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Comment:	As we have previously noted, the lead proposals for centralized interim storage (de facto permanent parking lot dumps) are private initiatives (in fact, there are no proposed federal government owned/operated parking lot dumps). But whether PIs or government ISFs (Interim Storage Facilities, so called), they should be free, fully informed, and genuinely consent-based sitings, as the Blue Ribbon Commission on America's Nuclear Future recommended in its Final Report in January 2012. For this reason, all of the public comments submitted to DOE during its so-called "consent-based siting" public comment period in 2016 still apply. The lead private
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initiative is by Waste Control Specialists, LLC in Andrews County, West Texas, followed by the Eddy-Lea [Counties] Energy Alliance in Hobbs, New Mexico (less than 50 miles from WCS); AFCI in Loving County, TX; and Culberson County, TX. Beyond Nuclear submitted six sets of comments to the U.S. Department of Energy (DOE), by the July 31, 2016 deadline, re: "Consent-Based Siting" for so-called "centralized interim storage sites" (de facto permanent parking lot dumps), as well as permanent burial dumps (such as long targeted at Yucca Mountain, Nevada), for high-level radioactive waste/irradiated nuclear fuel. The fourth set, a 10-page document, protested the very illegitimacy of the DOE's entire "Consent-Based Siting" definition-setting proceeding. Specifically, the Blue Ribbon Commission on America's Nuclear Future (BRC, which, ironically enough, Energy Secretary Moniz was a commission member of, and several DOE officials in charge of "Consent-Based Siting" were lead staff members of) highly recommended that DOE no longer remain in charge of irradiated nuclear fuel management, or policy setting. This was due to the countless failures, and betrayals of the public's trust, over many years and even decades, perpetrated by DOE. And yet, DOE initiated and conducted the "Consent-Based Siting" proceeding, and appears determined to simply continue on, setting high-level radioactive waste management policies, despite BRC's strong recommendation to the contrary. One official who sticks out like a sore thumb is John Kotek. As mentioned above, Kotek was the lead DOE official in charge of the "Consent-Based Siting" public comment proceeding from Dec. 23, 2015 to July 31, 2016 (and even later extended into October 2016). Kotek did that as acting assistant secretary in DOE's Office of Nuclear Energy, a position he had held since July 2015. (Before that, he had been appointed principal deputy assistant secretary in DOE's nuclear energy office in January 2015.) And before that, Kotek had been staff director at the BRC, itself housed at DOE's Office of Nuclear Energy. But on January 9, 2017, the Nuclear Energy Institute announced that Kotek had "joined NEI as vice president of policy development and public affairs." The NEI press release <<https://www.nei.org/News-Media/News/News-Archives/NEI-Announces-Changes-to-Senior-Leadership>> added "Kotek will be responsible for providing policy and public affairs leadership on financial, economic, tax, electricity market and environmental issues related to the nuclear energy industry." The NEI press release quoted Kotek: "This is an exciting time to re-enter the commercial sector and join the NEI team," Kotek said. "This is a particularly important time to advance solutions that preserve existing nuclear power plants and galvanize resources to commercialize the advanced technologies that will cement nuclear energy's beneficial role for generations to come." This radioactive revolving door is outrageous! Concerned citizens and environmental/public interest group representatives took part, in good faith, in the very large number of meetings and written comment deadlines associated with the BRC (2010 to 2012), as well as the DOE's "Consent-Based Siting" proceeding (2016). Kotek helped lead, or led, both those proceedings. No wonder the public's comments were either largely or even entirely ignored. Kotek's true colors are now on full display. He has gone to work for NEI, the nuclear power industry's PR and lobbying HQ in Washington, D.C. Kotek's obvious bias on behalf

of the industry's bottom line clouds the legitimacy of the BRC and "Consent-Based Siting" proceedings, and their very significantly flawed conclusions. In fact, Kotek's leadership of this very public comment proceeding -- Request For Information re: Private Initiatives on Interim Storage Facilities -- casts a dubious cloud. Why was this proceeding even launched? To promote the interests of companies like WCS? Now that Kotek works as a senior NEI lobbyist on behalf of WCS (it is a member of NEI, as listed here <<https://www.nei.org/CorporateSite/media/filefolder/NEI-Membership-Roster.pdf?ext=.pdf>>, it appears quite clear that Kotek, NEI, and DOE -- as well as NRC -- have long colluded (Fukushima-like) to open WCS's PI ISF, at massive U.S. taxpayer expense, liability, and risk. *🌐

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<<https://www.nei.org/News-Media/News/News-Archives/NEI-Announces-Changes-to-Senior-Leadership>> added "Kotek will be responsible for providing policy and public affairs leadership on financial, economic, tax, electricity market and environmental issues related to the nuclear energy industry." The NEI press release quoted Kotek: "This is an exciting time to re-enter the commercial sector and join the NEI team," Kotek said. "This is a particularly important time to advance solutions that preserve existing nuclear power plants and galvanize resources to commercialize the advanced technologies that will cement nuclear energy's beneficial role for generations to come." This radioactive revolving door is outrageous! Concerned citizens and environmental/public interest group representatives took part, in good faith, in the very large number of meetings and written comment deadlines associated with the BRC (2010 to 2012), as well as the DOE's "Consent-Based Siting" proceeding (2016). Kotek helped lead, or led, both those proceedings. No wonder the public's comments were either largely or even entirely ignored. Kotek's true colors are now on full display. He has gone to work for NEI, the nuclear power industry's PR and lobbying HQ in Washington, D.C. Kotek's obvious bias on behalf of the industry's bottom line clouds the legitimacy of the BRC and "Consent-Based Siting" proceedings, and their very significantly flawed conclusions. In fact, Kotek's leadership of this very public comment proceeding -- Request For Information re: Private Initiatives on Interim Storage Facilities -- casts a dubious cloud. Why was this proceeding even launched? To promote the interests of companies like WCS? Now that Kotek works as a senior NEI lobbyist on behalf of WCS (it is a member of NEI, as listed here <<https://www.nei.org/CorporateSite/media/filefolder/NEI-Membership-Roster.pdf?ext=.pdf>>, it appears quite clear that Kotek, NEI, and DOE -- as well as NRC -- have long colluded (Fukushima-like) to open WCS's PI ISF, at massive U.S. taxpayer expense, liability, and risk. *🗑️

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Response to IPC--Fourth set of public comments by Beyond Nuclear on DOE's proceeding to define the "Consent-Based Siting" of radioactive waste dumps

At the "Kick Off" meeting of DOE's "Consent-Based Siting" proceeding on January 20, 2016 in Washington, D.C., I asked the following question:

Why was DOE still driving this train, when the Blue Ribbon Commission on America's Nuclear Future had recommended DOE's replacement with a new, independent agency, due to the deep public distrust of DOE after years and decades of DOE failure at radioactive waste management and public process?

John Kotek, Acting Assistant Secretary for Nuclear Energy at the U.S. Department of Energy, leader of this "Consent-Based Siting" proceeding, answered:

DOE would remain in charge, and advance its agenda, until a new change in law by Congress and the White House ordered it to do otherwise, and/or set up that new, independent "nuclear waste management organization."

So DOE will persist at doing all it can, for as long as it can get away with, to promote the nuclear power industry's interests? That answer is objectionable, flies in the face of the BRC recommendation, and is all the more unacceptable, coming as it did from the former BRC Staff Director himself, the selfsame John Kotek.

One of the BRC's major recommendations was that DOE could not be the one carrying out its recommendations – for its reputation was too bad, it was too distrusted by the American people (for very good reason).

It seems DOE has conveniently ignored that particular recommendation of the BRC, because DOE is explicitly saying it will be carrying out this "consent-based siting" process, from start to finish, for both "defense" (nuclear weapons) and "commercial" (nuclear power) irradiated nuclear fuel and high-level radioactive waste, both at consolidated interim storage sites (*de facto* permanent parking lot dumps), and at so-called deep geologic repositories (final dump sites).

This is a non-starter, based on BRC's recommendations themselves! Energy Secretary Moniz should know this -- he was a member of the BRC!

John Kotek, now Acting Assistant Secretary for Nuclear Energy at the U.S. Department of Energy, should also know this, for he was staff director at the BRC, and now he has been in charge of this "Consent-Based Siting" proceeding.

Timothy Frazier should know this. He was Designated Federal Officer for the BRC, and is now again involved in this "Consent-Based Siting" proceeding.

Mary Woolen should know this. She served as public and government liaison for the BRC, and has played a similar role for DOE on this “Consent-Based Siting” proceeding.

This obvious revolving door between the BRC and DOE’s staff in charge of this “Consent-Based Siting” proceeding, is itself objectionable. I’ve identified four persons directly involved in the BRC – Ernest Moniz, John Kotek, Timothy Frazier, and Mary Woolen – who served on the BRC itself (Moniz), or served on the staff of the BRC (Kotek, Frazier, and Woolen), all in senior leadership positions.

The BRC recommended that DOE **not** be the agency put in charge of managing high-level radioactive waste, from then on. The BRC *Final Report* was published in January 2012.

Yet here, more than four years later, not only is DOE still running this “Consent-Based Siting” definition setting proceeding, but the very same individuals – Moniz, Kotek, Frazier, and Woolen – who reached the determination that DOE could not be trusted to run such proceedings, are now running this proceeding, in official roles at DOE itself (such as Moniz, Energy Secretary, and Kotek, Acting Assistant Secretary for Nuclear Energy), or as hired consultants for DOE (Frazier, Woolen).

The public trust has been repeatedly, regularly violated by DOE, not for years, but for decades. That is why, the BRC *Final Report* acknowledged, DOE cannot be left in charge of managing high-level radioactive waste. The public does not and cannot trust it.

So it adds insult to injury that individuals – Moniz, Kotek, Frazier, and Woolen – directly involved in reaching that conclusion, now, working at or for DOE itself, are violating that very recommendation, one that they themselves made. This hypocrisy is unacceptable.

The public cannot trust a definition of so-called “Consent-Based Siting” made by the DOE, in violation of BRC’s *Final Report* recommendations. The DOE cannot be trusted.

On top of that already existing, well founded public distrust of DOE, must now be added the utter absurdity, conflict of interest, and inappropriateness, of a member of the BRC (Moniz), and employees of the BRC (Kotek, Frazier, and Woolen), now working at or for DOE itself, and attempting to implement BRC’s recommendations (such as “Consent-Based Siting”), while violating a foundational BRC recommendation (DOE cannot be in charge of managing high-level radioactive waste, or related matters, because it has betrayed the public trust too badly in the past, on both radioactive waste management matters, as well as public process matters, to be trusted any longer).

Thus, this entire proceeding has been deeply illegitimate, from the very beginning.

But this revolving door merry-go-round, these absurd and objectionable conflicts of interest, go back to the very beginning of the BRC itself. After all, the DOE Office of Nuclear Energy "hosted" BRC, as a part of its structure. With an executive branch agency mandated to promote nuclear power, "hosting" the panel charged with finding a solution for the radioactive waste problem, the conflicts of interest are all too clear. Of course, the very name of the panel, the Blue Ribbon Commission on America's Nuclear Future, was a very bad sign from the very beginning!

Even the charter for the BRC, and the pronouncements throughout, as by the BRC's co-chairmen, made clear that a "Plan B" for irradiated nuclear fuel was needed, so that nuclear energy in the U.S. could not only be maintained at current levels, but expanded in the future. With friends like that, who needs enemies? Such "solutions" to the high-level radioactive waste problem coming out of such twisted, conflicted motivations are suspect from the start. They have little to nothing to do with public health, safety, and the environment, but rather entirely to do with the nuclear power industry's special interest, its bottom line, and profit margins.

Such revolving doors between "public service" and "nuclear industry promotion" mean that the public often gets "served" all right -- ***up for dinner, to nuclear industry lobbyists!*** -- during these DOE meetings and proceedings, from the BRC (2010 to 2012), to this year's "Consent-Based Siting" proceeding (December 23, 2015 to July 31, 2016).

True to form, the January 20, 2016 "Kick Off" meeting in Washington, D.C. largely boiled down to DOE Office of Nuclear Energy leadership officials singing the praises of nuclear power's preservation, and expansion. For them, "solving the radioactive waste problem" is but a pesky road bump on the way to a nuclear power "Renaissance" – better described as a RELAPSE. And achieving "consent" for siting radioactive waste dumps is now a top priority for them, in order to achieve this coveted "Renaissance"/RELAPSE. Problem is, "consent" has not even been defined, and may not be!

As mentioned above, any DOE definition of "consent-based siting" is not only suspect, but illegitimate – the BRC itself recommended, DOE could not be in charge of such a fundamental definition setting proceeding, as it had betrayed public trust irreparably already.

Incredibly enough, and most tellingly, at the "Kick Off" meeting on January 20th, a DOE official even went so far as to say that "consent" could mean different things in different places, under different circumstances! That would make the phrase "consent-based siting" entirely meaningless, by definition.

Kotek's, and DOE's, misguided motivations came shining through. Kotek, and DOE, want parking lot dumps, and burial dumps, come hell or high water. Kotek, and DOE,

have made it clear, they will define “consent-based siting” in a way that is most conducive to their clear, twisted goal of opening dumps, no matter what dissent the public expresses.

But then again, DOE has always behaved this way. And this is why BRC’s *Final Report* recommended DOE can’t be trusted to run such a proceeding as this, let alone manage high-level radioactive waste. It is clear DOE will do all it can to twist the definition of “consent” as much as necessary to achieve its goal: the opening of radioactive waste dumps, be they “centralized interim storage sites” (that is, *de facto* permanent parking lot dumps), or permanent burial sites, a.k.a. deep geologic repositories, or dumps.

This pro-nuclear promotion, on full display at the DOE “Consent-Based Siting” “Kick Off” meeting, is very similar to how the public was treated during the entire 2010-2012 Blue Ribbon Commission on America’s Nuclear Future process. This should not come as a surprise, given that a number of the DOE officials presiding over the January 20 “Kick Off” meeting, were former BRC staffers – or, in the case of Energy Secretary Moniz, a BRC member -- as mentioned above. This pro-nuclear bias continued throughout the “Consent-Based Siting” proceeding. It was inevitable, given who was in charge: DOE’s Office of Nuclear Energy, explicitly promotional of nuclear power in its mandate. Its conclusions have been pre-ordained, in favor of the nuclear power industry’s special interests.

Given DOE Office of Nuclear Energy’s mandate to promote nuclear power, its leadership in the BRC proceeding, and now this “Consent-Based Siting” proceeding, is entirely inappropriate and unacceptable. It is the fox guarding the hen house, especially considering how closely DOE Office of Nuclear Energy coordinates with nuclear lobbyists and advocates from the government-military-industrial-academic nuclear complex. Energy Secretary Moniz himself is a leader of that complex, coming out of the rabidly pro-nuclear MIT Nuclear Engineering Department, and an author of an influential pro-nuclear “Renaissance” (RELAPSE!) report more than a decade ago.

As DOE’s “Kick Off” meeting on January 20, 2016 in Washington, D.C. all too sadly made clear, so-called “Consent-Based Siting” is but a focus-grouped, catchy PR phrase and concept for DOE, it appears. A way to gloss over, and get past, citizen concern and public opposition, on the road to DOE’s, and the nuclear power industry’s it serves, goals: opening parking lot dumps, and burial dumps, ASAP. Although DOE gives lip service to public engagement and involvement, it is clear the agency’s agenda is opening one or more parking lot dumps for irradiated nuclear fuel in as little as five years from now. This would launch the largest high-level radioactive waste shipping campaign in history, on the roads, rails, and waterways of most states.

But despite its pro-nuclear mandate and bias, even the BRC acknowledged that DOE cannot be left in charge of high-level radioactive waste management. But DOE has

ignored that recommendation, as its launch and carrying out of this illegitimate “Consent-Based Siting” proceeding has shown.

And when I asked on January 20th *What about "consent" from transport corridor communities along high-level radioactive waste shipment routes?*, John Kotek of DOE ONE responded that the Interstate Commerce Clause of the U.S. Constitution trumps opposition to shipments along the road, rail, and waterway routes, so consent is not even required.

Of course, radioactive waste is not a commodity, is not a part of commerce – it is a forever-deadly poison, that should never have been created in the first place.

Germany is a cautionary tale. When the German federal government tried, year after year, for decades on end, to force high-level radioactive waste down the throats of the German people, as at the targeted parking lot dump, and permanent burial dump, at Gorleben, the shipments were met, year after year, for decades on end, by thousands, or even tens of thousands of protestors, willing to lock their necks to the train tracks, willing to sit down in the roadway, willing to be subjected to water cannon attack, even in freezing temperatures. Non-violent direct action resisted the largest deployment of police since World War Two in Germany.

That is what violating consent-based siting has looked like in Germany. And that Gorleben movement has been the heartbeat of the German anti-nuclear movement for years and decades. It helped create the public pressure to force the Social Democrats to join with the Green Party, to hammer out a nuclear power phase out agreement in 2000. The agreement held that all reactors in Germany would shut by 2020.

When Angela Merkel’s Conservative coalition took power, it devoted the first years of its government to undoing the nuclear phase out plan, and instead granting license extensions to reactors. Then Fukushima began. And the Conservative Party lost local elections in places like Stuttgart and Bremen, where it had ruled since just after World War II. And who did they lose to? The anti-nuclear from its inception, German Green Party.

Merkel and the Conservative Party saw the writing on the wall. After living under the radioactive fallout of Chernobyl in 1986, and now seeing the Fukushima nuclear catastrophe broadcast live on their television screens in 2011, the German people would oust the Conservative Party from power, if it did not do a complete backflip, and join the nuclear phase out immediately. Which she, and it, did. Post-Fukushima, all three major parties in Germany – the Greens, the Social Democrats, and the Conservatives – are anti-nuclear. Germany’s last operating reactor will close in 2022.

Let's hope it doesn't take another nuclear power catastrophe, this time in the U.S., to show elected officials here the wisdom of phasing out nuclear power, before the worst happens.

The opening of a parking lot dump would also transfer the title, and liability, for the mountain of radioactive waste generated over the past 60 years by the commercial nuclear power industry, onto the backs of taxpayers. This is the real driver, the real motivation, for "Consent-Based Siting." Another favor, by DOE, for its friends, the nuclear power lobbyists.

DOE's role in both the BRC, and now "Consent-Based Siting," has been self-serving and self-interested. DOE Office of Nuclear Energy's mandate, to promote nuclear power, makes it impossible for it to find good, wise, safe and sound solutions to the nuclear waste problem. Its motivations are all wrong.

Of course, the only real solution to the nuclear waste problem, is to not make it in the first place. For once it exists, its "management" requires the choice of lesser evils, none of which can guarantee isolation of the hazardous radioactive wastes from the environment for the duration of their hazard, which is, essentially, forevermore. The U.S. Environmental Protection Agency was forced, under court order, to admit and acknowledge, in its Yucca Mountain regulations, that high-level radioactive waste is hazardous for a million years. (This legal victory against EPA was won by an environmental coalition.) But even a million years is an underestimate. Iodine-129, for example, present in high-level radioactive waste, has a 15.7 million year half-life, so will remain hazardous for 157 to 314 million years.

DOE's behavior during this "Consent-Based Siting" procedure has intensified and compounded the previous betrayal of the public trust that the BRC *Final Report* recognized, acknowledged, and recommended could no longer be tolerated. DOE's performance, yet again, has been intolerable, and objectionable. It has been bad faith. Its definition of "Consent-Based Siting" will almost certainly be unacceptable, and fatally flawed. This "Consent-Based Siting" proceeding has been a propagandistic PR campaign. Being a major federal action, the setting of the definition of "Consent-Based" for siting radioactive waste dumps, this proceeding has violated the National Environmental Policy Act. Despite its pretentious façade, this has not been a NEPA-compliant proceeding. In fact, as Kotek admitted at the Chicago meeting on March 29th, it was never intended to be a NEPA-compliant proceeding. This is not only outrageous, this is illegal.

Even DOE's initial announcement of this "Consent-Based Siting" proceeding, on December 23, 2015, gave a clear indication of how misguided DOE's motivations are. DOE stated:

Nuclear power is a critical part of our nation's energy mix, and has reliably provided almost 20 percent of electrical generation in the U.S. over the past two decades. It

remains the United States' single largest contributor (more than 60 percent) of non-greenhouse-gas-emitting electric power generation.

Reliably? As but two examples: two atomic reactors at Cook in Michigan were shut for three long years, due to major safety violations; the Davis-Besse reactor in Ohio was shut for two years for major safety violations; the Browns Ferry Unit 1 in Alabama was shut for decades, after a nearly catastrophic fire in 1975. DOE's propagandistic claims are very deceptive.

DOE went on:

Spent nuclear fuel from commercial reactors is currently stored on-site at nuclear power plants around the country. While it is safe and secure in these locations, a long-term solution is needed to ensure that the public and environment continue to be protected.

I beg to differ that irradiated nuclear fuel stored on-site at commercial atomic reactors is safe and secure. As no less than the National Academy of Science itself recently reported, in a Fukushima lessons learned report, Unit 4 at that ill-fated Japanese nuclear power plant narrowly averted a high-level radioactive waste storage pool fire. The only reason catastrophe was averted was sheer luck. A gate between the pool and the adjacent reactor cavity failed, allowing cooling water to flood over. If this hadn't happened, by around early to mid-April 2011, irradiated nuclear fuel at Fukushima Daiichi Unit 4 would have been on fire. Ten times the radioactive Cesium-137 that escaped at Chernobyl, contained in the Fukushima Daiichi Unit 4 pool, could have escaped into the environment in the smoke.

Prime Minister Naoto Kan has publicly confirmed numerous times in the past four years that he was contemplating the evacuation of metro Tokyo and northeast Japan – 35 to 50 million people – if a “demonic chain reaction” (his Chief Cabinet Secretary, Yukiya Edano's, phrase) of atomic reactor meltdowns and pool fires had unfolded. It almost did.

NAS has warned – not for the first time – that high-level radioactive waste storage pools in the U.S. are at high risk. It did so way back in 2004, in response to a warning by Alvarez *et al.* in January 2003. In 2011, post-Fukushima, Robert Alvarez of Institute for Policy Studies repeated his warning about pool risks in the U.S. Given all these warnings, DOE's flippant claim that wastes are stored safely is bogus. Non-hardened on-site storage densely-packed pools in the U.S. are mega-catastrophes waiting to happen, in the event of a natural disaster, heavy load drop accident, terrorist attack, etc.

DOE went on:

Meeting long-term nuclear waste management needs is essential to ensuring that nuclear power continues to power the nation in a safe, sustainable, and responsible way.

As is blatantly clear above, DOE Office of Nuclear Energy's mandated promotion of nuclear power makes it incapable of managing radioactive waste in a trustworthy way. Its motivations are wrongheaded. DOE sees "long-term nuclear waste management" not through the lens of public health, safety, and the environment, but rather through the lens of the continuation of nuclear power in the U.S. Given its conflicting mandate of nuclear power promotion, rather than public health, safety, and environmental protection, DOE must cease and desist from any and all involvement in radioactive waste management, as the BRC recommended. This includes any further involvement in defining "Consent-Based Siting."

DOE's December 23, 2015 announcement of the "Consent-Based Siting" proceeding went on:

In addition to waste from generation of electricity, waste from defense activities requires safe storage and disposal. The deterrent provided by the nation's nuclear stockpile has kept this country safe for generations. In order to maintain our nuclear deterrent, warheads must be replaced every twenty years. Currently this older material is stored at a few defense locations across the country. While it is also secure, and there is far less of this high level waste material than commercial spent fuel, a solution for the long-term disposal of this material is needed to address our Cold War legacy.

This is also an objectionably biased statement. Far from keeping this country safe for generations, the U.S. nuclear weapons arsenal – combined with the nuclear arsenals of other countries – has, for the first time in human history, put humankind at risk of ending civilization as we know it, or perhaps even wiping ourselves out entirely, causing the extinction of our own species. Our nuclear arsenals could even cause omnicide – driving to extinction all higher life forms on the planet.

Even the nuclear weapons manufacturing and testing complex has caused tremendous damage in the U.S., to public and environmental health, as it has in other nuclear weapons countries, and globally, as due to nuclear weapons testing.

The claim that "warheads must be replaced every twenty years" is very dubious. As the Alliance for Nuclear Accountability has long advocated, based on DOE studies themselves, the U.S. nuclear weapons arsenal is reliable for many decades, and perhaps even centuries, to come. That's why ANA has long advocated Curatorship, as opposed to warhead replacement, or other unwise, unaffordable, and unnecessary Life Extension Programs.

It is also indefensible to claim that nuclear weapons-related high-level radioactive waste in the U.S. is "secure," as: high-level radioactive waste sludges are being abandoned in underground storage tanks at SRS, SC and INL, ID, from which they will eventually leak into surface and groundwater; storage tanks at Hanford, WA continue to leak, and emit noxious vapors that sicken and injure workers; etc. And it is hard to take DOE at its word that nuclear weapons highly radioactive wastes are "secure," as other supposedly secure DOE nuclear weapons-related materials, such as weapons-grade HEU at Oak Ridge, TN, and weapons-usable Pu, have been shown to be vulnerable to attack or even theft, as shown by the Transform Now! Plowshares non-violent civil disobedience action four years ago, as well as by mock DOE attackers at other DOE facilities, as POGO and Tri-Valley CARES have documented.

One last point, regarding Moniz, Kotek, Frazier, and Woolen's involvement in both the BRC proceeding, and this "Consent-Based Siting" proceeding. All public comments submitted to the BRC, should be included as public comments in this "Consent-Based Siting" proceeding. After all, the public took part, in good faith, from 2010 to 2012, in the BRC's proceedings. But in bad faith, the BRC largely to entirely ignored the large number of public comments it received. The BRC thought so little of its own public comment process, that its website was dysfunctional, not long after its public comment proceeding had ended. There was no way to even access the public comments that had been submitted. This unwelcome development was discovered by David Kraft, executive director of Nuclear Energy Information Service of Chicago. After complaints were lodged, access was restored, at an ironically named "Cyber Cemetery" site. Even then, it was difficult or impossible to search public comments there, if they were accessible at all. The entire episode begged the question: how can institutional control over high-level radioactive waste be maintained, forevermore, if the BRC and DOE could not even maintain institutional control over BRC's own documentation, such as the public comments it had received, for even a short period of time?

In conclusion, DOE must obey the BRC's recommendation. DOE must cease and desist from being involved in high-level radioactive waste and irradiated nuclear fuel management. This includes this "Consent-Based Siting" proceeding. DOE's involvement in this "Consent-Based Siting" proceeding is illegitimate and unacceptable, in light of the BRC's recommendation that DOE be removed from any such role. DOE's final conclusions, its attempts to define "Consent-Based Siting," are illegitimate, and cannot be trusted.

Sincerely,

Kevin Kamps, Radioactive Waste Watchdog at Beyond Nuclear, and board member, Don't Waste Michigan, representing the Kalamazoo chapter

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Beyond Nuclear aims to educate and activate the public about the connections between nuclear power and nuclear weapons and the need to abandon both to safeguard our future. Beyond Nuclear advocates for an energy future that is sustainable, benign and democratic.