certain benefits that the local community can see coming from
13 this, and they have to balance that against the potential
14 risks that they are being asked to accept. Whereas, at the
15 state level, it can very easily get politicized in terms of
16 the image of the state, and how the state wants to be seen by
17 other states. Does it want to be seen as the nuclear waste
18 repository dump site, for example.

19 And, so, I think the pressures that would build on
20 the state to exercise a veto are much stronger, and I think
21 that's what the Blue Ribbon Commission has identified.
22 They've seen that distinction between the political level
23 constraints at the state level, and the local government's
24 interest in a balance between benefit and risk.

25 The next recommendation is that the Nuclear

1 Regulatory Commission and the Environmental Protection Agency
2 need to collaborate on developing site independent safety
3 standards. What that basically means is that the Blue Ribbon
4 Commission is recommending that there should be generic
5 standards that would apply across the board. And, actually,
6 EPA developed generic release standards for repositories, and
7 those were applied to the Waste Isolation Pilot Project.

8 But, when it came time to apply them to the Yucca
9 Mountain site, it was found that the site could not meet
10 those generic requirements, and, so, the Congress, in its
11 wisdom, directed EPA to develop a site specific standard for
12 Yucca Mountain. Well, that's all very well, but that is not
13 a good way to maintain the trust of people in Nevada, because
14 they could very easily ask well, why is it the people of New
15 Mexico are getting better protection than the people of
16 Nevada, because if this site can't meet the requirements that
17 the EPA has set up, then it shouldn't be considered any
18 further.

19 So, the Blue Ribbon Commission I think has
20 recognized that, and has recognized that it's very important
21 for public trust and confidence to have a standard that
22 applies across the board, and doesn't just apply to a
23 particular site.

24 The next recommendation that I would like to
25 mention is that affected units of government should have

1 specific roles, responsibilities, and authorities, including
2 a meaningful consultive role in important decisions. And,
3 I've mentioned that myself. And, direct authority over
4 aspects of regulation, permitting, and operations needed to
5 encourage public confidence. And, all I can say is bravo,
6 absolutely. That's exactly what the affected units of
7 government need to have, is to have that opportunity for
8 influence over the decision process that affects people's
9 lives.

10 The final question that I think has relevance to
11 the counties is the Nuclear Waste Technical Review Board
12 should be retained as a valuable source of technical advice
13 and review. The Technical Review Board was established in
14 the Nuclear Waste Policy Act Amendments of 1987, and its
15 intention was to provide an independent review body to look
16 at the activities of the Department of Energy, and to comment
17 on them, and to ask the Department of Energy to come before
18 it and to explain what it was doing. And, the Technical
19 Review Board was also going to make recommendations to the
20 Congress about its findings.

21 And, I think this is an absolutely critical
22 function for any successful repository siting effort, is
23 there must be some kind of an outside organization that has
24 credibility. And, this group, the members of this group are
25 nominated by the National Academy of Sciences, and the White

1 House makes a determination as to which ones will actually be
2 serving on the Board. And, that has worked reasonably well,
3 and there has been a certain amount of reflection of the
4 political orientation in the White House as to what kind of
5 people have been appointed to the Board.

6 And, at times, there have been people who have been
7 more critical of the way in which the Department of Energy
8 has proceeded, and at times, there have been people who have
9 been less critical and more willing to accept that Yucca
10 Mountain is going to go forward and, so, let's look at it in
11 perhaps a little bit more friendly fashion than another group
12 might have. But, in general, I have to say that the
13 Technical Review Board is a great idea and should be an
14 essential part of any future repository siting effort.

15 We talked a lot about Yucca Mountain and how it
16 was, basically it was born of politics in 1987 at a time when
17 the decision was made on political grounds as opposed to
18 technical grounds. And, the irony of it is is that the
19 termination of Yucca Mountain has also been made on political
20 grounds rather than on technical grounds. And, there are
21 technical grounds for saying that the site may not meet the
22 necessary criteria, but nonetheless, the fundamental decision
23 that has been made at this point is a political decision, and
24 that's a reflection of the way that this facility siting
25 effort started back in the 1980s.

1 (11:02 End of Tape 2)

2 (10:49 Begin Tape 2-1)

3 MR. WALKER: John, in the course of our interviews
4 for this project, we have heard from many people about the
5 lasting health effects from nuclear testing in Nevada. How
6 do you think the legacy of nuclear testing includes the Yucca
7 Mountain issue, if at all?

8 MR. GERVERS: Well, I think it's fairly interesting
9 that the perception in Washington, D.C. is that Nevada was
10 willing to accept the nuclear testing at the Nevada Test
11 Site, and so why aren't you willing to accept the Yucca
12 Mountain facility? Why is there so much hostility to this?

13 And, basically, it's because in Nevada, there were
14 some assurances that were given by the Department of Energy
15 about the nuclear testing, that the fall-out would be no more
16 than an inconvenience, and you have to brush it off your car,
17 and things like this. And, that turned out not to be true.
18 And, so, that effectively undermined confidence in the
19 Department of Energy's ability to manage a similar type of
20 facility or a nuclear waste facility in Nevada.

21 And, I think a lot of people in Nevada also knew
22 that about the same time that Yucca Mountain was being
23 considered, that the nation was beginning a clean-up program
24 for the various DOE defense sites around the country, Oak
25 Ridge, Hanford, Savannah River, Los Alamos, and that this was

1 costing the nation a huge amount of money, something between,
2 it's almost \$6 billion a year has been spent on cleaning up
3 the mess that was made by the Department of Energy at its
4 respective sites.

5 And, so, people in Nevada looked at that and said
6 well, can we trust these guys to be able to do it right in
7 Nevada when they have made such a mess of all of these other
8 sites? And, so, those factors basically had an impact upon
9 people's willingness to trust the Department of Energy to
10 take on the implementation of the Yucca Mountain site in
11 Nevada.

12 MR. WALKER: John, could you give us a take on the
13 Japanese nuclear disaster still in holding, and how will it
14 affect the repository and nuclear power industry generally?

15 MR. GERVERS: Okay, this is not something that's
16 specific to Yucca Mountain. But, the main part of the
17 Japanese disaster at Fukushima was the concern about what was
18 happening to waste that was in the spent fuel pools in water,
19 because they're very hot, they're generating a lot of heat
20 and radiation. So, keeping them under water tends to absorb
21 some of that heat and radiation, and some of that water was
22 escaping and was contaminating the local groundwater, and so
23 forth.

24 So, there has been some discussion here in the
25 United States about the need to move fuel from the spent fuel

1 pools to some other form of storage. And, it could be
2 interim storage in silos in basically on-site dry cask
3 storage, as it's referred to, or it could involve the
4 shipment of waste to a centralized interim storage facility,
5 and ultimately, to a repository.

6 It doesn't really solve all of the problems by
7 doing that, because if a reactor continues to operate, it
8 continues to produce spent fuel, which has to go into the
9 spent fuel pools for five years before it can be taken out
10 and moved to a dry cask storage unit. And, this has been an
11 issue that has come up before when there has been a great
12 clamor in Congress for moving the waste away from the 103
13 different reactor sites around the country, and sending it to
14 a repository, the idea being that you will get it out of
15 town. But, in actual fact, you don't get it out of town
16 until you close the reactor, because they're going to
17 continue to be producing additional waste.

18 There are about 50 percent, a bit more than 50
19 percent of the reactor sites in the United States have dry
20 cask storage associated with them already, and the other 50
21 percent continue to use their spent fuel storage pools for
22 keeping the waste, even after the five years that is
23 absolutely necessary. And, the Nuclear Regulatory Commission
24 has given them the authority to re-rack their pools so that
25 they can concentrate more waste in those pools. The Japanese

1 didn't do that. And, so, the Fukushima, the risks that were
2 created at Fukushima could be much greater in certain cases
3 in the United States with similar kinds of reactors, and with
4 spent fuel pools that are crammed with waste.

5 And, so, the movement to try to move that waste out
6 to dry cask storage is certainly one that needs to be looked
7 at by the Congress. And, the nuclear industry is obviously
8 concerned about the cost of doing that, and of building these
9 additional dry cask storage units. But, ultimately, if they
10 continue to operate the reactor, they're going to need to do
11 it anyway. So, that, in my view, is not a very good excuse
12 for not moving forward on dry cask storage.

13 (10:56 End of Tape 2-1)

14 (10:53 Begin Tape 2-2)

15 MR. WALKER: --Skull Valley and Goshute Landing,
16 Utah has been licensed as an independent spent fuel storage
17 facility. Do you think that ultimately will be used for that
18 purpose? And, tell us your impressions on how that process
19 has gone.

20 MR. GERVERS: It's a very good question about
21 whether it will ever be used for that purpose. But, we'll
22 get to that.

23 A private fuel storage site was an initiative taken
24 by the nuclear industry, and particularly by what was
25 Northern States Power, was the guiding force behind this

1 idea. And, it's outside the Nuclear Waste Policy Act. This
2 is not something that is covered by the provisions of that
3 Act. It's an independent, private effort.

4 And, one of the things that this site would do is
5 it would provide a surface storage pad where there would be
6 these concrete silos again that are similar to what we were
7 discussing before in the case of on-site storage, only there
8 would be multitudes of them, and they would be able to take
9 up to, I think, 40,000 metric tons of waste. And, so, it was
10 anticipated that it would provide relief for some of the
11 utilities that were struggling to find a sufficient space for
12 the waste on-site.

13 So, in order to do this, they had to go to the
14 Nuclear Regulatory Commission and get a license to build this
15 facility, and in actual fact, it wasn't expected to be very
16 difficult because NRC has done this time and again for on-
17 site storage, and so they had it down pretty much pat, and it
18 wasn't complicated because they weren't looking at the deep
19 underground effects on the geology and water tables, and all
20 that kind of thing. And, it was also going to be of limited
21 duration. It was going to be for 20 years, and then extend
22 maybe another 20 years.

23 And, so, the process with the Nuclear Regulatory
24 Commission, despite the apparent simplicity of the project,
25 turned out to be very long and drawn out and complicated, and

1 it took them eight and a half years to get through the
2 licensing proceeding. And, we always thought that was rather
3 interesting because Congress had specified that the licensing
4 proceeding for Yucca Mountain should be three years, with the
5 possibility of one additional year if needed. And, here was
6 a simple interim storage site that took eight and a half
7 years to get to a final license from the NRC.

8 Well, be that as it may, when the site received its
9 license, it then had to receive certain permissions from the
10 Bureau of Land Management and from the Bureau of Indian
11 Affairs. The Bureau of Indian Affairs had to approve a lease
12 for the actual use for the Department of--excuse me--for the
13 private fuel storage people's use of that land, and the
14 Bureau of Land Management had to approve the actually a
15 transfer station that would take it from one rail line to
16 roads coming into the site. And, there's a history to this,
17 as there is often in these nuclear waste stories. There's a
18 political background to it.

19 In 2002, when the Department of Energy put forward
20 the Site Suitability Recommendation for Yucca Mountain to the
21 President for his approval, and the state vetoed it and then
22 it went to Congress for them to override that veto, Senator
23 Reid was hoping that the two senators from Utah who did not
24 want to see the private fuel storage site sited in their
25 state would join with him in opposing a resolution to proceed

1 with Yucca Mountain. And, this was in 2002, and the Bush
2 White House went to the two Republican senators from Utah,
3 and said, guys, if you will give us your vote in favor of
4 Yucca Mountain, we will guarantee that there will be no
5 action taken by the federal government to pursue the private
6 fuel storage site in the State of Utah. And, so, they
7 accepted that bargain, and they voted to proceed with Yucca
8 Mountain, much to the frustration of Senator Reid.

9 And, then, three years later when the NRC license
10 came through for the private fuel storage site, the BLM came
11 up with a finding that it was not acceptable to use the--that
12 there were certain risks associated with the transfer
13 station, and they couldn't give their approval, and the BIA
14 did not approve the lease that was necessary on the Skull
15 Valley/Goshute land. And, so, the private fuel storage site
16 came to a crashing halt, even though it had a Nuclear
17 Regulatory Commission license.

18 And, so, it sat that way until last year, for about
19 five years. Everybody thought it was dead as a doornail.
20 And, then, the private fuel storage sponsors had gone to the
21 court to say, you know, we don't think there was sufficient
22 evidence being used by the BLM and the BIA for the decisions
23 that they made, and we would like to ask for you to remand
24 those decisions to BLM and BIA. The court agreed and
25 remanded the decision back to the BLM and the BIA.

1 And, this opened up a whole other interesting
2 dynamic, because now there is a Democratic President in the
3 White House who has no residual commitments to the Republican
4 senators from Utah, and who has just taken a difficult
5 decision to terminate Yucca Mountain without having any real
6 alternative to offer. And, it is quite likely that the Blue
7 Ribbon Commission is going to recommend that centralized
8 interim storage is the way to go.

9 And, so, it's quite possible that people could look
10 at the private fuel storage site and say hey, this has a
11 Nuclear Regulatory Commission license already, and maybe what
12 ought to happen is for the BLM to reconsider its decision,
13 and find a justification for going in the other direction.
14 And, the same for the BIA in terms of the lease on the Skull
15 Valley/Goshute land. And, this would solve a lot of people's
16 problems. It would solve the problems that the Obama
17 Administration has with having terminated the Yucca Mountain,
18 it would solve the need for some kind of centralized interim
19 storage, especially for closed reactors that are just sitting
20 there with waste on site, and it has the infinite benefit of
21 having already gone through eight and a half years of
22 licensing and having received a license.

23 So, I thought myself that maybe there was a pretty
24 good chance that PFS would come back to life again. And, so,
25 I discussed this with the chief lobbyist from the Nuclear

1 Energy Industry recently, and he had some interesting things
2 to say. He said no, we're not interested in PFS anymore
3 because PFS was developed at a time when the practice was to
4 ignore the local communities' view and just to basically move
5 forward, and we don't want to do that anymore. What we want
6 to do is we want to work with communities, we want to be able
7 to present proposals for interim storage to them on the
8 grounds of economic development benefits and the potential
9 for it being a win/win for both sides. And, so, PFS just
10 doesn't meet that criteria. And, I thought, well, that's
11 interesting, and maybe that's true that the industry has
12 taken a different view.

13 And, then, what this person said was, "And, after
14 all, we have plenty of willing communities around the country
15 who would like to take this, especially in Southern New
16 Mexico." And, in New Mexico now, at the state level, the
17 governor has left the door open to the possibility of interim
18 storage or expanding the WIPP mission beyond the transuranic
19 wastes to the point that there would be some other facilities
20 potentially at that site. So, with that caveat, I still
21 think there's a possibility that PFS could be resurrected,
22 but I think we may have moved on.

23 (11:03 End of Tape 2-2)

24 (10:55 Begin Tape 2-3)

25 MR. WALKER: --a major portion of your career

1 working on nuclear waste issues. You've followed every
2 budget blip and proposed bill thoroughly, and you've sat
3 through hundreds of Congressional hearings. What kept you
4 engaged, involved and excited about this work?

5 MR. GERVERS: Sometimes I would ask myself that
6 question. But, I think fundamentally, it's what has kept me
7 really engaged in this issue is that it is a major policy
8 issue that involves a controversial decision that has to be
9 made by the national government in order to support a major
10 source of energy in the United States. And, so, the siting
11 of a nuclear waste repository is something that essentially
12 it has to be done at some point in some place in order to
13 close the fuel cycle and to allow the reactors that are
14 producing 20 percent of our energy nation-wide to have
15 someplace to be able to send the waste that results from that
16 process.

17 And, it's controversial because it involves certain
18 environmental risks, it involves risks to health and safety.
19 It involves risks to shall we state sovereignty. And, so,
20 there are many complex elements of this decision process.
21 It's all about the institutional interactions between the
22 federal government and the state governments and the tribal
23 governments and the local governments, and that's tricky
24 territory, even if you don't entrust the responsibility to a
25 "decide, announce, defend" agency like the U.S. Department of

1 Energy.

2 And, so, it's been this challenge to the nation
3 that has kept me fascinated by this extremely controversial
4 project. And, there have been times when, you know, there
5 seemed to be a certain circularity in the process where it
6 would head off in a direction, and then there would be delays
7 and then people would have to go back and start over. And,
8 so, some of that--I think after about the first ten years, I
9 began to feel that maybe I've been here before, and yet at
10 each point where I began to feel that there would be another
11 surge forward.

12 And, most recently, it's been the whole debate on
13 the termination of Yucca Mountain, and the implications of
14 that and what alternatives might be out there, and the Blue
15 Ribbon Commission deliberations. The Blue Ribbon Commission
16 has really been like old home week for many of us who have
17 been involved with this now for 30 years. And, many of the
18 faces who were there right at the beginning in 1979, were in
19 consultation and cooperation when it was first being debated,
20 are still around at the end of our careers. And, so, the
21 Blue Ribbon Commission has had some fertile fields to explore
22 by inviting people to come and testify before the Commission,
23 and I did that myself, and provided some views about the
24 potential direction that a new effort to site nuclear waste
25 facilities might go.

1 And, I think that that's what's kept me interested.
2 And, certainly the whole effort to try to identify the
3 lessons that have been learned over the years, and to the
4 extent possible, to impart those to the Blue Ribbon
5 Commission, and to make a meaningful contribution has been
6 most interesting. Eureka County put forward a Lessons
7 Learned document to the Blue Ribbon Commission at the end of
8 March, and it was very timely and had a number of
9 recommendations that I think--

10 (11:00 End of Tape 2-3)

11 (10:56 Begin Tape 2-4)

12 MR. GERVERS: Eureka County put forward a Lessons
13 Learned document to the Blue Ribbon Commission at the end of
14 March, and it was very timely and had a number of
15 recommendations that I think were well conceived and helpful
16 to anybody who might in the future want to try to replicate
17 the experience of Eureka County.

18 MR. WALKER: John, this has been a long and an
19 excellent interview. I'd like to thank you for doing this.

20 Any last thoughts you would like to give us?

21 MR. GERVERS: Well, I think that the one thing that
22 I would like to leave from this discussion is the importance
23 of involving the people at the local level in any kind of a
24 decision process. And, the countries right now that are in
25 the lead for developing a successful nuclear waste

1 repository, Sweden and Finland, and both of them have started
2 from the premise that they are going to consult with the
3 local communities and involve them at every stage of the
4 decision process. And, Canada has--Canada is one I didn't
5 mention before, but they started out with "decide, announce,
6 defend" and ended up with no sites. And, as a consequence,
7 they have gone back to the drawing boards and tried to
8 develop something that is fundamentally rooted in the values
9 of the community, and trying to identify what is important to
10 people, and so I think that's the way to go.

11 And, I think that any future effort should be
12 placed in the hands of a group of people who are committed to
13 reflecting the local interests, the local views, and to
14 listening, as well as speaking about what is important. And,
15 in that way, I think that this country has an opportunity to
16 succeed in a future siting exercise.

17 I'll just mention one thing that came out in a
18 hearing just a week or two ago when some of the members of
19 Congress were suggesting that if you were to give any
20 authority to local communities, then there won't be any
21 siting of anything anywhere. And, one person supporting that
22 said, "In this internet age, you can see how quickly
23 information can be spread around, so that opposition could
24 grow very easily and organically, in the way that it did in
25 the Arab spring (phonetic)." And, I think the man has a

1 certain point there, that we are in a more delicate situation
2 now. But, nonetheless, if you can get the confidence of the
3 community and can develop trust, that is the only way that
4 this kind of a facility can be successfully sited. You
5 cannot shove a controversial facility like this down the
6 throats of people without their consent. And, that is
7 inconsistent with the kind of Democratic country that we are,
8 and I certainly hope that any new legislation that comes out
9 will reflect the need to hear from the local people.

10 MR. WALKER: Thank you very much, John.

11 MS. CLANCY: John, do we have your permission to
12 use this footage for archival purposes and clips on the web?

13 MR. GERVERS: Oh, certainly.

14 (11:00 End of Tape 2-4)

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1 TRANSCRIBER'S CERTIFICATE

2

3 I hereby certify that the foregoing has been
4 transcribed by me to the best of my ability, and constitutes
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7 Dated at Aurora, Colorado, this 12th day of July,
8 2011.

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12

13

14 s/s Mary Chevalier

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