

● As seen in the Spring 2023 issue  
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# Concerning Consent-Based Siting

An Interview  
with the DOE's  
Kim Petry,  
Erica Bickford,  
and  
Natalia Saraeva



Petry



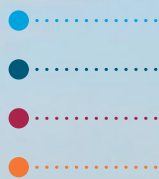
Bickford




Saraeva



A crane positions a waste canister at the Waste Control Specialists site in West Texas. (Photo: WCS)





**O**n December 1, 2021, the Department of Energy issued a request for information (RFI) asking for public feedback on using consent-based siting to identify sites for the interim storage of spent nuclear fuel. The department received more than 220 comments in response, and on September 15, 2022, the DOE released a report summarizing and analyzing those responses. That 57-page report, *Consent-Based Siting: Request for Information Comment Summary and Analysis*, will be followed by an updated consent-based siting process document.

The DOE's consent-based siting initiative is being led through the DOE's Office of Nuclear Energy. To learn more about that initiative and the consent-based siting process, *Radwaste Solutions* spoke with the DOE's Kim Petry, acting associate deputy assistant secretary, Spent Fuel and Waste Disposition; Erica Bickford, acting office director, Integrated Waste Management; and Natalia Saraeva, team lead, Consent-Based Siting.

**First, can you comment on the DOE's consent-based siting process document; when it will be released and what we can expect it to contain?**

**Petry:** Right now, the consent-based siting process document is still undergoing reviews, but our plan is to release it early next year [2023] at some point. This document isn't from scratch. We took the [DOE's] 2017 draft consent-based siting document and made several updates, and some of these updates included input that we received from the public both in 2017 and as a result of our 2021 request for information that we put out. Additionally, we had inputs from our team of social scientists on the federal and laboratory side, and it reflects the current focus of siting one

or more federal facilities for consolidated interim storage. And with that, there is a greater emphasis on equity and environmental justice.

The way we are looking at it is that each step of this phased process will help a community determine whether and how hosting a facility to manage spent nuclear fuel aligns with their goals. This siting process is meant to be flexible, adaptive, and responsive to community concerns. This document, and the phased steps outlined in this document, will really be just a guide, not as a prescriptive set of instructions per se. It is iterative, it is going to be flexible, and it should be released early next year. That's our goal.

**There has been a lot of discussion about what consent-based siting means. How is the DOE defining consent?**

**Petry:** This is a good question, and we get asked it a lot, and for good reason. We appreciate the fact that consent can be defined in different ways by different groups of people. And that is part of the reason we are taking public feedback so seriously in all our efforts. In some of the feedback that we have gotten, including the most recent RFI, one theme that emerged was not only are there multiple ways to define consent, but there are multiple ways to define community, as well. And these definitions change over time and geographically.

We recognize that a consent-based siting process isn't going to be a one-size-fits-all. Its exact structure, criteria, and the timeline should be able to vary somewhat from place to place, and we expect that. That is where we are at with this right now, but we plan to learn a lot more as we go through this process. Like I said, it is flexible and iterative, so we will be learning along the way and adjusting our process as we learn new ways to do what we are doing in a more effective, inclusive, and transparent way.

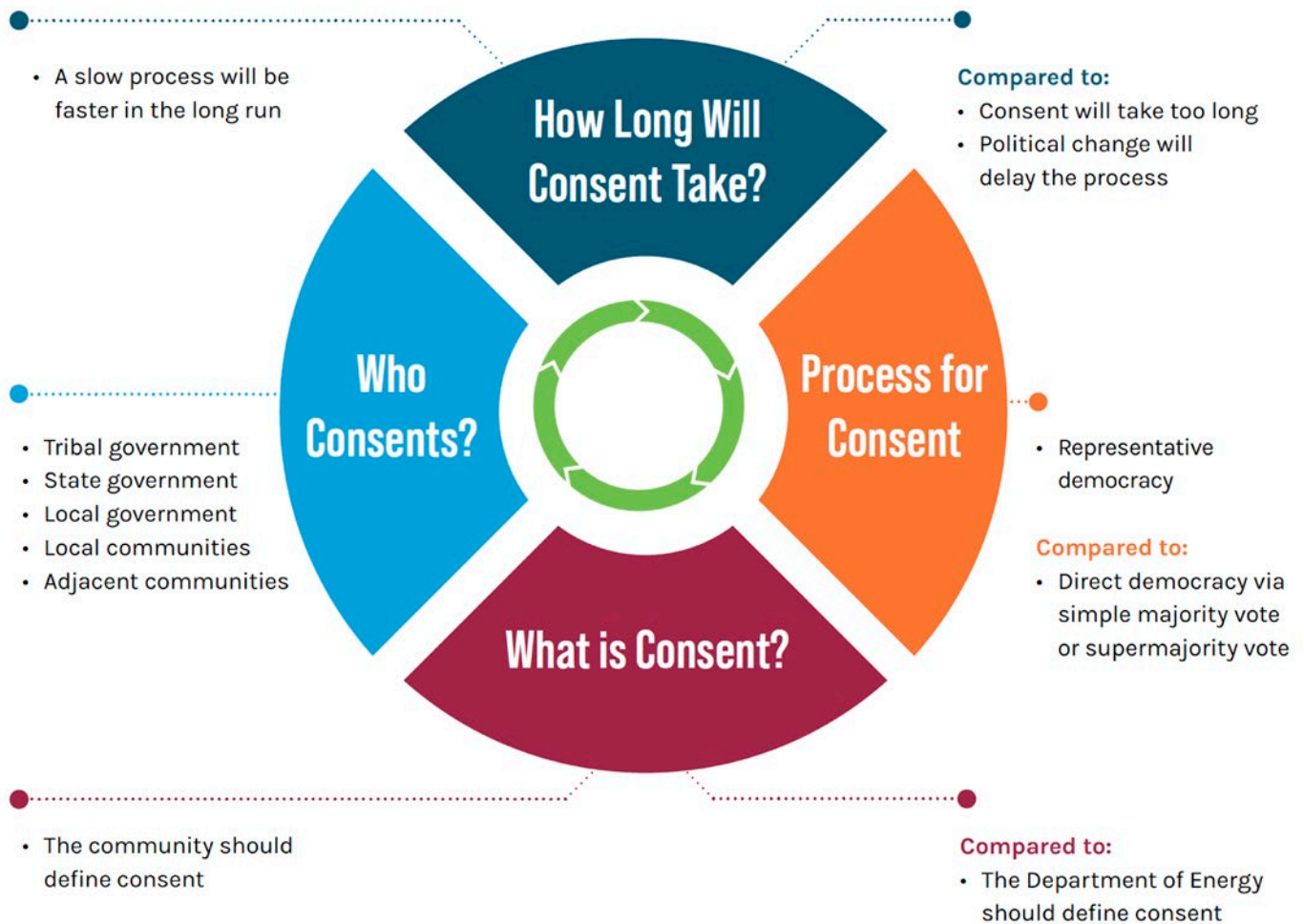


Figure 5 from *Consent-Based Siting: Request for Information Comment Summary and Analysis*, showing an overview of feedback the DOE received regarding consent.

**When talking about politics, particularly at the state level, political administrations change. How is the DOE planning on keeping that consent consistent through changing administrations?**

**Petry:** This is definitely a tricky one, because of the nature of the federal government. There are political appointees and then there are federal employees, and the federal employees usually outlast the political appointees, as well as the Congress and the president. You are addressing a very key point that we have to deal with and what we can do as an office given the resources we have at our disposal. We can certainly invest in relationship building, stakeholder engagement, and mutual learning with the communities interested in learning more. Relationships of trust are integral to securing consent over time, and we have seen this in past interactions with communities.

In support of this, in September we issued a \$16 million funding opportunity announcement to support community engagement on consent-based siting and to foster the development of innovative community ideas through community participation. Our hope is that these collaborative engagements will start building enduring relationships of public trust, which can provide a foundation for one or more consent agreements down the road when the time is right. Ultimately, what we do have control over is enabling mutual learning, and we hope to get more in-depth views from the communities on what would work for them to build and maintain the consent.

I will also mention that the department is only allowed to do what we have Congressional authorization for, as you know, and we are working on those things that we have authorization to do. But we

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are also working to try to get everyone on the same page so that we can achieve some of these goals that we have set out to do. It is not something that we're doing in isolation; we know we have to work together across the government to get this done.

**You mentioned the \$16 million funding opportunity. Is there any concern within the DOE that offering any kind of money in the process will be seen as paying a community to host a site and possibly conflict with the administration's goals of environmental justice?**

**Petry:** Good question and one that we don't entirely have the answer to yet. We are still gathering lessons learned and best practices from prior experiences that the DOE has had, but also other government entities in the United States and our international counterparts who have a lot of experience with this.

**Saraeva:** There are several parts to the question. The first is about the funding opportunity announcement itself. A second about how giving the funds can be misperceived as 'bribing' and be wrongly perceived from the [environmental justice] community itself. This funding opportunity announcement is not for any volunteers just yet. This funding opportunity is to allow interested communities, organizations, and members of tribes, states, and local governments to learn more. And that was done in response to the public feedback that we received.

**...if you want to include meaningfully engaged participants in the process, then you need to provide resources for them to participate.**

A lot of public feedback we received with the RFI Kim mentioned and with previous efforts was that if you want to include meaningfully engaged

participants in the process, then you need to provide resources for them to participate. We are thankful for everybody who provided us comments with this RFI, but they did so on their own dime. And resources can mean different things. Resources can be a grant to a community or compensation for their travel to a meeting.

That is why we are going with what we call consent-based siting consortium for the funding opportunity announcement, because the government procurement process is not easy, and not everyone has the resources to apply. The consortiums, or consortia, will be able to do more with direct funds or provide other resources, and that will be much easier than the government doing so. That is one way of actually removing barriers for participation, which is part of the environmental justice consideration.

For the process to be more just, you need to make sure that people can participate and provide an informed decision on whether to participate or not. If we are providing the funding and enabling participation, then that serves the purpose of environmental justice.

**It was mentioned that the DOE has brought in social scientists and other nonnuclear experts to work on the consent-based siting initiative. Do you have any examples of how these outside experts have changed DOE communications with the public or its messaging?**

**Petry:** When we first started having conversations about how we could make consent-based siting and this process successful, one of the things that we kept coming back to is that we are a bunch of scientists who are not necessarily used to interacting with the public on a regular basis. Generally speaking, there are a lot of nuclear engineers and regular engineers in our office, and we knew that communicating with the public was going to be incredibly important and that we didn't necessarily have the skills to do it in the most effective manner. That is why we brought on a multidisciplinary team—besides just engineers,

[we have] communications professionals, procurement specialists, and social scientists.

How they have helped us, I have a couple of examples. First of all, the social scientists that we brought on, and also the social scientists that support us at the [national] lab level, have helped us design the funding opportunity announcement in a way that is more open to everyone. The way they've helped us write it removed some barriers to meaningful public dialogue, especially for underserved and underrepresented communities.

They also helped enrich our understanding of the input that we got from the request for information. We received a lot of information. We got about 220 individual responses, and taking that information and using it in a meaningful way required people who understand it, are able to distill it, and help us put into focus some of the environmental justice considerations, as well.

We are also using our social scientists to help learn from the residents of diverse communities nationwide, soliciting their feedback, concerns, and ideas using different tools, such as media and social media analysis, stakeholder interviews, and other things. This helps us to better understand the diverse needs and, in turn, to communicate with greater sensitivity.

This is a learning process for us, obviously, since the United States never embarked on a formal consent-based siting process in the manner that we are. But we found that the three social scientists on our federal staff have been a big help in helping us be more open, inclusive, and considerate of things that we would not have thought of without them.

**Saraeva:** I would only add that the social scientists agree that we should [engage] a diverse team with different talents, because this is not just a technical issue, as Kim mentioned, there are many different components to it.

**A big sticking point with many communities is the fear of an interim storage site becoming a permanent repository. What can the DOE do to assure communities that interim will, in fact, be interim?**

**Petry:** We get asked this question all the time because it is a very legitimate question. I'll start off by saying that the executive branch has not been given funding or authorization by Congress to work on a repository right now. Therefore, we can't technically do anything. That being said, we are working to come to some kind of understanding on this. We recognize that interim storage is only interim if there is a plan in place for what happens next. That is a very key message that we have received, and we know we need to have an answer for.

**...Congress has authorized funding for us to conduct research and development for geologic disposal.**

In the meantime, however, Congress has authorized funding for us to conduct research and development for geologic disposal. We have a very firm technical understanding of what we need to do for a repository and all the issues that are related to it. Additionally, the lessons that we are learning from the consent-based siting process for a federal interim storage facility we can later apply to siting other types of nuclear waste management facilities, such as a geological repository. So as soon as we receive authorization from Congress, we will be able to move forward in that capacity as well.

The one other thing I would say is that the request for information that we put out last year, we did get a lot of feedback on this very subject, and a lot of NGOs, tribal, state, and local governments all expressed this very concern. We are well aware, and we are doing what we can in our control to address

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it and to move the ball forward, because we don't want to kick the can down the road anymore. We really do want to solve this problem this time. We are determined.

**Bickford:** I may just add that our assistant secretary for Nuclear Energy, Dr. Katy Huff, gave testimony recently in a Senate energy hearing on the Nuclear Waste Administration Act and made the point that we certainly welcome the components of that draft piece of legislation that would allow for progress on a deep geological repository.

**Many of the respondents to the RFI mentioned a lack of trust in the federal government. How can the DOE improve public trust in the department?**

**Petry:** What we are doing is we are trying to be as open and transparent in our activities as we can be. By its very nature, the consent-based siting process must be built on trust, collaboration, and open information sharing. We are continuing to actively seek input to shape the consent-based siting process in a way that emphasizes transparency, equity, environmental justice, and trust among all participants.

...we are investing in relationship building and public engagement, which are all steps on the path to rebuilding public trust.

We are also striving to improve the accessibility of our materials and reduce barriers for participation. For example, we had a sign language interpreter at the funding opportunity announcement webinar, as well as closed captioning. We have also translated some of our materials into other languages. We are trying a bunch of different things to increase public trust, but some of the examples I gave are just the initial steps we are taking. We will be improving and expanding the ways that we are communicating. And as we learn more, our hope is to include that in this iterative process.

Additionally, we are trying to allow time for mutual learning with communities and provide funding to those communities that participate. And while we are not soliciting a volunteer community just yet, we are investing in relationship building and public engagement, which are all steps on the path to rebuilding public trust.

**Bickford:** I would just add that the other kind of phraseology we have been using internally is a 'slow is fast' approach. Based on experience in the United States and abroad, whether federal projects or private projects, when there is a rush to get things done you can only get so far, and a lot of times sociopolitical elements end up grinding everything to a halt. Our approach is to focus a lot on the front end of public engagement, outreach, and trust building, so that we don't end up hitting one of those roadblocks later on down the line. ☒