

Nuclear Waste Informed Consent Act

Summary

The Nuclear Waste Informed Consent Act permits the Nuclear Regulatory Commission (NRC) to authorize construction of a nuclear waste repository only if the Secretary of Energy has secured written consent from the governor of the host state, affected units of local government, and affected Indian tribes.

Background

In 1987, Congress took the egregious step of short-circuiting a process established in the 1982 Nuclear Waste Policy Act (P.L. 97-425) to study potentially suitable sites for a nuclear waste repository. The result was the federal government narrowed its search to only one site, Yucca Mountain in Nevada, based purely on political expediency rather than what was best for the health and safety of Americans.

Instead of honoring Nevada's persistent scientific and procedural objections to permanently storing nuclear waste at Yucca Mountain, the federal government spent decades and wasted billions of dollars trying to design and permit a project without any rational hope of receiving Nevada's consent. The NRC staff recently recognized this when the commission acknowledged that the federal government lacked the land and water rights needed to permit and build the repository. As a result, there is no path to licensing and building a repository at Yucca Mountain without Nevada's consent.

The federal government should never make this costly mistake again.

The Nuclear Waste Informed Consent Act corrects this mistake by ensuring that Nevada and every other state have a meaningful voice in the process if they are considered for a nuclear waste repository.

The Nuclear Waste Informed Consent Act is consistent with recommendations made by the [Blue Ribbon Commission on America's Nuclear Future](#), stating that: "We believe a good gauge of consent would be the willingness of affected units of government—the host states, tribes, and local communities – to enter into legally binding agreements with the facility operator, where these agreements enable states, tribes, and communities to have confidence that they can protect the interests of their citizens."

Additionally, this act is consistent with the approach taken in [bipartisan draft legislation](#) circulated last Congress by the Senate Energy and Natural Resources Committee, which provided for a consent-based process for siting a future nuclear waste repository and interim storage facilities.