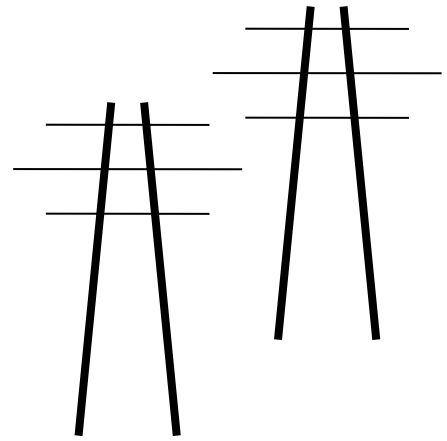


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CONSENT-BASED SITING OF NUCLEAR WASTE

Initial Questions:

What is a stakeholder?

Who/what entities would be required to give consent?

How would fairness be assured?

What are shared objectives?

How are individuals, organizations, governments funded to participate, and how is funding an organization not buying them off?

Who does an organization receiving funding speak for?

Have any of the seals been replaced on the TN-40 or TN-29 casks at Prairie Island?

Initial Comments:

“Interim” = “permanent” in nuclear waste.

“Codification” is a contract solution to a societal problem between multiple groups that instead requires a treaty or agreement in a covenant relationship.¹

Definition of Affirmative Consent²

- Consent to any nuclear waste or prior consensual nuclear activity between or with any party does not necessarily constitute consent to any other nuclear act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in nuclear activity. Incapacitation may be caused by the lack of consciousness or awareness, being involuntarily restrained, or if monetary consideration is received and not publicly disclosed.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, nuclear activity must stop.

¹ See Vine Deloria, Jr., *We Talk, You Listen*, Ch. 8, p.148 particularly.

² Borrowed liberally from SUNY’s Definition of Affirmative Consent, online at <http://system.suny.edu/sexual-violence-prevention-workgroup/policies/affirmative-consent/>