

HELPING A COMMUNITY CONTROL ITS FUTURE: POTENTIAL NEGOTIATING PACKAGES
AND BENEFITS FOR AN MRS HOST

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INTRODUCTION

Efforts to site controversial facilities over the past decade have shown that, above all, a host community wants effective control over the impacts of a facility on the community. The NWPAA recognizes this fact by providing for the participation of a host in the siting of an MRS through negotiations conducted with the Office of the Nuclear Waste Negotiator. The negotiated siting process allows a community to prioritize and address its needs and concerns in a manner suited to that community.

The negotiated process also allows a host to organize the timing of certain elements of the agreement, preparing the community to maximize the benefits of their resources throughout the project's life. Preparing a community before the advent of each project stage will help the host maintain a more constant level of social and economic benefit from beginning to end.

The options listed in the first section of the paper come from many sources including the Nuclear Waste Policy Act of 1982 (NWPA) and NWPAA, the Clinch River Task Force proposal of 1985, and other documents produced concerning facility siting attempts around the country. Many of these options have been widely discussed and are not new. What this paper seeks to underscore is not the options themselves but the way the law allows a community, through negotiations, to shape the options to maximize its own future.

ABSTRACT

The voluntary siting process for the Monitored Retrievable Storage (MRS) facility set forth in the Nuclear Waste Policy Amendments Act (NWPAA) of 1987 provides a potential host community a unique opportunity to improve its present situation and to gain greater control over its future. To take full advantage of that opportunity throughout the life of the facility, an interested host must bring two things to the negotiating table: 1) a clear understanding of the special benefits, concerns and impacts associated with siting a controversial facility along with a detailed plan for addressing the requirements and impacts of such a facility; and 2) a vision of what the community wants to be in the future and list of specific measures it might achieve through negotiations that would help it realize that future. This paper investigates potential negotiating options a host might develop that, while addressing the impacts arena, also set forth terms by which the host can use the MRS to gain greater control over its unique set of resources and needs.

The first section of this paper highlights the major concerns that a community might raise when debating whether to host an MRS and lists generic mitigation techniques that address those concerns. The second section pulls those mitigation techniques together into negotiating packages to show how the same concerns can be addressed differently depending on the strengths, weaknesses, and priorities of two different hypothetical host communities.

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The law allows for negotiations with a State or Indian tribe in consultation with affected units of local government and the host community. For purposes of brevity, we generally use the word "community" in this paper to refer to all four.

MAJOR CONCERNS AND OPTIONS

In considering whether to host an MRS facility, a community's first concern is to make sure that the facility will not be a threat to the health and safety of its citizens. While the function of an MRS is significantly different from that of a high-level waste repository, public reaction to a prospective siting of a repository can provide a valid measure of community perceptions. A 1989 study of public attitudes in Nevada towards building a repository at Yucca Mountain found that, "Nevada residents support a repository at Yucca Mountain only if they are convinced that the facility does not impose serious risks to themselves and to future generations." Measures designed to provide this assurance of safety must do more than simply protect a community against what technical experts identify as hazards. The citizens must be able to assure themselves, above and beyond what technical experts tell them, that the facility and its operation will not pose significant risk.

There are several basic kinds of packages that, although they vary in their implementation, can help assure a host that a proposed facility will be safe. Community control and involvement measures a host might seek to assure safety include:

- 1) State/local government involvement in the routing and timing of waste transportation.
- 2) Preoperation baseline study of background radiation and contamination against which to assess any changes resulting from the facility. Baseline community health screening could be included in this study.
- 3) Ongoing monitoring programs to provide early warning of any releases.
- 4) Host participation in choosing technologies, transportation routes, and other conditions that must be met in order to allow facility operations (as allowed by law).

After health and safety issues, the next most critical concern for a potential host is the assurance that the facility will not hurt them financially or socially. Many communities worry that hosting a controversial facility will cause outsiders to discriminate against them because they bear the "stigma" of

nuclear waste. The fear is that this stigma will influence people and businesses, who would otherwise settle in the region, to move to where perceived risks are less. Although there is a dispute as to the validity of perceived risk, the issue will be on the minds of the negotiating parties and can be addressed through the negotiating process. Some impact mitigation options that could be part of an agreement include:

- 1) Annual payments-equal-to-taxes as well as an up-front payment as insurance against future congressional redirection that might impinge on aspects of the agreement.
- 2) Transfer of equivalent-value Federal land to the State or community as compensation for withdrawal of land for the MRS.
- 3) Guaranteed property values following models used elsewhere in the country.
- 4) Technical and financial assistance to offset any potential environmental or socio-economic impacts.

Only after a community is assured that the facility will not harm its health, safety, financial standing, or social values can it even begin to look at whether the facility will be a positive asset to the community. The negotiations may focus on more familiar economic growth issues as a host considers how to make the MRS agreement the cornerstone of greater economic opportunity for its citizens and to reap the greatest benefit at each stage of the forty year life of the facility. Possible negotiating points that might provide growth opportunities to a host include:

- 1) Immediate construction of a training institute to prepare the local population to work at all levels of facility operations.
- 2) Funding for programs in math, science, and vocational training throughout school system, coupled with tuition guarantees or scholarships.
- 3) Upgrading and expanding public services including commuter routes, sewer systems, and recreation facilities.
- 4) Funding for road construction and other transportation improvements.
- 5) Co-locating related businesses and services such as a transportation command and control center, a cask

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maintenance facility, or spent fuel research and development facilities.

- 6) Aid to host in its efforts to negotiate with other government agencies over items such as clean up of RCRA/CERCLA sites and acquiring other government research projects.

When a host (State or Indian tribe) begins developing negotiating points for fitting an MRS into its community, it needs to consider not only its own priorities but how those priorities are perceived in the larger region around the proposed facility. Since each affected jurisdiction views the impact of a facility differently, the negotiations have to take these differences into account. This variation in views as one travels in an expanding radius away from the site is commonly referred to as the doughnut effect. While the immediately affected region around the site (usually 50-70 miles) may favor a facility for the benefits it can provide, the region outside that immediate impact area often sees only the negative impacts and therefore does not want the facility. The doughnut effect encompasses the whole range of concerns previously discussed and the people in the underlying regions need all the same assurances that health, safety, and financial and social stability will not be compromised. Also, people in the outlying regions need confidence that the facility can be a benefit to them as well. The doughnut effect changes the negotiations in that it widens the scope in which the mitigation and growth efforts must take place. Techniques may be developed solely for battling the doughnut effect or measures previously geared to the local level may be restructured to operated at a state-wide level.

Another element to consider before forming a negotiating package concerns the obligations that the potential host accepts upon entering into the negotiating process. Often, the Department of Energy (DOE) is seen as the only party that is under any obligation during the siting process. However, along with the talk of the "goods" an MRS could bring to a community, there are also obligations to be considered on the part of the host. Any host must be willing to plan for the changes in a community that will occur should the negotiations be successful. While every community will be affected differently depending on the population and services available at the beginning of the project, every site will require some infrastructure investment. If the host requires goals be met for percentages of local hires (the MRS and related facilities could be required to hire a certain percentage of their workforce from the local or state region) and local purchases of goods and services, then the community must be willing to go through skills training. Business also must be willing to reposition their products, if possible, to meet new demand or new product standards. A host community will need to understand and accept the responsibility for those changes. The financial and technical assistance needed to meet the new demands can be part of the negotiations but the community first has to be willing to go through the development in a controlled, systematic manner.

The extent of change an MRS would bring depends on the original size of the community. Various technologies and design options are still under development, so specific numbers about workforce and amount of supplies are not available. However a range of numbers can be provided that give a rough idea of the type of change an MRS might bring. For instance, at least 450 acres will be required. The construction workforce would require about 500 people for 2 to 3 years. After that, the operations workforce would be about 350 to 450 people with approximately 280 to 360 of those drawn from the local workforce. The construction phase will require many suppliers including cement and lumber, pipe for products, plumbing, diesel generators, power transmission systems, office furniture and communication systems to name a few.

A set of options specific to Indian tribal lands will not be developed in this paper. The intent is to define a range of options that might apply to any site, not a particular type of site. Options for an Indian reservation may not be that different from these developed by a rural community because many of the concerns and types of impacts will be similar. Both are apt to have concerns over training for the local workforce, adequate transportation routes, capabilities for monitoring the facility and timing of the benefits and mitigation packages. The tribal leaders may have intensified concerns due to larger cultural, religious, and economic reasons; however, the requirements for growth and mitigation measures would not necessarily be that different from those for other rural settings.

THE NEGOTIATING PACKAGE

Once a potential host has prioritized its concerns and reviewed possible impacts and opportunities, the next step is to pick and choose among the options in order to create a negotiating package that goes beyond simple mitigation. Properly constructed, the MRS agreement can implement measures with the dual role of reducing impacts and boosting the economic and social structure of the community. Many of the aforementioned measures can have a ripple effect across a host's economic and social environment, providing tools for a community to address and solve its problems as well as emphasize its strengths. Below are a few examples of the kinds of packages a community might seek that would not only help protect it from potential risks and negative impacts but also help position the community to maximize the benefits. In addition, maximizing the benefits requires proper timing to guarantee that the community is well-positioned to participate at each stage of the facility's life. These examples only begin to suggest the wide range of possibilities within reach for potential host communities.

The first package outlined, for a rural setting, describes problems and priorities commonly found in a rural State or community and develops a package particularly suited to that setting. The second package assumes a more populated state

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with a weakening economic base whose educated workforce suffers from high unemployment. These hypothetical negotiating packages show how mitigation measures can serve the purpose of providing a community the tools to develop its resources and also provide the community the opportunity to direct its economic and social growth.

RURAL COMMUNITY PACKAGE

A small rural community might approach the negotiating process in one of two ways. If the community suffers from a downturn in extractive industry or agriculture, it would want to focus immediate attention on an inflow of jobs and cash. A community that has traditionally seen little industrial growth, on the other hand, might want a long term focus. This could include gearing the benefits to school age children to train them to work in an MRS facility and to have a trained workforce to attract new types of businesses over the long run. A negotiating package for a rural community could include many of the following items:

Health and Safety

- 1) Radiation monitoring programs run by the state universities, with training geared towards local organizations and businesses.
- 2) Quick response training programs for the host community and for communities along transportation routes
- 3) Formation of community advisory committees or other monitoring and advisory boards.

Long and Near-Term Financial and Social Considerations

- 1) Technical training of the local workforce to assume predetermined roles in MRS and/or related businesses
- 2) Recruitment and training programs among local high school and college graduates to fight "brain drain" among youth
- 3) Payments-equal-to-taxes on property occupied by the MRS with amount and timing of payments to be negotiated
- 4) Preference given to qualified local contractors for infrastructure improvements and aid in reconfiguring businesses to provide appropriate goods and services
- 5) Technical and financial aid for host to mount broader economic development effort

Benefit to Future

- 1) Upgrading of public services such as sewers, police and fire protection, hospitals, or schools.

- 2) Improved transportation or communication routes to remote or poor parts of the state.
- 3) Co-locate related businesses to provide additional jobs in particular skill categories (crafts, blue collar, professional).
- 4) Provide more economic opportunity for ensuing generations.

Doughnut Effect

- 1) Funding for rural hospitals facing capital shortages.
- 2) Agreement with DOE, EPA and other involved agencies to speed clean up operations at existing RCRA and CERCLA sites.
- 3) Guaranteeing scholarships to a predetermined number of people state-wide to attend training programs.
- 4) Guaranteeing percentage of contracts be awarded to in-state firms.

This hypothetical package offers several options tailored to the situations found in many rural communities throughout the country. The MRS can widen the economic base by creating more jobs for the younger generations who might otherwise be forced to move to metropolitan areas to obtain employment. Programs and scholarships organized through state universities prepare the workforce for high-tech jobs which in turn can attract other high-tech companies to the region. Upgraded transportation routes provide local businesses with more market outlets and facilitate delivery of services to poorer areas.

As these measures are benefitting the host economically, they can simultaneously accomplish health and safety goals through radiation monitoring and educating community leaders to take the lead in setting up procedures to oversee DOE compliance with regulations and laws. They can provide control over the focus of the impact by planning where population growth will occur, how fast and what type of infrastructure investment will be made, what types of industries to target, and how money brought in through payments-equal-to-taxes or other sources will be distributed.

To address the doughnut effect in a rural area, a successful strategy is often not so much a matter of creating new ideas as structuring the existing ideas to have a ripple effect beyond the immediate impact region. Each community needs to see how they can structure the mitigation measures so that they provide the outlying region equal assurances as to the safety, efficiency, and long-term benefit of the facility as is provided to the region closer to the facility. Whether this is accomplished through a jobs program or upgraded services depends on what is needed.

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MID-SIZE COMMUNITY PACKAGE

The negotiating package put together by a more populous area would have some of the same elements as its rural counterpart, but the emphasis would be on a different set of issues. A mid-size community not far from a larger population center with its economy sagging due to military base or factory closings, might include some of the following measures in its package:

Health and Safety

- 1) Contract preferences for local companies to conduct radiation and health monitoring
- 2) Contract with local companies to provide on-demand radiation monitoring for any property owner within a certain radius of the proposed site
- 3) Emergency response training conducted in conjunction with the Federal Government and qualified local businesses.

Long and Near-Term Financial and Social Considerations

- 1) Financial and technical expertise to develop a tourist program similar to one developed at the Sellafield Nuclear Power Plant in England
- 2) Financial and technical expertise to develop and promote existing state tourist attractions
- 3) Financial and technical assistance in developing and running state-wide education program on what the MRS is and how it operates.
- 4) Immediate construction of a training institute to prepare local population to work at all levels of facility operations
- 5) Hiring preferences and retraining of unemployed workers from dying industry

Benefit to Future

- 1) Qualified state businesses are preferred as contractors and ancillary product and service suppliers.
- 2) Site facility on or near a closed military base or factory gives hiring preferences to affected employees.
- 3) Payments-equal-to-taxes on property occupied by the MRS with amount and timing of payment to be negotiated.
- 4) Restructuring of existing industrial base to new and growing high-tech oriented businesses

Doughnut Effect

- 1) Expand employment opportunities state wide through strategic planning of business opportunities
- 2) Agreement with DOE, EPA, and other involved agencies to expedite cleanup operations at existing RCRA/CERCLA sites left behind by a departed base or factory.
- 3) Guarantee training and contracting preferences to percentage of state-wide workers and businesses.
- 4) Expanded science and math education programs throughout state

An estimated workforce of 500 people would not impact a town of 20,000 in the same manner that it would impact a county of 5,000. Therefore, an area of relatively higher population would probably focus more on the economic and social growth opportunities of an MRS and less on the infrastructure considerations that would be demanded in a more rural community. A more populated host community probably already has a somewhat diversified economy and trained employees. Therefore, the community might want to focus more on receiving contracting preferences for existing businesses to address the primary concerns of health and safety. The more technically trained workforce might put increased emphasis on getting related nuclear waste businesses into the region (e.g., cask manufacturers and research projects). The effort to attract related businesses could be tied to the types of skills and programs offered at a training institute or through a cooperative effort with the state university system.

For an area hit specifically by military base or plant closings there are many negotiating possibilities. When expertise and training do not match the skills needed, training programs can be instituted to reorient employees towards ongoing radiation monitoring programs. People laid off because of these closings could receive low interest loans combined with technical assistance to help set them up in new businesses oriented towards supplying services and products needed by the MRS and related facilities. Social programs hit hard by high unemployment could benefit from payments-equal-to-taxes agreements and from increased economic opportunities. And wage and pay scales, which often slide when plants or bases close, will receive a boost from the related business activity.

Where a rural community can find a means to offer their youth a viable future in the community, a larger community can put their already trained workforce back to work. Where a rural community can diversify their economic base, a larger community can start expanding its base to a level necessary to support a new type of business. Where a rural community can receive skills training for their workforce to attract more

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high-tech industries, a more urban community can obtain a larger market for their exiting services and products.

For both rural and mid-sized communities, the implementation of the agreement can be timed to prepare the local community for each stage of the facility. In this way the required skills, services and safety measures required to operate the facility will be available from within the community, thereby limiting the amount of outside labor and businesses brought in to fill skill and service gaps.

In addition, there are other advantages to factoring in the timing of the agreement's elements to ensure a balanced and constant stream of benefits. First, if properly designed, the agreement could result in the benefits beginning the minute the agreement is signed through the immediate construction of a training institute and/or a visitor's center. This approach would be attractive to a community that suffers from a rapidly shrinking economic base that needs an instant injection of jobs and cash. Second, a program structured for a more constant flow of benefits will help limit the peaks and valleys of new stages of the project. For example, many industrial projects cost a jurisdiction large, up-front infrastructure investments. Only towards the back-end of the project do tax and other benefits match or exceed that original investment. In this agreement, the host could request that certain payments be made up-front, or on a yearly basis to immediately offset the costs of growth. This type of advance positioning of resources allows local governments, businesses and workforce to adjust their needs in an organized fashion, whether it be for a cask maintenance facility, transportation command and control center or the MRS facility itself.

These goals cannot be realized unless the host uses the negotiating process to make their own resources as productive as possible. In so doing they also provide the assurance that the facility will not threaten their health, their economy, or any other aspect of their present situation.

The measures discussed above work in two ways. First, they get the community involved in the siting, construction, and operation of the facility. When people are involved in the process they feel more in control and are less apt to be suspicious or fearful of the facility because it is no longer an unknown. Second, they provide a host the opportunity to plan for and control growth to an unprecedented degree. In a time of slow economic expansion, a jurisdiction willing to commit the resources would have a strong vehicle for growth unavailable just about anywhere else in the country.

CONCLUSION

To have a successful siting process the government cannot simply offer promises of a strong tax base, low unemployment, or a diversified economy. No community will find any level of material gain sufficient to risk the health and safety of its citizens. The negotiated process loses effectiveness when the

community feels it is being offered a bribe for hosting a site with perceived high risk. To turn the siting process into a successful endeavor a host has to set its own terms guaranteeing its physical, financial, and social well-being. Then the process can begin to consider how the community can improve its present condition and realize the maximum benefit for the future.

This paper was intended to foster more discussion on the types of packages that could make hosting an MRS a reality. None of the ideas put forward here are meant to imply acceptance by either party in the negotiations. The Federal Government, above all else, must meet the requirements set forth by the laws, the attendant regulations, and the relevant oversight bodies. The community, on the other hand, must understand and be willing to take on the responsibility for any change brought about by the facility. However, the negotiated siting process opens up the field to any topic that either party would like to address. Only through carefully prioritizing their concerns and mitigation techniques will a community be able to mold an agreement that works with the unique economic and social nature of that community. If the Negotiator and host can work through the associated impacts, then the host can begin to create a plan whereby the MRS not only yields a net benefit for the community but actually becomes a cornerstone for immediate and future economic and social growth.

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