

DOE “Consent-Based Siting” Public “Kick-Off” Mtg.  
Washington, DC  
Jan. 20, 2016

Notes by Kevin Kamps, Beyond Nuclear [comments]

DR. ORR, DOE SPEAKER

“One that can work for all of us” (Consent-Based Siting)

1949—Idaho reactor—Atomic City, Arco [Atomic City recently changed its name!]

Atomic Energy Commission—limited to areas not prone to earthquakes [He’s trying to differentiate U.S. nukes from Fukushima?! What about Yucca Mountain, Nevada?! What about Indian Point, New York?! What about Shippingport, Pennsylvania—artificial, fracking wastewater injection, earthquake in Youngstown, Ohio, nearby, a 4.0 on Richter scale, Dec. 31, 2011?!]

19% of our electricity is nuclear

NREA: ‘hard to replace (nuclear) in a low-carbon way’ [compare to Makhijani’s 2007 *Carbon-Free, Nuclear-Free*; compare to Jacobson]

NASA—Cassini—Pluto

Modest # of watts needed for communications [compare to Grossman’s *The Right Stuff*; Kaku; why couldn’t solar be used, instead of Pu-238?!]

Pilot Centralized Interim Storage (CIS) – developing and perfecting protocols [= experiment!]

‘earn the public’s trust and confidence’ [a la Dr. Yablokov’s “when you hear ‘no immediate danger,’ run away as fast and as far as you can!]

Fair [Fair? How fair is it to target Native Americans yet again? What would NECONA do? National Environmental Coalition of Native Americans, Grace Thorpe]

Effective [rubber-stamp, ram it down our throat]

Chicago public meeting in March (as announced at Nuclear Regulatory Commission Regulatory Information Conference: March 29, 2016; University of Chicago Conference Center)

Atlanta public meeting in April (April 11, 2016; Georgia Institute of Technology Conference Center)

(SACRAMENTO, CA Late April, 2016      Exact location yet to be announced

DENVER, CO	Late May, 2016	Exact location yet to be announced
BOSTON, MA	Early June, 2016	Exact location yet to be announced
TEMPE, AZ	Late June, 2016	Exact location yet to be announced
BOISE, ID	Mid-July, 2016	Exact location yet to be announced
MINNEAPOLIS, MN	Late July, 2016	Exact location yet to be announced)

[energy.gov/consentbasedsiting](http://energy.gov/consentbasedsiting)

‘optimistic we have a window’ [we need to close it then]

‘energy, defense, environmental needs’ [renewables?! Efficiency?! Nuclear weapons abolition, our duty under Non-Proliferation Treaty?]

KOTEK, DOE SPEAKER

Ayers and Throwe have passed on

‘hope for...process that will deliver’

Kotek returned to DOE in 2015

Idaho National Lab public affairs consultant

Also, public affairs consultant at Blue Ribbon Commission on America’s Nuclear Future (BRC)

Re: wind farm in S.E. ID—local concerns—it only took 2 minutes to move the electric switchyard component [kind of like DOE’s instant abandonment of the wet storage pools at Yucca Mountain?—once confronted about it, DOE backed off after a 15 minute break in the meeting, completely overhauling the facility’s design!]

State governments, Tribal governments, NGOs

France, Finland, Spain, Sweden

BOYLE, DOE SPEAKER

Storage, transport, disposal (‘disposition’)

‘standardization’

March 24, 2015—Obama & Moniz un-commingled, separated “defense” (nuclear weapons complex) and commercial high-level radioactive waste—each waste stream will have its own repository [reversing a decades-old U.S. policy, of commingling, both waste streams bound for one repository]

Un-commingling based on lessons-learned over last 3 years

Research and Development—extended storage of Spent Nuclear Fuel; High Burnup Fuel

Deep Borehole, for ‘smaller’ DOE-managed radioactive waste forms

Consistent with Blue Ribbon Commission recommendations

Suitable alternative for certain types of radioactive waste?

Could complement, but not replace, mined DGRs (Deep Geologic Repositories)

[Why has President Obama’s administration been so silent on DGR1—for “low” and “intermediate” level radioactive wastes—targeted by Ontario Power Generation at the Great Lakes shore? Because his DOE is planning DGRs too?! Albeit, not on Great Lakes shore—although, WI’s northern granite, previously targeted by DOE for a DGR, and perhaps to be targeted again, is in the Great Lakes Basin. With Obama’s presidential library to go on the Great Lakes shore, in Chicago, you’d think any precedent to turn the Great Lakes shore into a radioactive waste dumping ground would be opposed?!]

ANDY GRIFFITH, DOE SPEAKER

Listen and learn

We have our own thoughts

We’ve studied other countries’ lessons learned

Blue Ribbon Commission recommendations

December 23, 2015 DOE “Consent-Based Siting” Invitation for Public Comment (IPC), Federal Register Notice

Public engagement, number of public meetings in months ahead [see schedule above]

DOE is open to additional one-on-one type meetings with stakeholders/organizations

As they say in Chicago, weigh in early and often

December 15<sup>th</sup> to June 15<sup>th</sup> public comment period [only it didn't appear in Federal Register till December 23<sup>rd</sup>, so that ate up 8 days]

[also, certain of the public meetings have been scheduled for AFTER the June 15<sup>th</sup>, 2016 deadline for public comment—so what's THAT disconnect about?!]

[Are future public meetings going to have an oral public comment opportunity? If not, this is very bad faith. DOE already denied an oral public comment opportunity at its DC Jan. 20, 2016 public meeting. It almost seems DOE is conducting this more as a spying opportunity, to see where its grassroots opponents are at. That, and preventing a town hall style exchange of ideas between concerned community members. For a public comment proceeding, DOE seems to be fairly disinterested in collecting public comments—at least not oral ones. If they aren't taking oral public comments, why hold face-to-face/in-person meetings at all?! Even NRC does a better job of accepting public comment than DOE is here. In fact, DOE did a better job at accepting oral public comment in the past, than it is here. Compare the Yucca DEIS public comment meetings of 2000-2001 – all those public meetings included oral public comment opportunities, of course! That's how more than 15,000 public comments got generated!]

Public meetings, each subsequent month, one per month [actually, in June and July, two meetings per month, per above schedule; verbal comments [WILL be accepted?! Or not?!]

Also Webinars, Conference Calls

To get a better sense of what Americans think about this subject

[Industry-friendly PR push? Brainwashing/misinformation campaign? Spying effort?]

Additional Washington, DC meetings are welcome

Energy Communities Alliance meeting in Austin, Texas in February

Waste Conf. [?] in March [industry waste conference? Where?]

Q&A period [attendees have filled out question cards]

DOE says ‘there are more questions than we can get to today’ [will they answer them on the website? By when?]

DOE—the “Feds” in the room: Melissa (Nuclear Storage and Transport Team); Pat Swabb; Richard, or Richards (Chief of Staff); Jay Jones; Wicker (Communications); Phar (?)

Question from audience: Consent? What is the definition? Who consents? When is consent given? What opportunities are there to withdraw consent? How does one withdraw consent?

Governmental [?] consent – voters vote by a 63-37% vote margin [?]

Consent could mean different things in different places [what?!]

KOTEK: A state should be allowed to back out until an application is accepted/submitted

[Will DOE Office of Nuclear Energy simply import over all the “old” public comments from the Blue Ribbon Commission proceeding, into this new proceeding? If not, why not? Many of DOE’s personnel were also on the BRC staff. But then again, BRC ignored public comments. Why won’t DOE ignore them too, this time around? Other public comment proceedings that seem to have burned all the public comments down the memory hole include U.S. Senator Wyden’s public comment session during Nuclear Waste Administration Act development in summer 2013; NRC’s Nuclear Waste Confidence DEIS public comment period; etc. The public keeps being asked to comment, then the government agencies ignore the comments!]

ANDY GRIFFITH: Consent is in the eye of the beholder [what?!]

[Remember the Screw Nevada bill!]

Targeted communities are “in the driver’s seat” [or thrown under the bus...steamrolled. Just ask Nevada. Or various Native American tribes, such as Skull Valley Goshutes, Mescalero Apache, etc.]

“Confidence building initially”

confidence and trust can be lost in a heart beat [it’s already lost!]

everyone's best interest

DOE's Nuclear Waste Negotiator [compare to Grace Thorpe and National Environmental Coalition of Native Americans, NECONA]

Nations with success—willing host communities

David Leroy, DOE's Nuclear Waste Negotiator (1987-1992)—despite progress by the DOE's Nuclear Waste Negotiator, the change of Administrations ended the office [compare to NECONA]

Progress? Product? Disposition of Spent Nuclear Fuel and High-Level Radioactive Waste. Near-term; Medium-term; Long-term.

Next year or so, DOE builds understanding, starts conversations with communities, tribes, states

“Canadian process” – Nuclear Waste Management Organization (NWMO)

socializing, communicating broadly

21-22 communities interested [that # has been whittled down; only 3 of the initial 6 near Bruce Nuclear are still under consideration, for example]

Eric Knox thumbs up

Trying to learn from the Canadian process, conversations outside Washington

[compare to OPG DGR1 fight; compare to NWMO DGR2—HLRW—site search fight in Canada]

Heather—Prairie Island

Geology? Geological suitability?

'any that work' [?!]

BOYLE

Section 112 of Nuclear Waste Policy Act of 1982, told DOE to develop Guidelines [of course, the Site Suitability Criteria and Guidelines at Yucca that could not be met, were simply waived, time and again—including at the last minute, before Site Suitability was declared! Arjun Makhijani/IEER called them “double standard

standards” – if Yucca couldn’t meet the standard, the standard would be weakened or removed entirely!]

10CFR960

U.S. Nuclear Waste Technical Review Board (NWTRB)

November 2015 reports commented favorably on certain aspects of 10CFR960 geological factors, populations, transportation requirements, pre-closure aspects, post-closure aspects

(Mary Louise Wagner, DOE Office of Nuclear Energy official, former Energy staffer for U.S. Senators Levin and J. Bennett Johnson – that is, she’s been through the Capitol Hill-DOE HQ revolving door, a number of times -- involved centrally in authoring the Screw Nevada bill, was also present at this Jan. 20, 2016 meeting. As “pro-nuclear,” she refused meeting with Levin’s constituents who didn’t share her viewpoint. That’s how interested in concerned citizen/public sentiment certain of these DOE officials are.)

Interstate Commerce Clause of the U.S. Constitution – DOE will not be seeking consent along transport routes [and beware security secrecy; also, this is not commerce, this is high-level radioactive WASTE!]

Time frames to avoid during transport [compare to Missouri fiasco of 2000-2001 era—DOE broke several promises to State of Missouri—that it would not enter St. Louis metro area during rush hour—but did; would have emergency pull offs pre-determined, but severe rain storm showed it did NOT; would not pass by Kansas City Royals baseball stadium during home game, but DID—this involved foreign research reactor HLRW truck shipments, bound from SC, for INL]

Mike McMann: TX, NM, Centralized Interim Storage volunteers for pilot site by 2021

KOTEK: very promising development, consent-based siting can work

GRIFFITH: how to incorporate this in a fair, transparent, competitive way, into the consent-based siting framework

KOTEK: over next several weeks, we’ll announce details on future meetings, with ample notice – wouldn’t want to spring for it, and no one shows up

GRIFFITH: folks who want to get on email distribution list can send DOE an email and do so

How to ensure that any progress (toward Centralized Interim Storage) lasts, persists, past the approaching change in administrations

KOTEK: 3<sup>rd</sup> time working at DOE [talk about the revolving door!]

How does this square with existing law?

Nuclear Waste Policy Act of 1983, as Amended (in 1987, 1992)

Has not been repealed, nor amended

Jan—Deep Boreholes?

BOYLE—Deep Borehole Disposal, 5km (3 mi) deep—“I do not have complete knowledge of what’s been disposed of down boreholes at Hanford” [what?! Does anyone at DOE?! But they were the ones who did it! Loss of institutional memory...]

Question from Diane—DOE takes title to HLRW, takes waste to Centralized Interim Storage site—but what if there is never a permanent DGR opened, what then?

KOTEK: linkages, between interim and permanent disposal [risk of centralized interim storage sites becoming de facto permanent surface storage sites]

Recommendations [by BRC?] to build in requirements, to build in protections, against the de facto permanent surface storage risk

GRIFFITH: “We are already in a de facto situation like that (at nuclear power plants) – near their homes. Not a fair criticism in my book.” [Don’t Waste Michigan, and others, warned about the de facto permanent risk at nuclear power plants, a quarter century ago! The nuclear establishment – in industry, Congress, DOE, NRC – didn’t listen to those warnings then. Now DOE tries to use that past betrayal of the public trust to its advantage, to excuse the next betrayal of the public trust?! All to the benefit of the nuclear power industry...]

Question from Don Hancock/Southwest Research and Information Center—Centralized Interim Storage, after 30 years of broad, enduring opposition? Why won’t DOE recognize NON-consent?!



GRIFFITH: I am an eternal optimist.

[“Consent-based” is just lip service then. A PR façade, hoping to deceive the public, fooling them just enough, or pretending just long enough, to achieve “consent” – not defined, malleable -- just enough to get the dump through, whether communities actually consent, or not. Non-consent is not acknowledged.]

KOTEK: National Transportation Stakeholders Forum

GRIFFITH: Erica Bickford attends state, regional forums

Hardware—development of cask car and buffer car (rail), to minimize derailment risks, meets American Railroad Association standards, so cask contain. never needed [?]

“minimize hazards to public” [how about designated trains then?!]

the better we can do [expensive, complicated] to decrease emergency response

Question from Tim Judson/NIRS—There are many un-answered technical questions. Why is consent the first issue to be addressed?

KOTEK—International scientific consensus in DGR disposal; Centralized Interim Storage, to clear [irradiated] fuel out of shutdown plant sites

KOTEK—“Willing and informed hosts”

Question from Elaine Hiruo, Platts—target dates, consent-based as in Canada, 2021 (pilot), 2025 (full-scale) [or is it 2024?] Centralized Interim Storage sites

2013 strategy predicated on legislation having been passed, but it hasn’t been

DOE: strategy doesn’t establish firm dates, but rather time bands—a lesson learned [1998 standard contracts breached; 2007-2009 NRC Nuclear Waste Confidence projection for repository opening, missed; 2021 pilot Centralized Interim Storage site less and less likely]

KOTEK: ‘final solution’

Question from Geoff, Nye County, Nevada—consent-based proposal

KOTEK: States, tribes, local governments

Question from Lisa—open, transparent communication

KOTEK: want to hear from folks outside DC

One thing we didn't get from BRC process was input from people who don't eat, drink, and breathe this stuff [HLRW? Literally?! BRC did ignore vast numbers of public comments though, from concerned, committed – and knowledgeable – citizen watchdog groups; the BRC subcommittee on transportation actually cut short its Chicago meeting—by the time citizen watchdogs got there, the meeting had already been adjourned, early! A wasted trip! A publicly noticed meeting! That's how much the BRC—and now its follow on at DOE – care about public input.]

[Joe Campbell at Prairie Island Indian Community in Minnesota – the tribal council took the DOE Office of Nuclear Waste Negotiator's hundreds of thousands of dollars, to "think about" becoming a parking lot dump, or even repository – and used the money to instead show how the site is not appropriate for two reactors, the on-site waste storage, let alone more waste parked on the surface, or buried underground!]

[Chip Cameron of NRC now works as an attorney for the Prairie Island Indian Community chairman, on certain issues anyway]

Karen's question: what about the next vote? The next election? How can one set of elected community leaders, lock in the community for all time to come?

Kevin Kamps/Beyond Nuclear question: didn't the BRC recommend that a new entity replace DOE, given the distrust DOE has earned, through its incompetence and worse, over years and decades?

KOTEK: Establishment of new organization over long-term. DOE has mission today, trying to go as far as it can, till a change in legislation (more legislative authority) happens.

Question: standardization of storage/transport containers?

GRIFFITH: We've backed ourselves into a situation – Centralized Interim Storage, how to accommodate different designs and configurations – it is doable – but how best to do it – in a safe way that also meets the mission.

Shift from heterogeneity to harmonization

And so that Spent Nuclear Fuel is only handled once

ORR's comment re: replacing nuclear power: de-carbonize electricity if we are to meet climate goals [why can't efficiency, renewables and storage do that? Of course they can!]

Allison Fisher/Public Citizen question: How do you obtain consent from future generations?

KOTEK: seek input from social science community [compare to science fiction aspects of DOE's & NRC's plans & policies – such as Dry Transfer Systems under NRC Nuke Waste Con Game; radioactive waste is a curse on all future generations]

KOTEK looks back at comm. sev. [?] papers in BRC process [but BRC website has been cyber-cemetery'd – it is DEAD, and much/most of the public comments are inaccessible! This loss of institutional memory took place very quickly, almost in real time. Two years worth of good faith public comments, down Orwell's *1984* memory hole!]

GRIFFITH is an engineer

[Private Fuel Storage, LLC gave buffalo to the Skull Valley Goshute Indian community as a part of its incentives to “consent” to “hosting” a parking lot dump for 40,000 Metric Tons of HLRW. PFS's “incentives” (bribes) have long since dried up. Radioactive racism.]

Tom Clements, SRS Watch, question about GNEP (Global Nuclear Energy Partnership): How can a private entity offer up a DOE (public) site?

GRIFFITH: Interesting twist on consent-based siting. Sincere proposals, are worth talking about.

Transparency versus private [secretive] conversations

GRIFFITH: We'd want to meet meetings known—no secretive/behind closed doors meetings. Posted, draft summary, appropriate/constructive, to guard against misperception of secrecy.

GRIFFITH: DOE staff, there are not a lot of us [said in context of taking notes/doing postings about meetings]

Fiscal Year 2016 Appropriations; FY17 Requests

Administration's request to Congress due Feb. 9, 2016

Host site willing to host pilot Centralized Interim Storage? What constraints?

KOTEK: State, tribal government, community – durable commitment

We hope to hear from willing hosts

Who is the design maker for this process itself? System design, governance, and its integration?

KOTEK: Senior level, Secretary or delegated to ORR or KOTEK

Interim Storage technical meetings—needed before consent

KOTEK: willing and informed host

KOTEK points to U.S. Nuclear Waste Technical Review Board, NRC; he wants to hear what more DOE Office of Nuclear Energy needs to do

GRIFFITH: pre-conceptual designs posted on website

Question from Kevin Kamps/Beyond Nuclear: what about the “Not in My Name” letter from several years ago. Community groups living in the shadows of HLRW dry cask storage at permanently shutdown, and even dismantled nuclear power plant sites, said no to centralized interim storage – said no to dumping their problems on some other community (environmental justice violation, pitting oppressed communities against each other) [Mary Olson at NIRS spearheaded this letter, several years ago; signatories included Christa Maria and Victor McManemy at Big Rock Point, MI, several other similar community groups]

KOTEK: shut down plants; a broader perspective on the “benefits” to be had – such as savings to taxpayers; we welcome the views of these groups, states, communities, etc. on that part [?]

Good segue

KOTEK’s closing remarks: “This stuff exists, right? We need to manage it safely...[aren’t they now? but they claim to be! Of course, that’s not true]...confidence, based on experiences...Blue Ribbon Commission...career of facilitating siting in private sector...we can find host sites...Can this be done in a way that leaves us better off? Can we create/find a solution to this problem? A final solution? How can we do better?

Question: Consent-Based Siting process as a form of nuclear energy promotion

