**U.S. DOE’s Consent-Based Initiative**

**(pertaining to spent nuclear fuel and high-level radioactive waste)**

**Boston May 23, 2016**

**Panel on Perspectives on a Consent-Based Siting Process**

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1. **Complex Stakeholder Challenge:**
   1. Complex: Scientifically and Politically
   2. Multi-Stakeholder (we are pretty good at this challenge)
   3. Multi-Generational (we are not very good at this one)
2. **Three Tiered (at least) Consent-Based Process**
   1. **National Scientific Joint Fact-Finding**
      1. Acceptable disposal technologies, and physical attributes of long-term storage conditions and capabilities where these disposal technologies can be housed (and similar process for interim storage options)
      2. Specific “acceptable” geologic and other criteria
      3. Identification of geographic swaths in U.S. first that appear to meet those criteria
      4. Clarity on permanence of desired sites vs. flexibility to retrieve and pursue other better options if they arise over the generations to come
      5. Include nationally recognize scientific experts (nuclear engineers/physicists, geologists, geographers, etc.); competent mediator
   2. **National Stakeholder Process to Define Terms and Conditions of Engaging Host Communities**
      1. Delineation of how site will be managed/protected (in perpetuity for permanent and defined time period for interim)
      2. Delineations of what would be the things required to be provided by any host “community”
      3. Delineation of what would be the compensation and other things provided to a host community and by whom
      4. Define the process for identifying and selecting a host community or communities (e.g., RFQ process to identify potential host communities, and then a more rigorous RFP process to select one or more (e.g., regional host communities)
      5. Need to include representatives of relevant federal agencies, representatives of state and local government umbrella organizations, and other key stakeholders (utilities, environmentalists, etc.); competent mediator
   3. **Community Based Stakeholder Process Requirements**
      1. Clear process that each community would need to go thru to self-identify as a “community of interest” within the broad geographic swaths identified by scientific joint fact-finding (for either permanent, interim repositories, or both)
      2. Community geographic scope needs to be clearly defines—at minimum town & county of proposed location; but probably all towns/cities/counties within X miles of proposed site (to avoid problem of placing facilities on borders w/neighboring towns/counties who then get no say).
      3. Need to define what is meant by “consent”
         1. Vote by elected officials in a particular town/county probably should not be deemed consent (even if unanimous)
         2. Need to probably have referendum where citizens (after meaningful education and discourse with experts, stakeholders, and other residents in workshops-we have examples of these types of interactive workshops) can actually vote on whether or not to embrace a repository in their community
         3. Although mediators often define consent as unanimity when everyone is at least “willing to live with a proposal”—unanimity may be too high a hurdle—but any threshold set should likely be closer to 100% than a simple majority of 51% for host communities.
         4. State consent probably also needed
            1. Use similar interactive workshop format for state residents with regional workshops
            2. If community X miles from border than need to have vote in neighboring state too
            3. Can use lower threshold for state referendum than community to gauge consent—e.g. simple majority or 2/3
3. **Other Considerations**
   1. Demonstration projects at technically suitable site types before solicitation from communities—would be nice but is it realistic given incredibly long time frames of stability desired
   2. May need to consider separate regional solutions/solicitations for regional equity (if technically suitable options exist in each region).
      1. 2, 3, 4, or more regions?
   3. Public will likely insist on greater national clarity regarding whether nuclear power is phasing out and hence we have a reasonably finite nuclear power plant waste problem; or nukes will be preserved and even rekindled under the guise of climate change, fuel diversity, etc. and we have an expanding nuclear waste challenge.