

**SUMMARY OF STATEMENT
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BLUE RIBBON COMMISSION ON AMERICA'S NUCLEAR FUTURE

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From the Manhattan Project and Trinity Test Site to the opening of the nation's first permanent radioactive waste repository, New Mexico has a long history with America's nuclear industry. This successful history has been based on the state's ability to trust that promises made by federal agencies that oversee nuclear waste and its transportation will be honored. The cornerstone of this trust is strong, independent state regulatory authority. As home to the Waste Isolation Pilot Plant (WIPP) – the nation's first and only permitted deep geologic repository – we have seen firsthand what the federal government did right, and what it did – and continues to do – wrong. For New Mexico, however, it is crucial that WIPP remain focused on its mission – disposal of the nation's defense-related transuranic waste – and not expand to disposal of other wastes for which it was not contemplated or designed. While I can envision many scenarios under which a disposal facility for high-level waste (HLW) would not be a necessity, I will focus my remarks today on what the development process for such a facility should look like, if one is necessary.

New Mexico's experience with the development and operation of WIPP is considerable. There are myriad issues of concern to the public and the state that go beyond the technical merits of siting such a facility. Not only must the public be assured that the facility itself will not pose a threat to people and natural resources, but also social and economic issues, transportation safety, road improvements, waste characterization, and cooperation from generating facilities must be addressed by a broad coalition of elected officials, scientists, community leaders, regulators, and the public.

A crucial component to WIPP's success is a strong regulatory structure that puts the host state in a position to oversee permitting and operations. This framework includes several elements that are critical to the long-term sustainability of a project like a HLW disposal facility. A strong independent state regulatory body instills public confidence that the facility will operate and close in a manner protective of this and future generations, regardless of whether or not the facility is privately or publicly run. This is all the more important for a HLW facility, because the federal government has lost much of its credibility with respect to providing effective oversight and enforcement of rules designed to protect the public. Enron, the meltdown of the financial sector, and the BP debacle in the Gulf are just a few manifestations of this phenomenon. Moreover, independent and outside regulatory oversight and enforcement is vital to ameliorating the public's justifiable and entirely reasonable concern that the federal government cannot be trusted with this task. This is why the commission should also strongly consider recommending an entirely new siting authority outside the aegis of existing federal agencies.

State regulation – similar to that provided for in federal law for WIPP – also includes robust public participation processes that can be used to address non-technical issues. These processes give local communities a voice in decisions that can otherwise feel imposed upon them by the federal government. While many members of the public may never agree to support nuclear waste disposal, a public and transparent process allows for a valuable exchange of information that fosters a more trusting relationship among the various interests. Such a process may at least lead to informed consent to the siting of a HLW facility. In any event, it is exceedingly important to provide engagement with these interests regarding any necessary changes in federal law, inter- and intrastate transportation agreements, and permits and licenses that must occur. By way of comparison, transportation to and disposal of a narrow, well-defined class of waste at WIPP is governed by a myriad of laws, permits, and agreements, some of which took over 25 years to negotiate and finalize. WIPP's success at safely disposing of the nation's defense-related transuranic waste proves that these controls and oversight measures are not only necessary but also are working to the benefit of the nation and the host state. Considerable negotiation, particularly with states, was required to hammer out these documents. Ultimately, each state should have final approval of any decision to site a nuclear disposal facility within its borders.

I urge the Commission to consider a strong voice for states through the development of a nuclear waste disposal system development process. I wish the Commission well as it deliberates this very important issue, one whose outgrowth will affect humanity forever.