

The Future of Consent-Based Disposal Siting and the Alternatives

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Panel Presentation

Waste management 2015

March 19, 2015

Revised April 2, 2015

Challenges to Consent-Based Siting

- Host governments must have siting veto and operations oversight
- Nevada will continue to oppose Yucca Mountain
- Managing entity must demonstrate safety of site and repository design: post-closure, pre-closure, transportation
- NRC licensing and NEPA (alternatives?) must apply
- Transportation corridor States and Tribes must be involved (SRGs)
- Federal legislation must restructure program and provide for binding consent agreements (S. 854, S. 691, H.R. 1364)
- Economic issues difficult (but not impossible) to resolve

Siting Consent Options - Timing

- Binding agreement prior to submission of license application to NRC (S. 854)
- Binding agreement prior to construction authorization by NRC (S. 691, H.R. 1364)
- Binding agreement prior to construction expenditure from Nuclear Waste Fund
- Alternative: Payments begin upon site selection, followed by one of the above binding agreements

Siting Consent Options - Parties

- Host State Governor (S. 854, S. 691, H.R. 1364)
- Legislature?
- Referendum? (past experience WA, WI, NC; ME; ID)
- Host County (S. 854, S. 691, H.R. 1364)
- Affected Counties? (groundwater, transportation)
- Affected Cities?
- Host Indian Tribe (S. 854, S. 691, H.R. 1364)
- Affected Tribes? (ceded lands treaty rights, groundwater, transportation)

Consent Agreements Must Resolve Difference of Economic Expectations

- States expect risks and economic costs
- Locals expect opportunities and economic benefits
- Difference observed regarding WIPP by Prof. Ronald Cummings, University of New Mexico
- Repository siting examples (Washington-Benton County, Texas-Deaf Smith County, Nevada-Nye County)
- Storage siting examples (Tennessee-Roane County, Utah-Tooele County)

Economic Issues to be Resolved

- Liability for accidents and shut-downs
- Compensation for actual and perceived losses (relocations, property values, opportunity costs)
- Local stimulus (baselines, forecasting, measuring change)
- Local preferences (hiring, training, contracting, monitoring)
- Sharing of benefits and costs among jurisdictions
- Predictability and maintenance of benefits over time (guarantee access to Nuclear Waste Fund)
- Payments must not compromise safety