

Nuclear Waste Consent and Non-Consent: Have we learned?

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ECAST Workshop on Consent-Based Siting
June 1, 2016

Free = Voluntary

Prior = Before decisions

Informed = Adequate, broad-based
Consent

1. Respect for/Acceptance of
Non-consent is an essential part
of Consent-based siting

Repository sites

1982-1986 – 1st & 2nd Round

LA, MS, NV, TX, UT, WA

GA, ME, MN, NH, NC, VA, WI

NGOs/Public, States/Tribes Say
No

Monitored Retrievable Storage sites 1985-1986

NGOs/Public, Tennessee Say No

Difficult for federal government
to accept non-consent

Tribes, 14 states & public opposition:
Stop and Blue Ribbon Commission

DOE - May 28, 1986:

Postpone 2nd round

Characterize WA, NV, Deaf Smith Cty, TX

Congress 1987

- Yucca Mountain only – No WA, TX
- Prohibit 2nd repository activities
- Annul and revoke Tennessee MRS

Congress 2002

- House and Senate override Nevada Notice of Disapproval
- Can any state/tribe count on Non-Consent to be respected?
- Can any state/tribe expect Consent agreements to be fully honored?

Consent is not the law

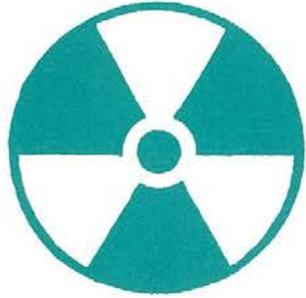
- Not the history of DOE sites
- Not how power plants are sited
- Not how Congress uses its authority

But constitutional rights:

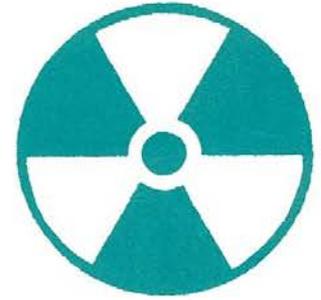
- allow citizens to act – speech, lobbying, litigating, elections
- Provide much state/tribal authority

2. Community consent includes interactions of the “host” community, other communities, NGOs and states/tribes

- WIPP “host” community of Carlsbad
- Roswell, Santa Fe transportation bypasses



**ANOTHER
BUSINESS**



AGAINST WIPP

Concerned Citizens for Nuclear Safety

NEVADA IS NOT A WASTELAND

CITIZEN ALERT LAS VEGAS (702) 798-8662 • www.citizenalert.org • RENO (775) 627-4200



**D
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T**

WASTE 

TEXAS

NUCLEAR WASTE TASK FORCE

NO  **DON'T DUMP
NUCLEAR JUNK
IN DEAF SMITH**

**NO NUCLEAR
DUMP** 

 **NORTH CAROLINA
NO DUMP!**

NO NUCLEAR DUMP 

RADIOACTIVE WASTE PROJECT / MPIRG
2412 UNIVERSITY AVE. S.E. MINNEAPOLIS, MINNESOTA 55414 (612) 379-7300
WWW.RWPROJECT.ORG

3. Legal/Regulatory requirements & enforcing obligations are essential

- **Yucca Mountain** - Nevada uses veto, regulations, Congress, elections, licensing, litigation
- **PFS - NRC licensed in 2006**
- **BLM denies Right-of-Way; BIA refuses lease**
- **DOE sites** – regulations, litigation, Congress

New laws required

- Provide for consent/non-consent
- Provide for additional state regulatory authority – Amend Atomic Energy Act
- But Congress can change the laws
- Need constitutional amendment to establish “consent right”?

4. Independent monitoring has been required and necessary

- WIPP

EEG – established in 1978 to provide public technical analysis to State of New Mexico; terminated in 2004

CEMRC – established in 1991 to provide health and environmental monitoring

Monitoring (continued)

- **Yucca Mountain**

- NWPA Financial Assistance to Nevada;
9 NV counties, Inyo, CA
Affected Tribes not funded

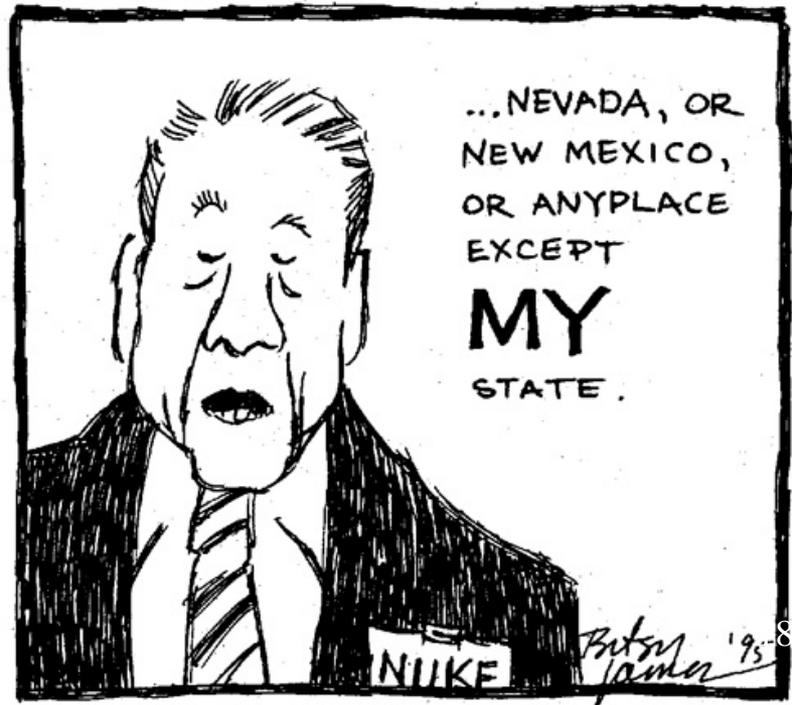
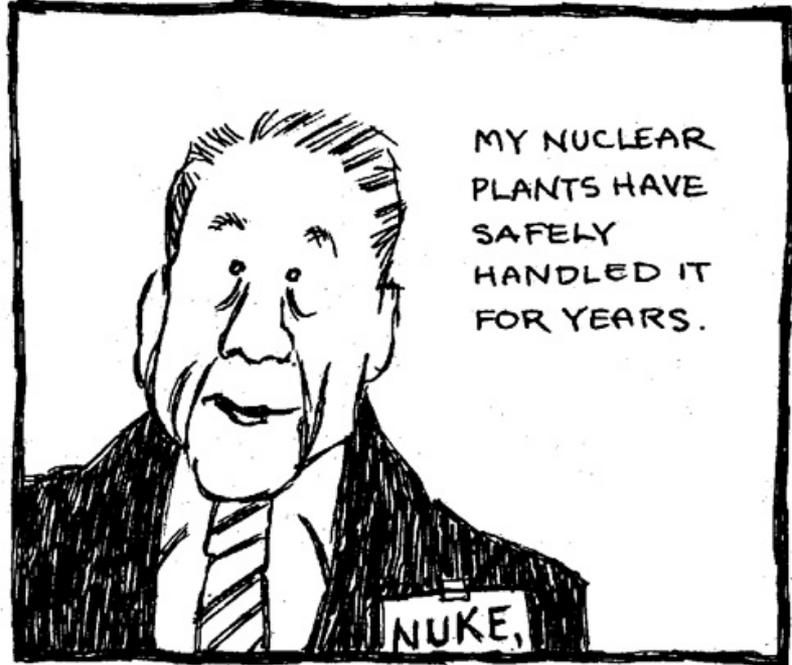
- **No funds “to support multi-State efforts or other coalition building.”**

5. Ongoing requirements will be continuing, changing, and challenging

- Will laws be changed, so that consent becomes an enforceable right?
- How much commercial spent fuel will we have in the U.S. and will that limit be defined in laws such that it will not be exceeded?
- What are the technical standards for geologic repositories? What amount of radioactive releases are allowable?

Challenges (continued)

- Why do the nuclear utilities not agree to do consolidated storage at existing sites even though the laws allow it?
- What kind of consent would communities and states with nuclear plants require for long-term onsite storage?



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