



## High-level waste ban passes Senate

By Walter Rubel/Current-Argus Santa Fe Bureau

SANTA FE — The Senate passed a bill on Monday that would prohibit the disposal of high-level radioactive waste and spent nuclear fuel at the Waste Isolation Pilot Plant.

The bill — which passed 23-18 — would give the secretary of the environment the authority to revoke WIPP's state hazardous waste permit if the law was violated. Sen. Carroll Leavell, R-Jal, referred to it as a "feel-good" bill.

"I'm not sure there's any need for this," Leavell said. "This is something that needs to be studied. We're a long way from having high-level waste come to this state." He and Sen. Don Kidd, R-Carlsbad, both made the point that WIPP has operated safely ever since its opening.

"Isn't this bill just strictly drawn to cause conflict between the Department of Energy and the state?" Kidd asked. "This type of anti-WIPP bill and anti-DOE bill might make us chest bump and feel good, but it's not in the best interest of the state."

But the bill's sponsor, Sen. Carlos Cisneros, D-Questa, said it was necessary to give the state the authority to ensure the federal government continues with plans to create a storage facility for high-level waste at Yucca Mountain in Nevada and ensure that WIPP retains the function for which it was originally intended.

"We want to take a pre-emptive step to make sure the Department of Energy keeps its obligation to Yucca Mountain," Cisneros said. "It shouldn't come to New Mexico. Take it to Nevada."

The Department of Energy has sought to reclassify sludge produced in the reprocessing of nuclear fuel at the Hanford site in Washington state from high-level to a lower level so it would qualify for storage at WIPP.

Gov. Bill Richardson has denounced the plan and said the state would take steps to block it.

Sen. Timothy Jennings, D-Roswell, said he attended meetings when the WIPP site was originally proposed. And, while there was some discussion of a small pilot test plot for high-level waste, the stated intent of the plant was to store low-level transuranic waste, he said.



“What they said is, ‘We’re going to have low-level transuranic waste.’ That’s what they said. I was there,” Jennings said. “The agreements made between this state and the federal government were about low-level waste. We’ve done our part.”

Sen. William Payne, R-Albuquerque, questioned the constitutionality of a state law that would conflict with federal law.

“To say that a level of waste that is allowed in the rest of the country is not allowed in New Mexico does raise some constitutional issues,” he said.

Sens. Kidd and Sue Wilson Beffort, R-Albuquerque, both suggested that the bill was sending the wrong message at a time when the federal government was in the process of closing as many as 25 percent of its military bases.

“I hope that when this goes over to the House, they will see things a little differently than this body did,” Beffort said.