



Consent-Based Rad Waste Siting Process: Finding a Better Path Forward

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Panel Discussion
The Blue Ribbon Commission on America's Nuclear Future
October 12, 2011

Background and Perspective

- Conservation Law Foundation is a New England based environmental advocacy organization. www.clf.org
- Founded in 1966, Conservation Law Foundation has worked on a wide range of legal, energy and environmental matters for decades.
- Focus is to solve environmental problems to protect the people, natural resources and communities of New England.
- Healthy communities and a clean environment are a right for all New Englanders, not a privilege for the few.
- Comments come from perspective and experience of an environmental advocate. Background on a wide range of environmental and energy matters.

Need for Solution

- Long term solution needed
- Responsibility of energy system to manage waste
 - CO₂ from burning fossil fuels
 - Radioactive spent fuel from nuclear facilities
- Impediment that this is not perceived as an immediate or pressing problem.
 - Not affected licensing
 - Not affected economics of commercial operation
 - Too easy to put off finding a solution

Better Path Forward: Effective Involvement of Diverse Interests

- Effective Involvement
 - Provide the Ability and Means to Affect Outcome
 - Technical expertise, financial and political means to participate
 - Input must matter
 - Must do more than provide for comment and response
- Diverse Interests
 - Involve diverse interests in making decisions
 - Decision-making must include persons and interests affected by decisions
 - Include state and tribal government, citizens, local communities, environment, health interests

Tools for Effective Participation

- Provide tools for effective participation early in the process
- Provide funding for citizen and public interest involvement
- Provide and fund independent technical expertise to allow effective participation and level the playing field for interested stakeholders
- Examples:
 - Federal Energy Regulatory Commission (FERC) licensing proceedings
 - National transmission planning efforts
 - Intervenor funding / Independent public advocates

Expand Decision-Making Authority

- Current process too narrow
 - Decision-making too centralized in narrow section of the federal government
 - Out of public view
 - Cuts out affected interests and breeds distrust in outcome
- Means to expand decision-making
 - Eliminate exemptions from environmental laws.
 - Amend Atomic Energy Act (AEA) to give states and other agencies their traditional regulatory roles for environmental and health protection under federal environmental laws.
 - Narrow the scope of what is preempted by federal law to allow health, environmental, state, local and citizen concerns to be addressed in siting processes.

Equity and Fairness

- Equity must be considered in decision-making
- Equity should balance the benefits and burdens of decisions
 - Those bearing burdens should be fairly compensated by those who benefit
- Equity is an issue in all energy system decisions
 - Should not be viewed in isolation and only as to location decisions
- Effective consideration of equities would account for burdens and benefits of entire energy system.
- The Northeast currently burdened by acid rain and air pollution from coal burning in the Midwest.