

## NUKE WASTE 101: PEOPLE, POLITICS AND POLICY ON A CRITICAL ISSUE

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Good morning class, welcome to Nuke Waste 101! If any of you came to hear a passive, lofty lecture from that guest speaker we were supposed to have on Siting in the 21st Century: The MRS Moves Ahead, he has been canceled. Instead, this morning we are going to have twenty stirring minutes of Nuke Waste 101, a class on the five rules of nuclear waste. We are going to examine as a casebook study the Office of the U.S. Nuclear Waste Negotiator, and I am going to tell you what you must do to prepare for the final exam in the area of public opinion. I hope you will pay attention.

In the area of nuclear waste management, class, we must all get better. We must all get smarter, particularly on the politics of the subject. Here are the five rules of nuclear waste: (1) NIMBY is not a four letter word; (2) Nuclear fear equals nuclear near; (3) Public involvement is not just noble; (4) The natives are restless; and (5) It is time for heros.

By the way, a test will be given. Not at the end of this hour, but perhaps when you get home, perhaps on your next project, and certainly for the United States in the next few months and years. I also want to tell you that the technical background you bring to this topic may be useful, desirable and attractive in some contexts, but it will probably be held against you by the general public. The public wants simple straight talk from real people with whom they can comfortably identify. Lets talk about the first rule of nuclear waste. NIMBY is an acronym meaning "not in my backyard." NIMBY is not a four-letter word. The NIMBY syndrome is the focus of a social science study which is continuing to evolve throughout the world. It is the reason that countries like France have taken a look at and have institutionalized an office of a negotiator to work for their national government with local citizens on controversial siting problems. But NIMBY is not a four-letter word. It is a natural, normal, pervasive human reaction to proposed facilities and features which concern regular people. Normal people in a shrinking world with an ease of communication and an inundation of information from the media are concerned about not only their backyards, but their front yards, their side yards and their general neighborhoods as well. The task for all of us in Nuke Waste 101 is to make NIMBY work for siting, instead of against siting.

Second rule. Nuclear fear equals nuclear near. If we are not able to successfully address the politics of nuclear waste and the natural and normal human NIMBY concerns of people who resist the creating of new facilities, then we will find that the actual accumulation of nuclear waste of all types from all sources will blossom at locations where long-term storage was never anticipated. In this country we wrestle with the proposition of siting a single Monitored Retrievable Storage facility for spent fuel. However, we already have 75 de facto MRS's at reactor sites in this country. Some of those spent fuel storage pools are located in the shadows of the most populous areas in the country. We also have thousands of low-level waste generators. The Nuclear Regulatory Commission is adopting rules to permit the on-site storage of low-level waste for generators that can find no place to send this material since we are not yet able to solve the low-level waste problem in this country. Thus, for hundreds of defense and DOE locations, for the 75 de facto spent fuel storage sites at reactors and with

the thousands of potential low-level waste generating sites, the nuclear fear which impedes a nuclear waste solution at one location, equals a reality that nuclear waste will be near every neighborhood in the country.

Third. Public involvement is not just noble, it is necessary. We have come into a world with communication, media influence, education, public activism and rising sense of environmental consciousness. Now accommodation, involvement and negotiation have become the worldwide norm. Controversial facility siting, in my opinion, will never again in this world, even by the most authoritarian of governments, be a matter of "decide, announce, defend." Today, public involvement is not just noble, it is necessary.

Fourth, the natives are restless. People do not trust government, state or federal. They are distrustful of major institutions of all types. We have accepted the benefits of 40 or 50 years of nuclear activity and yet nobody wants nuclear waste. That does not necessarily mean that we cannot create devices by which, under appropriate conditions, a subset of the public may accept nuclear waste. They do not expect to be and will not suffer being negatively impacted by others, including their government, by materials they fear as hazardous. The natives are restless.

Fifth, it is time for heros. Waste solutions are needed now. Initial steps must be completed. Formal and informal leaders must be found. In the words of that old rock song we are throughout the world, nation by nation, in nuclear countries "looking for a hero."

Part of my reasons for teaching this class today is that I hope you may be available to be one of these emerging heros in the nuclear waste world. With dedicated effort progress can be made. Let's look at one casebook example of what is going on in this country. In 1987, Congress, in the Nuclear Waste Policy Amendments Acts, created an Office of the Nuclear Waste Negotiator. It is an independent office, separate from the Department of Energy and the Nuclear Regulatory Commission. It is currently staffed by ten people and commenced its activity in August of 1990. We began with a six-month long study of the technical and social science literature related to nuclear waste and nuclear waste siting. The mission of the Office under the federal statute is to contact 623 jurisdictions, including the governors of the 50 states, 565 federal recognized Indian tribes and eight others, to see whether any of those jurisdictions would be a sovereign, willing host, with a technically qualified site for either an MRS or a repository.

If they also would be willing to negotiate a reasonable agreement to site such a facility in their jurisdiction, then the negotiator would take that proposal back to Congress for its

consideration as a law. In June of 1991, in cooperation with the Department of Energy, the Office began to put out basic information about its policies, procedures and the process by which it would propose to negotiate the siting for such a facility on volunteer terms with a governor or an Indian tribal leader. A month later, in cooperation with the Department, we announced the availability of federal feasibility grants, of up to \$100,000 with subsequent awards of an additional \$200,000 to three million dollars to support any jurisdiction which wanted to study the characteristics of the facilities. Finally, in October 1991, we issued a very atypical RFP in the form of an "Invitation for Dialogue ad Participation." For our casebook study, let us look at the achievements to date of the Office of the Nuclear Negotiator.

In the 16 months and 21 days since the issuance of the "Call for Participation and Dialogue," our Office has been very active: We have created widespread, favorable interest in the siting of interim spent fuel facilities among more than 30 states and tribes. We have induced 20 of those jurisdictions to apply for federal grants to study feasibility and we have seen half that number of jurisdictions still remain active in considering negotiating a site. We have generated dozens of national and hundreds of local media stories with a highly accurate informational content about the technical safety and demonstrated ability worldwide to store nuclear by-products. We have informed all 50 governors and their key staff, all 565 sets of native American tribal leaders about the need for national cooperation on nuclear fuel facility siting and we have proposed a specific methodology for accomplishing that objective. An independent agency, we have greatly aided the Department of Energy, the Nuclear Regulatory Commission, the rest of the U.S. Government, as well as the nuclear utility industry to demonstrate a new culture of sensitivity to local concerns by listening, by learning, and by leaving town if asked to do so. I believe that the top achievement of the Office, class, is that we are potentially closer this morning to siting a Monitored Retrievable Storage facility than we have been at any time since the day before the Department of Energy lost the support of then Governor Lamar Alexander of Tennessee for its attempt to create an interim storage facility at Oak Ridge in 1985, some eight years ago.

However, there is no guaranty that this negotiation process will be successful in this country. We do not yet have a willing host. We are not in formal negotiations with any jurisdiction, but we have created a viable process.

At what cost you might ask? In dollars, the cost in minuscule. On a waste fund that has generated over seven billion dollars with just under four billion still available, the total draw for the voluntary process since September of 1990, has been five million dollars, or three-quarters of one-tenth of one-percent of the nuclear waste fund. At what cost in labor you might ask? In labor the charge has been enormous: thousands of hours, millions of miles, hundreds of forums, dozens of consultants later, the Office of the Nuclear Negotiator has become the world's leading authority on the practical discipline of the voluntary siting of controversial facilities. We actively engage in interaction directly with our colleagues in France, in South Korea, in Japan, in Sweden, in Switzerland and elsewhere throughout the globe.

At what cost in time have we created the volunteer process in country? Small on the nuclear scale, significant on the political scale. On both it has been just 16 months that our

invitation for participation has been "on the street." But you must add to that the one year of preparation time, and the two and one-half years it took two presidents to find anybody willing to take this job. Then you must add the two years between 1985 and 1987 that it took Congress to decide and legislate what to do after Tennessee turned down the MRS. Thus, the cost in time as you add it up begins to span its third presidential administration with no MRS.

But the toughest cost is neither time, nor dollars, nor labor. Instead the toughest cost for the United States government, the hardest task, is holding a constancy of public policy. Being consistent in this country is a difficult task for the "feds." Demonstrating a concise and unwavering national will within our government on waste management policy has seemed impossible. You can imagine that winning the cooperation of reluctant, skeptical volunteers is not possible unless they know that the national need for spent fuel interim storage facility is also a national priority that won't change tomorrow. With constant well-stated and properly focused national goals, governors, states and tribes may well help us solve the national problem. However, without that national commitment, we may never site a Monitored Retrievable Storage with or without negotiations, even with our mutual best efforts.

That is our case study, let's prepare for the final exam. There are only four things you will need to remember to pass the test of public opinion. These four points will guarantee that you and this nation will get more than a passing grade on the nuclear waste management test.

First, I would like to have you commit yourself and your organization to supporting and siting a Monitored Retrievable Storage facility now. Don't dally or retreat into a vague rethinking of the necessary component parts of the integrated waste management system designed by Congress in 1982. A change in White House administrations is always an easy time to study the studies, or issue moratoria. It would not be prudent. What is needed now is an immediate national recommitment of both the U.S. government and the nuclear community to build the Monitored Retrievable Storage facility. Let's site and let's build the simplest and most immediately useful component of that waste management system. It's not a rushed repository, because a repository cannot be rushed. It's not a mere extension of at-reactor-capacity, because if we choose that course, by designer default, we will be fighting before public utilities commissions in 16 different states for expansion capacity before the year 2000. Within a further decade, we will have 60 such battles at 60 total reactor sites where sufficient storage space does not currently exist. More problems and other aggravations will arise over the decommissioning of several reactors if no MRS exists to receive waste before a repository opens. Yet, a single or regional system of MRS's will capture both economies of scale and economies of logic. However, we must achieve that goal of a national MRS by projecting a constancy of policy built upon your recommitment right now!

Secondly, support the voluntary process for siting that MRS. Support the voluntary process! We have eight years invested in this methodology. We cannot guarantee that this initiative will work. I cannot tell you when it will be completed. I can give you the answer which I give the media or other insistent inquisitors when they ask me how long it will take to complete the voluntary process in America: It will take until one jurisdiction says yes, until all jurisdictions say no, or until

Congress tires of counting the "yes's" and "no's." Then why bother, you might say, to support the voluntary process? Because it is the only method by which we will ever site these facilities anywhere in this country or anywhere else in the modern world. Litigation, regulation, and the public hearing process have all created a sufficient number of "veto points" that an informed and inflamed public can cancel nearly any project anywhere in the world.

In December, 1992 you will remember that the Department of Energy announced as an emergency measure its intent to take care of the nation's spent fuel storage needs and meet its 1998 fuel acceptance commitment by pushing the use of universal casks placed at federal facilities. Shortly afterward, it corrected or clarified the context of that announcement to say that DOE still supported the voluntary process for siting and this emergency measure was designed only to supplement the voluntary process of siting. But I want you to remember or realize what the Department of Energy did not say with the announcement. They did not say, but it is axiomatic, that if the Department of Energy finds such a federal site, it will receive and store waste there only by negotiations with and by the volunteerism of leaders of the state and region surrounding that site. Support the volunteer process. Call a Congressman, stop a Senator, button hole somebody from the Administration, but support the volunteer process!

Third, contribute your knowledge. If you have made advances in the hard science or soft science related to nuclear waste management which address issues of public concern or sensitivity, don't merely talk about it at conventions but tell the American public. Forty years of nuclear fear cannot be overcome overnight. The risk, safety, health, transportation and environmental concerns about nuclear everything which exist in the mind of almost every average citizen will not be resolved against cooperative nuclear facility siting unless and until the American public can become more conversant with how common and sound waste management techniques have become.

Annually, we have these absolutely wonderful waste management conferences. They are extremely useful and valuable, critical even, for the exchange of information among ourselves. However, from the Kiwanas Club point of view, it would have been far better for all of us to have stayed home and for just one of us to have written a simple and short article

that appeared in the *Reader's Digest*. That is how American opinion is shaped. Tell someone; tell everyone.

Finally, after you write your term paper, I hope you will do some field work. I hope you will contribute just one contact in support of this program. We have only 30 more days to go in the current federal feasibility grant application process which allows states or tribes up to \$200,000 for an MRS study. That grant process will expire on March 31, 1993. We do not anticipate that it will be extended. Five of the 50 states and 15 of the 565 Indian tribes have already applied for those grants since October of 1991.

An application for a grant implies no commitment by a Governor, or a state or an Indian tribe, or anybody else that a jurisdiction will ever wish to host such a facility. Nothing is presumed from the grant seeking process. Any jurisdiction may drop out at any time for any reason, or for no reason at all. Any jurisdiction may propose its own favored technology. It may seek private ownership of the facility. It may suggest its own preferred benefits package. All that is needed before March 31st is the filing of a short form application with the U.S. Department of Energy. Details can be developed later.

Somewhere in America there may well be yet another state, another tribe with a technically qualified site and correct political conditions. You can help find them. Your final homework assignment is the seeking out of governors, tribal leaders and other opinion shapers who might participate in and support voluntary negotiation in the United States.

Class, I hear the bell. Nuclear Waste 101 is one of the most important current events classes you will ever attend. Your grade here will shape our world tomorrow. I hope you have been clipping your newspapers and paying attention to the media. The good news is that nuclear power will be a feature of the future in every industrialized and civilized society in the world during the 21st century. The bad news is that we have staggered a bit on the path of nuclear progress in the United States, largely over our inability to solve the waste issue. For nearly three years, it has been news in the United States that we have an advancing, ever optimistic and properly sophisticated voluntary siting program working for placement of an MRS. I earnestly hope that in tomorrow's news the American public will read about your substantial contribution to that effort. Even though no one brought me an apple, or even a universal canister, I hope that you all get an "A" on the test.