



ALLIANCE FOR NUCLEAR RESPONSIBILITY

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Via email to: consentbasedsiting@hq.doe.gov

RE: RFI: Consent Based Siting and Federal Interim Storage

Please find below the responses to RFI from the Alliance for Nuclear Responsibility.

Area 1: Consent-Based Siting Process

1. [How should the Department build considerations of social equity and environmental justice into a consent-based siting process?](#) First and foremost, the Department needs to engage in the congressional process needed to put into action a key, long-delayed recommendation from the Blue Ribbon Commission final report of January, 2021:

The overall record of DOE and of the federal government as a whole, however, has not inspired widespread confidence or trust in our nation's nuclear waste management program. For this and other reasons, **the Commission concludes that a new, single-purpose organization is needed to provide the stability, focus, and credibility that are essential to get the waste program back on track.** We believe a congressionally chartered federal corporation offers the best model, but whatever the specific form of the new organization it must possess the attributes, independence, and resources to effectively carry out its mission. [emphasis added]

In recent public forums (i.e., DOE presentation on Consent Based Siting provided to the San Onofre Community Engagement Panel, February 10, 2022) the DOE representative (Dr. Kimberly Petry) referenced on multiple occasions the need to solve the “back-end problem of waste storage” because new reactor development (to solve climate change) would be impeded until that question was resolved. Further, a representative of the Nuclear Energy Institute was included in the panel discussion, and spoke of NEI’s alliance with DOE and echoed Dr. Petry’s thoughts with regard to new nuclear power development hinging on waste solutions.

An agency (DOE) whose mission includes the promotion and development of new nuclear energy sources cannot be trusted to equitably and justly provide a solution to the legacy problem of civilian nuclear waste accumulation. This bifurcation of “promotion” (or “advocacy”) versus regulation was addressed half a century ago in the federal decision to split the Atomic Energy Commission’s similar, dual, role and create the Nuclear Regulatory Commission exclusively for regulatory oversight.

Current communities where high-level, legacy civilian radioactive wastes are stored (that are not candidate sites for potential “new” nuclear reactors) want a solution *now*. Whether this solution has as its byproduct the ability to enable *new* nuclear power facilities is independent from their immediate needs, and further discussion of such potential only dilutes the pressing legacy concerns. It is logical to understand why such candidate communities might view with suspicion the current DOE’s exhortations on the need for new nuclear power (to address climate change) as encouraging an expedient answer to the waste storage dilemma, rather than delving with greater sincerity of thought into a legacy waste solution that is *just and equitable* when viewed in a longer, intergenerational context.

Until the DOE and congress can agree on this split role and create a new agency with the sole mission of solving the legacy civilian radioactive waste dilemma, potential host communities may rightfully view with skepticism whether the DOE is diligently serving *their* needs or acting in furtherance of the goals of the commercial nuclear power sector.

2. What role should Tribal, State, and local governments and officials play in determining consent for a community to host a federal interim storage facility? None, until these entities have reached out to their own communities for input (polls, public meetings, etc.) and can demonstrate that they have elicited all opinions/options from those that they claim to represent. *When* that has been achieved, the Department needs to hire representatives from any communities where waste storage potential meets “technical, geographical, and scientific standards” to sit in on all advisory panels that would craft this decision-making process.

3. What benefits or opportunities could encourage local, State, and Tribal governments to consider engaging with the Department as it works to identify federal interim storage sites? “Benefits and opportunities” cannot be decided without first presenting to potential host communities a clear understanding of and analysis of the risks to the environment, real estate values, and health consequences that might arise.

4. What are barriers or impediments to successful siting of federal interim storage facilities using a consent-based process and how could they be addressed? The predominant barrier is DOE people coming into communities with a “we understand more than you do” top-down attitude and not completely disclosing why it has been so historically difficult to cite a permanent repository for over five decades.

5. How should the Department work with local communities to establish reasonable expectations and plans concerning the duration of storage at federal interim storage facilities? First, the Department needs to license a *permanent repository*, thereby demonstrating that the “interim” storage will really be interim.

6. What organizations or communities should the Department consider partnering with to develop a consent-based approach to siting? For a start, cease spending time (and resources) considering states that can or will never become a waste site (permanent or interim.) Secondly, stop returning to those same states (and/or others that may meet technical, geographical, scientific criteria) with the same old, and some new “we’re listening and we believe in consent” buzzwords and expect anyone to believe you (since the agency’s actions to date do not validate its actions).

7. What other issues, including those raised in the *Draft Consent-Based Siting Process* ([www.energy.gov/sites/prod/files/2017/01/f34/Draft Consent-Based Siting Process and Siting Considerations.pdf](http://www.energy.gov/sites/prod/files/2017/01/f34/Draft%20Consent-Based%20Siting%20Process%20and%20Siting%20Considerations.pdf)), should the Department consider in implementing a consent-based siting process? The Department cannot move forward without the full “consent” of Congress, so you might just start there.

Area 2: Removing Barriers to Meaningful Participation –

RESPONSE: Same answers as in AREA 1

1. What barriers might prevent meaningful participation in a consent-based siting process and how could those barriers be mitigated or removed?
2. What resources might be needed to ensure potentially interested communities have adequate opportunities for information sharing, expert assistance, and meaningful participation in the consent-based siting process?
3. How could the Department maximize opportunities for mutual learning and collaboration with potentially interested communities?
4. How might the Department more effectively engage with local, State, and Tribal governments on consent-based siting of federal interim storage facilities?
5. What information do communities, governments, or other stakeholders need to engage with the Department on consent-based siting of federal interim storage facilities?

Area 3: Interim Storage as Part of a Waste Management System –

RESPONSE: Same answers as in AREA 1 and AREA 2

1. How can the Department ensure considerations of social equity and environmental justice are addressed in developing the nation's waste management system?

2. What are possible benefits or drawbacks to co-locating multiple facilities within the waste management system or co-locating waste management facilities with manufacturing facilities, research and development infrastructure, or clean energy technologies?

3. To what extent should development of an interim storage facility relate to progress on establishing a permanent repository?

4. What other issues should the Department consider in developing a waste management system?