



STAKEHOLDER INVOLVEMENT IN CONSOLIDATED ISF STORAGE AND TRANSPORTATION INITIATIVES

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**WASTE MANAGEMENT SYMPOSIUM
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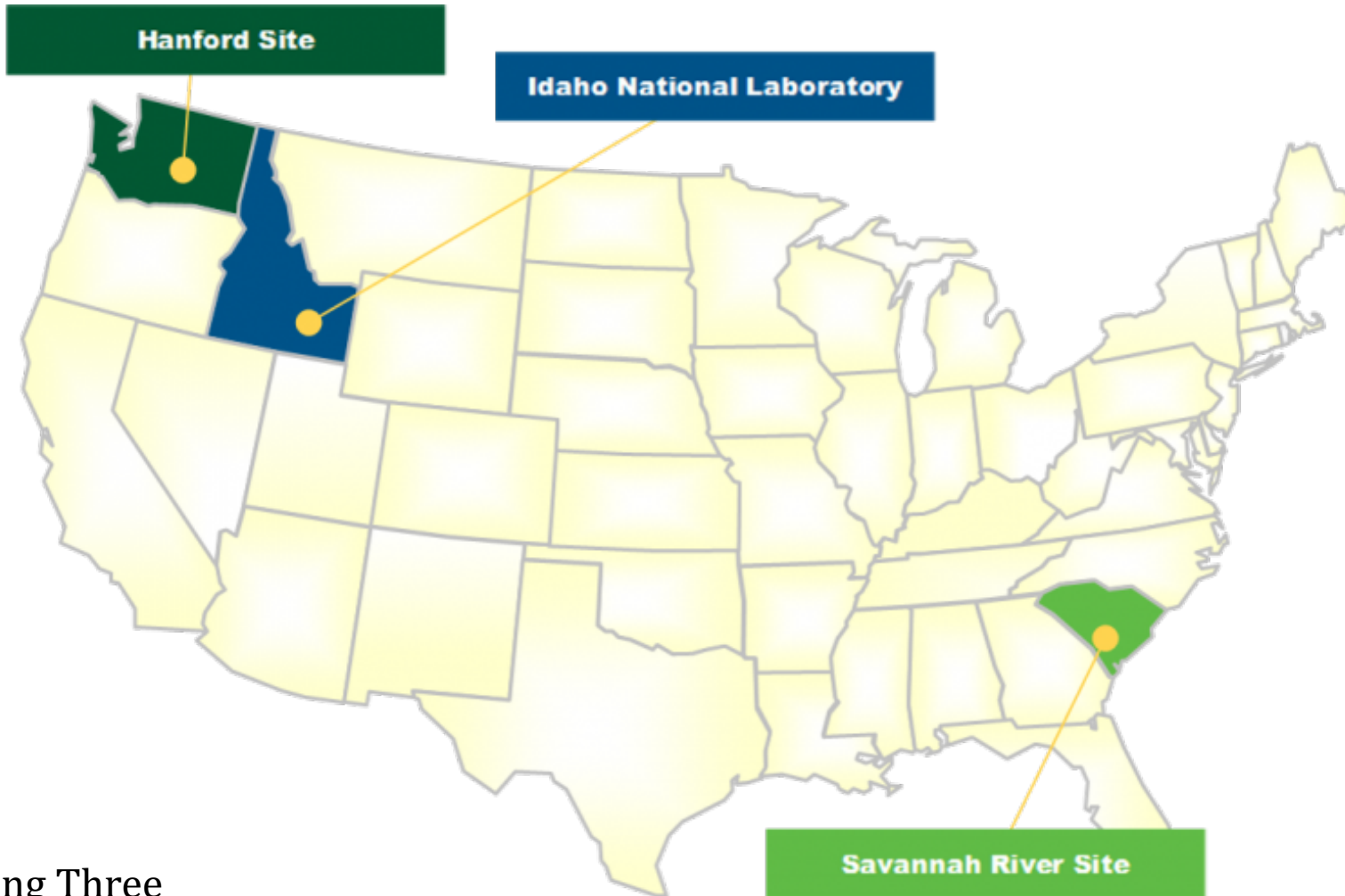
ENERGY COMMUNITIES ALLIANCE

ECA is the national, non-profit organization of local governments hosting or adjacent to – and directly impacted by – DOE nuclear activities.

- Hosts to federally-owned nuclear weapons, energy and research facilities
- Long-term experience working with DOE, Congress, states and industry
- Potential hosts for new nuclear missions (nuclear waste storage, advanced nuclear facilities, to medical isotope production, supply chain facilities, and workforce development)
- Already serving as *de facto* interim storage sites



WHERE IS DEFENSE HLW STORED IN THE U.S.?



INL is currently storing Three SNF from Mile Island



**DEFENSE AND COMMERCIAL HLW AND SNF
HAVE ONLY ONE DISPOSITION PATH:
A GEOLOGICAL REPOSITORY**

*The federal government is responsible
for the safe disposal of both.*



RECENT DEVELOPMENTS

- **GAO Recommendations, September 2021**
 - Amend NWPAs to authorize DOE to implement a new consent-based siting process for siting IS and permanent geologic repositories
 - Restructure the NWF to ensure reliable and sufficient funding
- **Consolidated Appropriations Act of 2021**
 - \$20 million to DOE to “support near-term action in managing the nation’s spent nuclear fuel...important component of an integrated waste management system.”
- **DOE’s Notice of Request for Information (RFI) on Using a Consent-Based Siting Process to Identify Federal Interim Storage Facilities, November 30, 2021**
 - Continues efforts to develop a consent-based siting process started in 2015



ECA INPUT ON CBS RFI

- **Trust** must be rebuilt after years of fits and starts, without a dedicated entity responsible for SNF/HLW disposal, no assured funding.
- **Early, meaningful and ongoing engagement** with potential host communities seen as “partners” engaged throughout the process to ensure interests, concerns and priorities are recognized and considered.
- **Decisions must be perceived as fair and based on sound science** – “Risk” (real or perceived) must be addressed and there must be transparency at each step.



ECA INPUT ON CBS RFI

- **“Informed” consent** – Local governments and states must be given the resources to provide education and outreach to explain the potential benefits and risks. Financial resources should be provided for independent assessment.
- **There is no “one-size-fits-all” agreement:** - The terms and conditions under which a specific community will consent to host a facility must be reflected in a legally enforceable agreement.
- **All options need to be on the table** – federal and private sites. Given the current focus on using federal sites, we need to know more. Are our sites destined for additional SNF?



LESSONS LEARNED: SUCCESSFUL SITING OF WIPP

- Extended consent-based siting process (10+ years)
- Recognition of national need
- Existence of a “clear” benefit for citizens of the state and local jurisdiction in which the repository was sited
- Solid local support
- Competent technical oversight by the State of New Mexico
- Intense and early outreach
- Rigorous quality assurance from the earliest stages of the project such as traceability, transparency and independent review
- Credibility



LESSONS LEARNED: FAILED EFFORTS AT YUCCA MOUNTAIN AND PFS

- Local government, Tribal and community support alone will not lead to successful siting – **support from the state government is necessary**
- Local governments and state governments need to work together
- Need federal alignment



CHALLENGES AHEAD

- Must address legacy defense waste - DOE did not include HLW in latest RFI and appears to be considering only federal sites for CIS
- Timeline/sense of urgency
- Conveying the national need
- Identifying a champion at the federal level
- Prioritization of shutdown reactor sites, nuclear power plants, government-owned/generated HLW
- Resources for education, outreach and feasibility studies



CHALLENGES AHEAD

- Minimizing political influence
- Assured access to funding not based on annual appropriations
- Weighing input: stakeholder vs. interested party
- Impact on DOE Cleanup Program
- Impact on support for new nuclear missions
- Ensuring social equity and environmental standards
- Conveying the history of successful nuclear waste transportation across the country



Politics happen



WHAT TO INCLUDE IN A CONSENT AGREEMENT

Conditions for negotiation:

- Financial compensation and incentives
- Economic development assistance
- Operational limitations or requirements
- Regulatory oversight authority
- Enforceable deadline for removing waste from storage facility
- Legally binding contract with federal government and state



WHAT TO INCLUDE IN A CONSENT AGREEMENT

ECA recommends:

- Linking storage and disposal
- Volume limitations
- Amending existing agreements/statutory prohibitions
- Enforceable milestones
- Penalties for failure to meet obligations
- Triggers for termination
- Indemnification for communities, states and tribes
- Opportunities for future nuclear missions/co-location



WHO PROVIDES CONSENT?

Local governments are uniquely positioned to negotiate on behalf of impacted community, as is the governor of a state.



PATH FORWARD – FEDERAL LEVEL

- Finish the Yucca Mountain licensing review(?)
- Amend the NWPA to allow alternative sites for interim storage or permanent disposal to be developed
- DOE must meaningfully work with local governments and communities, states and tribes to identify components for consent
- DOE should identify necessary steps– and the order that need to be accomplished – to move a consent-based siting process forward
- Congress/Administration should provide resources and funding for education, outreach, feasibility studies and R&D aspects for waste management and disposal



NEXT STEPS

- DOE should develop a list of suitable disposal mediums and indicate where they exist (salt, granite, etc.) to inform feasibility studies
- Create entity focused solely on HLW/SNF nuclear waste management empowered to consent on behalf of the federal government
- DOE should develop an initial list of the type of incentives/compensation they are willing to consider
- DOE, NRC, EPA should begin to develop scientifically-based health and environmental standards, model state laws and regulations to guide siting process



INACTION HAS AN IMPACT

- * If progress cannot be made, communities that have become *de facto* interim storage sites for both defense high-level nuclear waste as well as commercial spent nuclear fuel should receive funding from the federal government to offset the impacts of storing waste beyond the timeframe originally expected.



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