

**Statement of Senator Jeff Bingaman  
to the  
Blue Ribbon Commission on America's Nuclear Future  
Albuquerque, NM  
January 28, 2011**

I am glad to join Mayor Berry and the other members of New Mexico's congressional delegation in welcoming the Blue Ribbon Commission on America's Nuclear Future to Albuquerque. I appreciate the Commission taking the time to come to New Mexico to tour the Waste Isolation Pilot Plant, to learn the lessons that may be drawn from WIPP, and to hear the views of a wide range of New Mexicans on this important subject.

It is appropriate for the Commission to do so, because WIPP has been a success. WIPP has succeeded, I believe, not just because it had the support of the local community, but because it was developed through a transparent and collaborative approach, it is overseen and regulated by independent federal and state regulators, and it has a narrow, statutorily defined mission.

I hope the Commission studies these lessons well as it reviews our nuclear waste management policies, considers alternative approaches, and prepares its recommendations. I hope the Commission will not just look upon WIPP as it exists today, as a successfully operating waste repository, but that it will study and understand the long history—stretching back to the early 1970s—that has brought us to this point.

The geology of WIPP's salt beds and the support of the local community did not guarantee WIPP's success. Public opinion and New Mexico's political leadership could have turned against WIPP as strongly and as decisively as Nevada turned against the Yucca Mountain repository. They nearly did in 1977, when the Department of Energy considered using WIPP to dispose of high-level military waste, and again in 1978, when the Department considered using

WIPP to dispose of commercial spent fuel. In the end, though, Congress statutorily prohibited using WIPP for commercial spent fuel in 1979, and even more explicitly banned the emplacement or disposal of any high-level waste or spent fuel in WIPP in 1992. The ban on spent fuel and high-level waste was an essential element of the compromise that allowed WIPP to go forward.

Congress decided to manage spent fuel and high-level waste, not at WIPP, but at geologic repositories developed under the Nuclear Waste Policy Act of 1982. One of the principal tenets of the NWPA was geographic balance—the notion that no one state or community should bear the entire burden. Another major tenet of the Act was that repository sites should be chosen only on the basis of a rigorous, science-based siting process. Congress broke both of those tenets in 1987 when it indefinitely deferred the second repository program and chose Yucca Mountain as the site for the first repository without fully examining the alternative sites.

The Blue Ribbon Commission is, of course, not a siting commission. Recommending a site is not part of its mission or its charter. Congress clearly understood in 1987 that it was putting all of its eggs in the Yucca Mountain basket, and that if Yucca Mountain failed, there was no backup plan: the siting program would be over and it would be up to Congress to decide what to do next. That is written into the law.

By design, the original Nuclear Waste Policy Act of 1982 did not select a site for a repository; it set up a process by which a suitable site could be found. That process was short-circuited and has now failed. What we need now is not another candidate site, but another process, which will ensure that any ultimate decision is based on sound science, enjoys public support and confidence, and was arrived at fairly, transparently, and credibly. The Commission

can learn a lot from studying the history of WIPP, and I look forward to the lessons the Commission learns from that study.