

CONSENT-BASED SITING

Public Input Meeting

Embassy Suites D.C. Convention Center

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FULL TRANSCRIPT

Mr. Jim Hamilton. Good afternoon. And for those joining us in an earlier time zone via webinar, good morning. Welcome to Washington, D.C. and to the tenth in a series of dialogues the Department is hosting as part of its Consent-Based Siting Initiative.

Thank you all for being here today. My name is Jim Hamilton – I'm an Advisor to the Department as part of its Consent-Based Siting Team, and as in the previous nine meetings, my job here today is to help us all have an open and productive conversation.

Now before we get started, a few housekeeping items. First, you should all have a blue booklet that you received when you checked in. It looks something like this [holds it up]. If you don't have a blue booklet, raise your hand and we'll get you one. [Pointing] There is one there, and one there; there are two or three there – we'll get them for you.

Inside this booklet you'll find a copy of today's agenda; speaker biographies; copies of the poster content that you saw when you came in; a contact sheet for further information; a copy of the Department's Integrated Waste Management Strategy – it looks something like this [holds it up] – as well, and last but not least, a copy of the Department's Draft Report summarizing the recent engagement efforts over the past several months [holds it up] and that's this.

Matt – I've got one down here; who needs one? Anyone else need an information packet? Great.

I would note that this information is also on the Department's website. As with the previous nine meetings, this meeting is being streamed live. A copy of this stream along with the meeting transcript and a copy of Meeting Summary Report will soon be on the Department's website.

And now I'll review today's agenda.

We'll first hear from Mr. John Kotek, the Acting Assistant Secretary for the Office of Nuclear Energy. He will give an overview of how we got here today. We will then hear from Ms. Melissa Bates, the Acting Team Lead for the Nuclear Fuel Storage and Transportation Planning Project, who will present a summary of stakeholder engagement intake.

Ms. Bates will then be followed by Mr. Andrew Griffith, the Associate Deputy Assistant Secretary for Fuel Cycle Technologies, who will foreshadow next steps.

Following Mr. Griffith's remarks, we'll have a question-and-answer session lasting approximately 45 minutes.

For those on the web stream – and we have about 100 people on the web stream, so thank you for being here today – we encourage your questions, so please type them into the chat box on your screen. They will find their way to me and I will do my best to ask those questions of the panelists.

Following closing remarks, we will plan to adjourn today's meeting at around 4 PM.

So, let's get started.

I'm not going to read the speaker bios – they are all in your folder, and without further ado, I will turn it over to John Kotek, the Acting Assistant Secretary for the Office of Nuclear Energy. Mr. Kotek?

Mr. John Kotek. Thank you. Good afternoon everyone, and thanks very much for being here.

As you know, DOE's been working to develop solutions for the long-term, sustainable and safe management of spent nuclear fuel and high-level waste and leading towards the development of what we refer to as an integrated waste management system.

I want to talk to you just a little bit this afternoon about that system, about our plans, about what we've been doing here over the last nine months, and then turn it over to Melissa and Andy to do a little bit of a deeper dive into – as you heard – what we've heard through this process, and where we're heading next.

To achieve the goal of developing a sustainable integrated nuclear waste management system, we're developing a consent-based process for the siting of new nuclear waste management facilities for the storage and disposal of spent fuel and high-level wastes. We want to engage in a process that allows us to work collaboratively with the public, particularly with communities, with tribes, with state governments, to get to the point where we have willing and informed host communities that stepped forward and agreed to host the necessary facilities.

Over the last nine months, we've engaged with the public on how to best develop such a process. And to develop a process that can achieve fair solutions that are reflective of public input. As part of doing this, of course, in December of last year – and many of you were in the room then – we launched this consent-based siting process and said we'd do several things.

First, we had an Invitation for Public Comment that we included in the Federal Register; we invited the public to respond to a series of five questions that we included in that Invitation for Public Comment. We're looking for input on the considerations that we should reflect in the design of the consent-based siting process to ensure that the process that we embark on and that we employee can lead to sustainable and durable solutions for siting.

We received more than 10,000 comments in response to the Invitation for Public Comment. And as you'd expect, representing a really rich diversity of views, and some of which you'll hear from – a lot of which you'll hear from Melissa today.

In parallel with the Invitation for Public Comment, of course, we embarked on a series of public meetings around the country. We had eight meetings all told, encompassing Chicago, Atlanta, Sacramento, Denver, Boston, Tempe, Boise, and Minneapolis. At each of the meetings, we heard from the public on what really matters to them as we move forward with the development of a consent-based siting process. If any of you were at the meetings, you know that we would start with a plenary speaker, giving a welcoming address. I would give an overview of the challenge of the process that we are embarking on; we would then have a series of panelists provide us a different perspective on the waste management challenge. All told, we heard from about 40 invited panelists and about 600 participants, in addition to people who participated via webinar and in person.

We also engaged in small-group discussions. And if any of you participated in those, as you know, those were really great opportunities to get people with often very different views on nuclear technology in general and how to deal with nuclear waste – and we would bring them together and let them talk things out. And then we would have facilitators report out on what were the major themes that came out of those discussions that the participants wanted us to hear – and again, wanted to see us reflect in our planning going forward.

We can't thank people enough for the time that they spent with us during that process. It was a long commitment of time. These meetings often went for four or five hours; a lot of information presented and a lot of time spent discussing some very difficult issues, and we really got a lot out of it, and thanks to those of you in this room and those folks on the webinar who participated in that process.

So, this first phase that we've engaged in has really served to reinforce our view that a collaborative approach is the best way forward to solving our nation's long-standing challenges with nuclear waste. And so what we are doing now is that we are integrating what we've learned into a consent-based siting process to guide the next phases of this effort. And as we move forward, of course, we'll build on this input and continue to engage with people as we go.

Ultimately, we hope that we or a new agency dedicated to managing nuclear waste will use this consent-based siting process to work with interested communities and to actually begin the process of siting facilities.

And so let me steal just a little bit of Melissa's thunder here as we talk about some of what we heard.

One of the things we've heard repeatedly throughout this process of public engagement is that there are many, many people out there who believe that the right thing to do would be to establish a new agency. Alright? Or a new organization with a single purpose of managing spent fuel and high-level waste. This, of course, is consistent with the Administration's Strategy. It is also consistent with the Recommendations of the Blue Ribbon Commission on America's Nuclear Future.

We, of course, in the Administration's Strategy have proposed that a new organization be established to manage spent fuel and high-level waste, but, you know – and we think that's the right way to move forward in the long-term – but we also believe that we need to begin the process now, and so we've been trying to take steps to improve – to get started with the design of a process and to do some other things to enable us to move forward and hopefully at some point in time wind up with a new organization to manage the waste program.

One of the things you may have heard that we're doing in DOE is that we are reorganizing within the Nuclear Energy Office and while that's not official yet, I can tell you at this point that one of the details of that organization is establishing an Office of Integrated Waste Management within the Office of Nuclear Energy at a Deputy Assistant Secretary-level position. And part of the reason that Andy has such an obnoxiously long title is that he's actually under a separate – we call them DASs – a Deputy Assistant Secretary within the Nuclear Energy Office. We are going to break that out and have it report directly to the Assistant Secretary. So Andy will serve as that Deputy Assistant Secretary for Integrated Waste Management, which really formalizes the role that Andy has been serving in for about a year now. And that will help us streamline the waste management functions and operations. It also gives us an opportunity to carefully grow the team that is working on these issues and provide a dedicated staff to the waste mission. And as I mentioned earlier, ultimately we do think the right thing to do is for this organization to become stand-alone. But, like I said, we are trying to do those things that we can do right now to get ready for that day.

Another thing I should mention is that to help us a little more with thinking through the way we move forward with the consent-based siting process, many of you are familiar with something we have called the Nuclear Energy Advisory Committee, which has a series of subcommittees. We are going to ask them to set one up specifically to focus on issues of consent-based siting and the waste program management. And so that's another thing to look for going forward.

As I wrap up, I'll just leave you with a couple of thoughts. Obviously, this is an incredibly complex challenge. And we know that we as a country have been generating nuclear waste – spent fuel and high-level waste – since the 1940s. And we haven't yet gotten to the point where we've got a solution for the most hazardous of those wastes. As a result, decades of commercial electricity production have resulted in about 75,000 metric tons uranium in spent fuel and activities in support of our national defense have left us with an inventory of roughly 12,000,000 cubic feet of high-level radioactive waste. As has been alluded to several times, this includes waste at DOE sites; at operating commercial reactor plants and at reactor plants that have been shut down. Some of which have been shut down for decades, and the fuel remains at those sites.

And if you look forward, the number of shutdown reactors is very likely to increase considerably as we get into the 2030s and 2040s, and commercial reactors begin to hit the end of their 60-year or even 80-year licensed operating lives, and so if we don't do anything, the amount of waste is just going to continue to build up over the decades and we just think it's really important that we get started now with the process that can lead us to the development of this integrated waste management system that we've described many times. But, it includes elements of storage, disposal, and transportation, so that we can get on with solving this challenge.

We appreciate all the help that you've given to us thus far. With your help, we think a consent-based siting process can work for the development of new storage and disposal facilities. This first phase of engagement has been very helpful – very enlightening – for us; again, we thank you for your input. Our goal is to design a process that is going to enable a durable and sustainable solution that benefits all of us and avoids passing this problem on to future generations. It's already been passed down a couple of generations. We'd like to be the ones to get us on a path to a solution.

And so what we want to share with you today is some of this broad range of input that we received. I think you've seen that we do have a report that's been provided in your booklet and is available online and what we're seeking is your feedback to ensure that we've adequately captured the major themes of public comment and Melissa will walk us through some of those now, so Melissa, please.

Ms. Melissa Bates. Thank you, John. Good afternoon everybody. Is everybody stoked? [Laughter]

Alright, I just want to thank you for being here, and for those that are on the webinar, for participating in this. I appreciate this opportunity to provide what we've learned over the first phase of the public engagement of this consent-based siting process.

My goal today is to share with you the main themes of what we have heard over the past nine months through the public meetings and through the Invitation for Public Comment.

I'm going to provide a high-level summary, but as this is only a summary, I encourage you to pick up a copy of the Draft Report that is out on the table, so that you can see more detail.

In addition, we have posted all the comments that we have received, as well as the videos and transcripts from each of our public meetings on our website, so those are out there for your perusal.

So I'll begin with the Draft Report.

As you heard John mention earlier, we received over 10,000 pieces of correspondence as well as we hosted over 600 participants at our public meetings around the country. This summary report documents public feedback obtained from the responses to the invitation for the public comment as well as statements that were made from our public meetings.

We've worked hard to build a conversation that allowed for a diversity of viewpoints, and we have tried to summarize a wide range of comments, as much as possible, in an 80+ page report.

To help to accurately capture the diversity, we have used a lot of quotes from the public meetings, as well as from the correspondence, to provide a flavor of the viewpoints that were expressed. We issued a Draft Report yesterday, and we would like you to do the following three things.

We wanted to offer an opportunity to review and comment on whether the Draft Report accurately represents or summarizes the major themes; captures the key issues and reflects the breadth and diversity of points of view expressed by participants and commenters.

Second, if you didn't have a chance to comment or provide us with your thoughts the first time, this is giving you another opportunity to do so.

Thirdly, we are using this to incorporate any additional input that we receive that should be considered when developing a consent-based siting process.

The Department will consider these comments on the Report and will issue an updated Final Report in December 2016.

I'd like to begin by discussing some of the major themes we've heard from you on designing a consent-based siting process.

The issue of trust of the Department – or lack thereof – came up a lot. In essence, many do not trust the Department to perform based on past experiences. Many expressed concern that the Department could not be trusted to implement a consent-based siting program. Commenters pointed to a need for transparency, openness, and collaboration in order to successfully site waste management facilities and for DOE to begin overcoming the trust deficit.

On a related topic, many also questioned whether the Department of Energy was the right agency to manage this effort. Commenters pointed to challenges the Department faces, including the trust deficit, based on decades of past experience; the effects of the election cycles and funding, as well as the broader mission of DOE. Many commenters pointed out that trust is important, not just to DOE, but to any agency that may participate in this process, like this one, and that that agency will need the support and partnership of local communities.

We understand the challenge we face in this area and getting this feedback is very helpful as we plan our next steps.

Many commenters also pointed out the need to make progress on this process and not wait for a new organization to be formed. But given the challenges facing legislative action on this, DOE should move forward while these organizational options are being considered. In either case, DOE's behavior moving forward must demonstrate transparency, openness and collaboration to earn trust.

We encourage you to hold us accountable to these values as we move forward.

We also heard a great deal about fairness as it applies to consent-based siting. Obviously, fairness is one of the key topics that we need to consider in designing a consent-based siting process. And commenters expressed a number of important nuances on this fairness issue.

First, there is fairness to current host communities. These are the communities where the waste was generated, either at commercial power plants, or at DOE-managed sites. These current host communities never agreed to store the waste over the long-term and many want the waste removed as soon as possible.

Fairness was also discussed in relation to future generations. Given that the waste will be radioactive for thousands of years, many people questioned how we could design a process that would be fair to our descendants who may not have a voice as decisions are made. Others expressed the importance of acting now to avoid passing on the burden of finding a solution to managing the waste we've created for our own benefit.

Fairness also came up in relation to transportation stakeholders. Those along the routes between where the waste is now and wherever it will be hosted in the future – commenters felt strongly that their concern about transportation should be considered and the engagement of transportation stakeholders will be of the utmost importance when sites are selected.

Fairness was also discussed in relation to environmental justice. We heard this at every meeting that we held. Specifically, commenters felt that we need to understand and appreciate burdens, both environmental and socioeconomic, that exist in potential host communities and take those into account in our siting process. This touches on important issues of community well-being; resources and local governments.

We understand that in order to be fair, environmental justice must be built into everything that we do on consent-based siting.

On a related topic, we heard a good deal about decision-making. Who makes decisions? How decisions are made. And under what authority? Many respondents suggested that decision-making be broad-based and inclusive; that we work to involve all affected parties in siting decisions. In addition, it is important to understand that all issues are not purely technical; that there are social and cultural dimensions at work, and we need to pay attention to those.

As exemplified by this quote, "There is a role for non-technical people in technical decision-making. It is not easy. It's not straight-line decision-making, and requires a significant amount of education, commitment and listening."

Several commenters also pointed to the unique relationship that the federal government has with Tribal Nations and the importance of respecting and including tribal sovereignty in our decision-making.

In line with the theme of environmental justice, many people discussed the importance of access to information as a prerequisite for participating in this process. As you see there in the quote "In order for communities to be able to consent, they need to fully understand what all this means." In essence, people want to be informed in ways that work for them to enable them to make reasoned decisions. That means access to the complete set of information.

But it isn't just about access. It is also the opportunity to process the information and engage. And to make that happen, many commenters called for funding to be made available to allow communities to engage and participate in a meaningful way.

Some commenters also pointed to specific information needs required to allow for meaningful participation in this process. One such information need that came up repeatedly was the development of siting standards. These standards would address technical and geological standards, but also include social equity and social acceptance standards. Many suggested that these standards be developed in a collaborative manner that reinforces the principles of a consent-based siting approach.

Many of the comments we received, as well as many of the small-group discussions, focused on the nature and extent of consent. Many grappled with the issues of who needs to be involved in consent? Who consents? How many must consent? How is the consent demonstrated? These are all very good questions. Related to consent, many felt it was important to codify and respect the concept of non-consent.

As you can see there in the quote, "It is a ruse to discuss terms of consent if there is no choice to refuse consent!"

Essentially, if a community does not have the option to demonstrate non-consent, then the true consent cannot be achieved.

With that, I'll wrap up, but I'd like to reinforce that this was just a summary of the major themes that were heard. With such a diversity of viewpoints and richness of perspectives and suggestions, this presentation can only touch on some of those themes.

I hope that you will all read more in the Draft Report and provide us with any comments, thoughts or ideas that you may have upon reading it. Many people spent time and resources attending our meetings and responding to the Invitation for Public Comment. You engaged us honestly and you shared your thoughts and concerns.

While the conversations were not always easy, I and the rest of the Consent-Based Siting Team came away from each meeting with a deeper understanding of the challenges that we face.

But we also came away with a sense of optimism, for it is only through these kinds of dialogs that we can make progress on this important national issue.

With that, I'll turn it over to Andy, and thank you for your time.

Mr. Andrew Griffith. Thank you, Melissa. Good afternoon, everyone. And thank you for being here. Like John and Melissa alluded to, having public engagement; having your attendance here; having the folks back home link in through the webcast; is absolutely essential to any solution that we have going forward. It has to be continued and it has to be a central part of our plan for making advancements – making progress in this very challenging area.

So as John mentioned earlier, we are transitioning from the initial phase of public engagement to the second phase in developing a consent-based siting approach. We recognize that there are uncertainties in our future. These are primarily in the Congressional Budget area; we're awaiting a Budget for our FY17 activities – not just the funding level, but also the Congressional direction that goes along with that.

Also, there's the uncertainty of the presidential election.

We are hoping to establish a foundation on which any future administration can build so that we can advance to durable solutions in the area of managing our spent nuclear fuel and high-level waste in our nation.

A key word here is "adaptive."

So in the near term, we hope to encourage public collaboration on the Draft Report that we are presenting here today and we invite you to provide comments on anything we missed; anything that wasn't discussed, but should have been; and anything else we should consider in our plans to go forward with the consent-based siting approach to these nuclear waste facilities.

Concerns and suggestions captured in the Final Report and through other forms of engagement with the public, and with interested stakeholders will aid DOE in developing the draft consent-based siting process. As we design the consent-based siting process, careful consideration will be given to this input that is summarized in the report.

We plan to issue the draft consent-based siting process planning document at the end of this calendar year and that will be submitted to you for more public comment and input, because that public comment and input is going to be essential to building a successful plan.

The Draft Plan should be viewed as a starting point that will benefit from the constructive dialogue as the Department works through with interested partners and stakeholders to develop this process. With the

perspective that one size does not fit all, we recognize that there are a lot of nuances and a lot of community-specific interests that have to be served if we are going to be successful going forward. And we want to explore all those nuances and details with you.

As Melissa discussed, the Department has heard clearly from stakeholders that they want to learn more about the various considerations and standards that will apply to facility siting. As part of our commitment to transparency, the Department plans to develop siting considerations collaboratively with interested parties. We plan to issue a draft set of considerations in parallel with the consent-based siting process also at the end of the year. In that report, DOE will define preliminary siting considerations for various nuclear waste management facilities that take into account the different functions that each type of facility serves.

These preliminary siting considerations could cover a range of concerns, including spatial requirements; geologic and other hazard identifications; environmental factors and considerations; socioeconomic factors and transportation requirements. We anticipate that proposed considerations for geologic, environmental and socioeconomic considerations will not be final in December 2016; in fact, the whole purpose of issuing that report is to solicit more public input so that we can build those considerations together as we go forward.

Through this initial period of public input and engagement on the subject of consent-based siting, the Department consistently heard that communities and stakeholders need support. They need support in the form of outreach; information; and funding. This will help them sustain meaningful engagement on the consent-based siting process and build the durable foundation for the program moving forward.

The Department anticipates offering grants and/or cooperative agreements to enable potentially interested communities to engage more constructively in the consent-based siting process. Our Fiscal Year 2017 Budget Request included approximately \$25 million for this purpose so we are interested in how that gets resolved in the congressional funding process, and hopefully we look forward to using these funds for the purpose that we requested.

While today we've been talking a lot about the initial efforts to gather input from the public and interested parties on the subject of consent-based siting, it's important to emphasize that our commitment to engagement and dialogue is ongoing. That means DOE will continue to welcome input and create opportunities to listen and learn from you as we go forward in this process so we can design the best system – the best process – possible in the United States.

So I've talked a lot so far about the process. But we can't lose sight of what this process is for. And as John pointed out earlier, we need an integrated waste management system for this nation. And so I'm shifting from the process now and I'm going to go into some of the components and some of the things that we're doing to help inform us as well as inform possible partners in the communities, states and tribes who want to learn more about what it means to host a nuclear waste facility as part of an integrated waste management system.

So I'll start with transportation. We are working to build strong partnerships with state, regional and tribal organizations to prepare for future transportation. Our goal is to conduct transportation activities in such a manner that people have confidence in the shipments in a way that protects people and the environment.

That means working with the public; with your local, state, tribal and local governments; public safety officials; and federal agencies that regulate the transportation of these materials.

I should also note that we're developing the Atlas railcar that is designed to meet American Association of Railroad Standard S-2043 that minimizes the risk of derailment through advanced sensors; advanced braking systems. So again, that's all in the spirit of protecting the public and the environment.

Moving into the area of interim storage, to support an integrated waste management system, the Department is developing the concept of consolidated interim storage of commercial spent fuel as outlined in the Blue Ribbon Commission on America's Nuclear Future. As described in the Commission's Report, and called for in the Administration's Strategy, consolidated storage is a good idea regardless of how and when the waste is ultimately disposed. An interim storage capability would encompass a pilot interim storage facility initially focused on accepting spent fuel from existing shutdown reactor sites and subsequently a consolidated interim storage facility with greater capacity and greater capabilities. The larger consolidated interim storage facility, which could potentially be co-located with the pilot facility, would provide needed flexibility to waste management systems and allow for important capacity and implementing a federal commitment to managing the nation's spent nuclear fuel.

DOE is currently in the process of developing a generic designed safety analysis for interim storage concepts for two primary reasons. The first is to inform potential host communities interested in learning more about how such a facility may fit into their future in terms of benefits and risks. The second reason is to develop the necessary regulatory strategies for moving spent fuel from existing facilities, where in some cases it has been located for decades, and receiving it at a new facility in a safe and efficient manner.

In support of developing interim storage capability, we would also like to learn more about the private initiatives and are planning to issue a Request for Information in the coming weeks to gather information on how the Department might engage with these private initiatives which are different from the federally owned facilities that we are envisioning as part of a consent-based siting process.

So, moving forward in the disposal area – and I just want to warn you – get used to seeing this picture because I'm going to talk a little while here about disposal. It's really important as we go forward through all phases of the consent-based siting development process, as well as developing an integrated system that recognizes that all paths lead to disposal. We have to have a process that leads to isolating this material for a long time from the biosphere, and so our program is not losing sight of that, and we want to keep that very visible as we go forward. So let me get into it.

Moving forward with developing a consolidated interim storage capability does not mean we are putting the efforts on hold to find a permanent disposal solution for nuclear waste. Like I said, all paths lead to disposal. The Department continues to work to better understand the different methods and geologies that can effectively isolate the spent fuel and high-level waste from the biosphere for thousands of years. We are conducting analyses and a variety of tests, including collaborations with international partners, to evaluate three main rock types of geologic disposal – crystalline, clay/shale and then salt geologies. This information is essential to starting any meaningful dialogue with any community, state or tribe that is interested in learning more about hosting a waste disposal facility.

As with interim storage concepts, the community should have the most up-to-date information on waste disposal facility risks and benefits to allow them to make an informed decision on whether they wish to play a role in hosting such a facility or not.

DOE is also planning for a deep borehole field test to advance the science and engineering knowledge and determine the feasibility of using a deep borehole approach for the possible disposal of smaller DOE-managed waste as an alternative to a mined geologic repository.

Our earlier effort to begin this project in January met with deep community concern after the contract was aborted, as local governments and communities felt they were not sufficiently part of the procurement process. While this activity is a nonradioactive science project, the initial mistrust led to general fear and suspicion that the federal government would force a community to accept waste at some point in the future. We recognize that a reset was necessary, and in order to form the bonds of partnership from the onset, and to ensure that the community, state and tribe that plays a role in the field test would be an important partner, we changed and we reissued an RFP in August this year.

The Department issued the new solicitation based on our experience with the initial effort. The solicitation now includes a phased approach and allows for making more than one award so the best quality proposal will have an opportunity to continue the competition through the community outreach and the permitting phases before the more challenging technical aspect of the project begins. And this will enable the design; the testing; the drilling phases to be conducted by the most promising contractor and community team.

It is essential that communities feel part of the team, because they are part of the value of the process.

Also in the area of disposal activities, the Department is developing plans for a defense-only repository – a defense-only waste repository. As the Secretary outlined in March 2015, there are several appealing advantages to pursuing defense and civilian waste repositories on separate but parallel paths. Unlike commercial spent fuel, which has an inventory that continues to grow, the United States is no longer generating defense high-level waste associated with weapons production and the inventory is therefore finite and better-known. Some defense wastes are also less radioactive and cooler, and are easier to handle than the commercial spent fuel. And a defense repository could therefore have a simpler design and present fewer licensing and transportation challenges.

We believe that a defense high-level waste repository could be selected, licensed and built sooner; that this could lead to reduced ongoing storage, treatment and management costs that currently exist at DOE facilities.

Finally, successful development of a defense-only waste repository could play an important role in a broader nuclear waste strategy providing important experience in the design, siting, licensing and development of the facility that could be applied to the development of a separate repository for commercial spent nuclear fuel.

A repository for disposal for defense high-level waste allows greater flexibility in the selection of the site, and greater flexibility can help to lead to keep costs down. Overall, over the last year and a half, we've begun early planning to identify the various activities that need to be performed to evaluate the design of a separate defense repository. Although these plans are preliminary, they begin to describe the different

components, including technical, regulatory, risk management and cost and schedule considerations that must come together to build a viable program, all within the framework of a consent-based siting program.

And so we hope in the coming weeks to issue a plan – a Draft Plan – that would be subject to public input and feedback on how we could proceed with the defense repository in a way that not only makes sense technically, but is also part of the consent-based siting process.

All right, bringing it home here.

By advancing each of these activities, the Department aims to develop an integrated waste management system capable of safely, effectively and collaboratively managing our nation's nuclear waste. Coupled with the consent-based siting approach, where communities are recognized as partners and the public is engaged throughout the process, we believe we can make significant progress towards solving the decades-long national problem.

I want to thank all of you for being here today. I know your time is valuable. I know a lot of energy has been spent on bringing it this far in the engagement process. And we are all really looking forward to continuing that as we go forward as is absolutely essential if we are going to be successful.

So with that, I'll wrap up and I'll look forward to your questions and I look forward to continuing the conversation today. Thank you all.

Mr. Jim Hamilton. Thanks Andy, Melissa and John. We are now going to move into the question-and-answer portion of this meeting. Just a quick time check: it's 2:45. So we have plenty of time for Q&A.

So we've got two wireless microphones. Raise your hand; identify yourself please, and your affiliation if any, and we'll get to you. I've also got – I've already got four questions from the webinar – so we're going to go back-and-forth from physical audience questions to webinar questions. We'll do our best to get to all of them.

With that, who wants to ask the first question? [Pointing] right here.

Mr. Kevin Kamps. Hello, thank you. Okay, thanks. Hello, my name is Kevin Kamps with Beyond Nuclear. Get my question in front of me.

So my question is in regards to the mention of tribal consultation and environmental justice. So, given what's happening in North Dakota right now at the Standing Rock Sioux Tribal Reservation regarding the Dakota Access pipeline. So the Department of Justice, the Army Corps of Engineers and the Department of the Interior have indicated just last Friday that they will conduct an in-depth, comprehensive consultation with Native American tribes sometime this autumn regarding energy infrastructure development and review – again, comprehensively – their system for consulting nation-to-nation with tribes.

So my question is does the Department of Energy plan to take part in that activity? Especially in regards to the siting of centralized interim storage and/or permanent geological repositories on Native American Tribal Lands.

Mr. John Kotek. Thanks for the heads-up about that. Can you tell me again the names of the agencies that you said were engaged...

Mr. Kevin Kamps. Yes, this is the Department of Justice, the Army Corps of Engineers and the Department of the Interior.

Mr. John Kotek. Okay. Yeah, I'm happy to give them a call and find out what's going on. I don't know what role DOE might have in something like that, but we'd certainly like to at least understand, you know, how a sister agency is planning on dealing with tribal communities, so, thanks for that heads-up.

Mr. Kevin Kamps. Their language is very interesting in speaking in terms of energy infrastructure. I think this would fall within that rubric certainly, and of course it's being born from a mass protest where, as we speak, most likely at least yesterday, scores of Native Americans were locking themselves to construction equipment to block the unwanted development of energy infrastructure that's destroying their sacred sites – burial sites – treaty lands...

Mr. John Kotek. Yeah. [Turns to Mr. Andrew Griffith] That's something that...

Mr. Andrew Griffith. No, I'm not familiar with that, but we're glad to talk about our experience thus far in reaching out to Tribal Nations and starting the dialogue, recognizing that it's a journey and we've only begun. But, starting with our transportation activities, they are a key member of our Transportation Core Group which we meet twice a year with, and have constant communication with.

On our panels, at our public meetings, we had members of various tribal entities participate in the panel discussions and we took the opportunity to visit with some nearby tribes in Idaho and Minnesota during our public meetings as side trips, as we were invited to their lands and asked to have conversations with them, and from my perspective they have been extremely valuable. I think our nation's history – I'm not proud of it – and I think that we have a lot to learn from their experiences and we don't want to repeat much of the history that we learned about, so I view them as an absolutely essential part of going forward and I think we've started on a good foot, but, again, we've only started. We have to continue.

Melissa, you had a lot of...

Melissa Bates. Yeah, I'd like to second a lot of what you said as well as we are working with some of our tribal counterparts to find new ways of even further getting involved into tribal communities just to get our message out nationally as far as trying to, you know, like in areas of emergency management; other areas – just trying to make sure the tribes are aware of what we are doing; they have the context and that they have the opportunity to get engaged, whether it's being involved in transportation or other avenues. Just basically spreading the word and seeing where it goes from there.

Mr. Kevin Kamps. Well, to close this questioning I would and – John Kotek and Mary Woollen and others involved in this process were part of the Blue Ribbon Commission on America's Nuclear Future, and the question I asked at the very first meeting of the Blue Ribbon Commission in March of 2010 was why are tribes still being targeted for radioactive waste dumps? I mean it's one thing to offer tribes money for reparations for past wrongs as was indicated for their wisdom at protecting the environment, but to ask them to host – perhaps permanently – even at a centralized interim storage surface facility – perhaps de facto permanently – the worst poison our society has ever generated, is unacceptable. And I've asked that

question, even in this context going back to the beginning of the Blue Ribbon Commission, over six years ago, so I guess my question to close here is why are you still targeting Native American Tribes for this waste?

Mr. John Kotek. Yeah, and if memory serves, you actually didn't ask a question at the first meeting, you made a statement, with which I disagreed...

Mr. Kevin Kamps. At the Blue Ribbon Commission or at this proceeding?

Mr. John Kotek. No, this was at the consent-based siting meeting in Chicago.

Mr. Kevin Kamps. I was referring to the Blue Ribbon Commission...

Mr. John Kotek. Yeah, no, I know. What I would refer you to is a study – or a Commission paper that the BRC had done; I can't remember his first name but his last name was Chestnut – that gave the BRC some good advice – I think it's Peter Chestnut – I'm looking at Tom Cotton in the back, did I get that name right? Yeah, I think that's right, which really pointed to the tribal insistence on self-determination, and so when you say "targeting" – we haven't targeted anything at anybody, but what we have done though is that we have embarked on a process that is open, that will allow us to engage with anybody who might be willing to go down the road of potentially becoming a willing and informed host. We are not going to rule anybody out at this point in time. So that's our approach going into this.

Mr. Jim Hamilton. Okay, thanks Kevin; appreciate it.

Mr. Kevin Kamps. Thanks so much.

Mr. Jim Hamilton. Any other questions? I've got one that I'm going to read from the webinar. It's a two-part question. "What is the relationship between the DOE integrated waste management system and the proposed private interim fuel storage operations in Texas and New Mexico to be licensed by the NRC?" That's the first part of the question.

And the second part is "What are the legal issues around such private operations for the storage of spent fuel prior to disposition in a permanent repository?"

Mr. John Kotek. I'll start, and I'll ask Andy to pick up on this one.

We, of course, have embarked on the process of getting input into the design of a consent-based siting process. We intend to use that process to engage with states, communities, potentially tribes that are interested in learning more and might ultimately want to become willing and informed host communities.

It's no secret that we have consolidated storage as part of our plan for integrated waste management. I think as a result of that, a couple of communities working with companies have stepped forward to express their interest and actually make some pretty firm plans towards establishing a consolidated storage capability that could serve the government's interest. That's been their initiative. We have not started the process yet of actually engaging with, again, communities, state governments, potentially tribes, who might be willing to serve as host communities. We take great encouragement by the emergence of these initiatives, because it shows us that working with communities in a consent-based

fashion could lead to the actual siting of facilities in communities that welcome those, and in states that welcome those facilities.

So that's kind of where we are now. We understand that these initiatives want to serve a need that the government has, that we have; we are very encouraged by that. As Andy mentioned earlier, we intend to do some more work to understand how we might incorporate those initiatives into what we're doing, and with that I'll let Andy cover anything that I missed.

Mr. Andrew Griffith. Yeah, well I guess the key point that I'd like to add is that really there are some similarities between a private initiative and what we're trying to establish for a more federally-built and operated type of facility and largely it's the scope, but as we envision the consent-based siting process, it starts with the conversation between us and a community, state or tribal organization that are interested in learning more.

The process, as it would unfold with the private initiative, is going to be more structured with Federal Acquisition Regulations because it's geared from the onset as a service to be provided to the Department for the purpose of storing spent nuclear fuel, and so it will be more defined and more structured through that open and competitive process.

However, going forward and kind of fundamental to our principles, in order to assure that that service can be provided in a durable manner, there has to be some element – some necessary elements of consent – with that private initiative's local community, any affected tribe and the state that is hosting it.

And so, as part of the procurement process, part of what we'd like to learn is how can those elements be brought out and just like we wouldn't want to impose any kind of minimum requirement on consent as we saw it, on any community, state or tribe for a facility that is federally supported, how we engage by expecting consent in a contractual, competitively awarded contract – how that's incorporated – we would like to better understand how we evaluate sufficiency of consent in that scenario, because just like we want to start the dialogue with the community, we don't want to impose our initial views on them. We want to have a conversation of what can we come to together; what does consent look like to the community? We'd also like to understand how that consent is defined and established by the private entity.

Mr. John Kotek. There was also – I'm sorry; go ahead, Melissa...

Ms. Melissa Bates. No, please go ahead.

Mr. John Kotek. There was also I think a question in there about legal issues, and that's actually a question the Secretary was asked yesterday in a hearing before the Senate Energy and Water Appropriations Subcommittee, so I would refer you all to his answer for the specifics.

Just to summarize, his response to that question was we think that we could move forward with contracting for consolidated storage; however, there are questions – we think that would benefit from the additional certainty that could be provided by the Hill taking some action to affirm the Department's ability to move down that road. The Secretary answered it much more eloquently than me, of course, so I would refer you to his testimony yesterday – or his response to the question yesterday.

Mr. Jim Hamilton. Great, thank you.

Ms. Melissa Bates. So I just have one other thing that I would like to add in the sense of how the integrated waste management system compares with the private initiatives, and one thing that I just want to point out was that the private initiatives are pursuing storage, right? The integrated waste management is much larger than that, right? It's pilot; larger – leading to disposal, as Andy emphasized, and so even though our future is not yet clear as far as where we go from here, that would only be part of the solution, so consent-based siting is needed, we feel, regardless of what happens with the private initiatives.

Mr. Jim Hamilton. Great. Other questions. [Pointing] Gentleman here in the blue shirt; then the white shirt here, and then I'm going to ask another Web question.

Mr. Ken Fillman. My name is Ken Fillman. I'm with the contractor called TerranearPMC.

And I've got a couple of questions. Melissa, you raised the issue of who has to consent? How do you measure consent? And so, I'd like to know what your preliminary thoughts are on how you determine that.

In addition, I'd like to know your thoughts on a situation in which you may have a community that's willing to consent, but you've got well-funded professional opposition from outside that community and how do you determine the line between that outside-the-community opposition versus potential community acceptance?

Mr. John Kotek. The question you ask is, of course, one that we've been investigating as part of this process that goes back to the Recommendations of the Blue Ribbon Commission. In terms of actually how do you know when you have consent, right? I actually thought, again, as part of the Blue Ribbon Commission process, that the Commissioners took away lessons from the different examples we have in the U.S. of agreements with states we have regarding nuclear waste, and they pointed specifically to the long path that led ultimately to the establishment of the WIPP facility in New Mexico and compared that with the situation in Idaho – I don't know if you're familiar with the Idaho Settlement Agreement, signed in 1995, but it was a Department of Energy – and actually Navy agreement with the governor and attorney general in the state of Idaho that allowed DOE and the Navy to continue sending spent fuel shipments to what's now the Idaho National Laboratory site in return for clean-up commitments from DOE; some economic development funding from DOE and for a series of milestones associated with the cleanup, as well as some mission work that went to the Idaho National Laboratory.

And that Agreement, while signed by the governor and the attorney general, was controversial and it actually wound up on the ballot in 1996 – the voters upheld it by I think it was a 63-to-37 vote in the state in 1996, and in the situation of Idaho you actually had an agreement that was signed by the governor and then went to the ballot, right? And it was upheld, and was sustained for 20 years. In New Mexico, you didn't have any of that stuff, and yet you still have WIPP.

And so we recognize that this is going to be very much almost going to be state-by-state dependent as to how do you get to consent, and I think some states will insist on some sort of a vote. Maybe in other states, the governor signing on to an agreement with the waste management organization – maybe that will be viewed as sufficient. I think it's going to be hard to put an exact – "Okay, you need 63% of the vote or you're not there."

And we're talking about nuclear waste facilities, right? There are going to be folks who are concerned about this and we know this is hazardous material and we think this material can be and is managed and transported and stored safely and can be disposed of safely. But there are going to be opponents, I would expect, anywhere that we go, and I think it's going to be up to – at the end of the day, it's going to be up to a community and a state to determine whether the concerns and the opposition that arise should stand in the way of them ultimately entering into an agreement or whether, you know, it's something the state is comfortable moving forward with, even in the face of those concerns, so more to come on that one, for sure.

Mr. Andrew Griffith. Referring back to my comments, you know, one size does not fit all, so clearly it's going to be dependent on the discussion between the Department and the community, the state and any affected tribes, and we will have to figure it out.

I think that the concept that more is better – less is more challenging – and there is no perfect answer for how much is enough.

Mr. Jim Hamilton. Great. Thank you. The mic – you can pick up the one there – great.

Mr. Karl Herchenroeder. Hi. Karl Herchenroeder, with the ExchangeMonitor. I was curious – do you guys have a timeline on when you hope to form this new organization for spent fuel management?

Mr. John Kotek. Yeah, so we're going through the process now internally, in DOE; we've got the buy-in we need from the management in the organization. We do have an employee union that we need to work with and so they have rights to review and what have you, so it's a lot of inside baseball details, but we are in that process right now. I'm confident we will be able to move forward with it – certainly, before the end of the year, and hopefully before – well before that.

Ms. Melissa Bates. And just to be clear, he's talking about a re-organization within the Office of Nuclear Energy – not a new nuclear waste organization...

Mr. John Kotek. Yeah, thank you; that requires – splitting it out and establishing a new entity would require congressional...

Mr. Karl Herchenroeder. And so those are two separate efforts?

Mr. John Kotek. Oh, yeah, yeah, yeah. Maybe we were not sufficiently clear earlier. What we are doing right now in terms of the organization is we're just taking Andy's group out from under one of the Deputy Assistant Secretaries that reports to me, and we're making him the Deputy Assistant Secretary – sort of a standalone organization within DOE. Okay? So that's what that's all about.

Mr. Jim Hamilton. Great, I've got a question from the web that goes back to the private sector initiatives.

“If the NRC approves these operations in Texas and New Mexico, does that mean that they meet the DOE definition or need for a consent-based process?”

Mr. John Kotek. That's one of the things that when Andy talked earlier about wanting to seek more input on how these things could be incorporated into our integrated waste management system, that's exactly the type of question that we want to get to.

Mr. Jim Hamilton. Okay. Any other audience questions? [Pointing] I've got one here, and then two and then three.

Mr. Samuel Brinton. Sam Brinton, Bipartisan Policy Center. First question that I will start off with is – you talk a little bit about intergenerational equality [interrupted]

Mr. John Kotek. Did you say a *quiz*?

Mr. Samuel Brinton. I'm only asking one right now [laughter]; I have many questions – you know that I would. I actually read the Report last night, so I want to know that you have the intergenerational equality commentary, but very little about the involvement of younger generations *in* the creation of this process, so could you go a little bit further into the comments that you might have received on youth involved in consent-based siting considerations; how you might do outreach to those types of programs, and further as you're designing the process?

Ms. Melissa Bates. Yes, this is something that I probably would have to look to the Consent-Based Siting Team to – even though I did read probably 80% of the comments, I haven't gotten through quite all of them yet and so...

Mr. Andrew Griffith. I would just say in principle we have to involve the younger generation from any community that we talk to. I looked to some other examples of things that seem to have worked elsewhere in the world, such as Canada. They have a Tribal Elders and Youth Council from their First Nations participants where they have elders from there – what we call Native Americans, they call First Nation participants – indigenous people – and they have a Youth Council along with the Elders Council, and I think that's a phenomenal example of the embracing of intergenerational-type discussions, because it's not just about us. It's about the future generations that we have to keep in mind.

I think outreach to the public school system, or any school system in the area, is going to be absolutely essential, because there's a lot of educational value, I think, in the science, as well as we have so much to learn from our youth.

And I think social media is going to be a key part of going forward, and how a stodgy old agency like DOE – how well we can take action on something like that I think is going to be a challenge for us, because you have to be somewhat nimble – as you well know, Sam, you have to be pretty nimble to be involved in social media and you can't do half measures.

So I think those are just a few thoughts that I have.

Mr. John Kotek. Yeah, and thanks for highlighting that. The only thing that I would add is that – let's face it, due to the decades-long nature of the challenge of even siting and constructing and licensing a facility – we're going to have to ensure that people who maybe now are in high school or college or whatever, you know, have an appreciation of this of this issue, yeah, right? And are aware of it and can contribute to the solution going forward – so thanks for pointing that out.

Mr. Jim Hamilton. Great, I've got a question up here; and then, one row behind.

Mr. Paul Gunter. Thank you. Paul Gunter, Beyond Nuclear. Good to see you all again.

In the Boston meeting, obviously I want to go back to the issue of trust. Public trust. And it goes to the issue of, first of all, the agency is involved of the promotion of the generation of nuclear waste. And I'd like to get your comments on how we begin a discussion of trust on consent for dumping nuclear waste, when the public has been denied its due process for addressing the generation of nuclear waste that your agency promotes, so there's a conundrum here. And your own experts brought it up certainly at the Boston meeting I participated in, where they acknowledged that there's not going to be a stampede of sites. And that it's going to raise – you're going to have some very real issues about – even as you approach this issue of siting, as well as transportation, how do you avoid addressing capping this issue for a mounting problem? And how is the public to gain trust that was lost by the denial of its due process?

Mr. Jim Hamilton. Great.

Mr. John Kotek. Specific to your point about trust in the DOE and the fact that you know we do have a role in the promotion of nuclear – my organization – this waste program is about 10% of my program budget. The rest of it is largely devoted to nuclear energy R&D, which is designed to perpetuate the generation of nuclear energy. We happen to think that's a good thing and it will become increasingly important as we try to de-carbonize the electric sector, but I know there are a diversity of views in the room on that subject. But that is one of the several reasons that the Blue Ribbon Commission pointed to other reviews for getting the program outside of DOE, and establishing a single-purpose organization.

Frankly, what we've seen in other countries that seem to be moving forward effectively with nuclear waste is they have broken out nuclear waste management into a single-purpose organization. So, what you point to is one of the many reasons why the BRC and the Administration's Strategy think that we should have a standalone organization, and a single-mission organization for waste.

When you talk about capping a mounting problem, I think what's going to be required here is transparency. We operate soon to be 100 commercial nuclear power plants in the United States; we had 2,000 metric tons or thereabouts a year added to the inventory of commercial fuel that we have; of course we're really not adding to the defense inventory anymore, but the commercial industry inventory continues to increase. And I think any engagement we have with communities, with states and potentially with tribes about this – about potentially playing a role in solving this issue needs to reflect the fact that there is a growing inventory of this material and I think part of any sort of an agreement with a host state; a host community, is going to have to include some sort of considerations about just how much material is that community or that state willing to take.

Mr. Jim Hamilton. Did that answer your question?

Mr. Andrew Griffith. I'd just like to add that rather than making this program a referendum on how you feel about new nuclear – or the future nuclear – I think the members of the team see the accumulated legacy as something that has to be dealt with today. That we shouldn't wait. That the challenge is great and the sooner we get started, the sooner we can solve it. And so – from that perspective, we're kind of not paying too much attention about the future of the nuclear, because we recognize the plate is full with the present nuclear.

Mr. Jim Hamilton. A question in the back there. I've got a few more lined up in the queue.

Ms. Rebecca Kern. I'm Rebecca Kern with Bloomberg BNA. Just curious about the role that Yucca Mountain played in your development of this consent-based siting process. If you could maybe summarize some of the main comments on that and then how you're taking that into consideration as you're moving forward; and obviously Obama is facing – the Administration is putting a hold on it, but with the new Administration coming in, maybe that could change.

Mr. John Kotek. I would say on that – of course we haven't started looking for sites yet, so we weren't out there looking at particular locations. We did of course hear and had really good participation from folks in the state of Nevada, both folks who are supportive and folks who are opposed to the idea of moving forward with the Yucca Mountain site. We firmly believe that the right thing to do is to move forward with a consent-based process to identify – again, willing and informed hosts communities and states that will serve as sites for either storage or disposal. Where we go beyond the end of this Administration – we're trying to set up a process that we think can be effective and provide a long-term durable solution to this problem.

As Andy mentioned earlier, in our Fiscal 2017 Budget Request to Congress, we have made clear that we actually want to move forward with the implementation of a consent-based siting process. We don't have an appropriations bill passed yet. If you look at what happened in committee, the Senate committee, by and large, went along with our request; the House committee zeroed it out and put money towards Yucca, and we're waiting to see what comes out of that.

Ms. Melissa Bates. So another thing that I wanted to add in regards to the part of your question about comments that we've received, I would say that we've received comments that cover pretty much the entire spectrum. On one end, you have individuals that are advocating that Yucca Mountain needs to restart and that consent-based siting shouldn't have any role with it whatsoever, and on the other end Yucca Mountain is an example of why a consent-based siting program is needed.

And so, there is really a broad spectrum of comments that we've received on that topic.

Mr. Jim Hamilton. Thank you. I've got one web question I'm going to ask and then [pointing] and you're there and then back in there.

So, from the web: "What will be done if no communities consent to hosting nuclear waste?"

Mr. John Kotek. Well, so at this point in time – and as I said, we haven't started the process of actually looking for sites. As you all have seen, there are already a couple of communities that are expressing interest. And so I'm confident that a consent-based process to siting these facilities is going to work. So I think it's time to get on with it.

Ms. Melissa Bates. I think it's largely about trust and confidence. If you can put together a program and have optimism that we can get there...

Mr. Andrew Griffith. We will never know unless we ask.

Ms. Melissa Bates. Yep.

Mr. Jim Hamilton. Okay. I've got the gentleman in the white shirt, and then in the blue shirt and then [pointing]. Got it.

Mr. David Fitzgerald. Thanks. I'm David Fitzgerald from ENGIE Corp. The Australians have announced that they are proposing to build an international commercial interim storage in South Australia. If we're not able to find a host site within the time period that you think is important, and they are, is the Department willing to consider an international interim storage site?

Mr. John Kotek. Yeah, that's getting way too far down the road to answer at this point. But certainly we have seen what they've done. I would mention and I don't know if you've looked at it; it sounds like you're pretty well-informed on it. You know, they are going through a process right now of having a public consultation about whether they want to go forward with that initiative. They put out some really good informative communication products and some other things that we're paying attention to and we'll try to learn from that going forward. They've been really thoughtful about that.

Mr. Jim Hamilton. Great. I've got a question in the middle of the room here.

Ms. Kara Colton. Hi.

Mr. John Kotek. Hi.

Ms. Kara Colton. John, you were speaking recently...

Mr. Jim Hamilton. Can you please identify yourself for a second for the people on the web.

Ms. Kara Colton. Sorry. Hi, Kara Coulton, with the Energy Communities Alliance. John, I saw you speak recently and you were discussing the importance of optionality, as you all are considering the different aspects...[interrupted]

Mr. John Kotek. That's the Secretary's word – I'm just stealing it.

Ms. Kara Colton. Okay. In his interests in optionality, you referred to the defense-only repository, which ECA is excited that's there as well. I was wondering – ECA has spoken a lot about the potential for reclassification of high-level waste so that it reflects the composition rather than the origin. I was wondering if you got a lot of comments on that in the public comment period or if you all are planning to consider looking at that as we continue.

Mr. John Kotek. I saw at least one, but it may have come from the Energy Communities Alliance [laughter].

Ms. Kara Colton. They are a fantastic group

Mr. John Kotek Yeah, we didn't see a lot on that. That doesn't mean it's not...

Mr. Andrew Griffith. But I mean in a nutshell though that's something to keep in mind down the path because that's going to feed directly into the design of a repository. And so, we are definitely mindful that if there are regulatory changes in the definition of the waste form, then that would have to be factored into the future design.

Ms. Kara Colton. [Off-mic] The assumption being that somebody else would have to be involved in that process but not DOE defining it.

Mr. Andrew Griffith. Yeah, to be clear, I think the equities – the interest from the Department’s standpoint is in the Office of Environmental Management which is currently managing the nation’s high-level waste. And so, we defer to them largely and they’ll work closely with us as things unfold.

Mr. John Kotek. Yeah, let us commit to getting back – I haven’t asked EM about that specifically, but I’ve certainly heard it raised before and so you folks hold events fairly regularly; I’m sure we’ll have a chance to interact again on that question.

Mr. Geoff Fettus. Geoff Fettus with the National Resources Defense Council. On that reclassification question. The changes would have to be statutory and not regulatory; so – and we would probably like to be involved too. [Laughter]. And so let’s leave that there.

Turning back to this question – does the Department intend on providing the Hill with draft or proposed legislation on consent-based siting, either during the lame-duck or at the start of the next Administration?

Mr. John Kotek. Regarding – well of course, the next Administration is the next Administration. What we’re preparing to provide is a process that we think should be implemented as we move forward with consent-based siting. And so it will be a process design, not a piece of legislation.

Mr. Andrew Griffith. Right, right. And like the Secretary said during the Senate hearing yesterday, we’ll be setting the table for the next Administration, so the idea is that the next Administration is going to – they will come in with their own set of priorities and our hope is that they see some value in what we started and that at least a portion of what we started can be carried forward, so we can make progress on this challenge.

Mr. Geoff Fettus. And that’s even true if somebody decides – if a new Administration decides to make an attempt to restart the licensing process before the Atomic Safety and Licensing Board on Yucca?

Mr. Andrew Griffith. I wouldn’t speculate on that.

Mr. John Kotek. We’re setting forth the path we think is the right path to go down. So that’s what I’m going to talk about.

Mr. Geoff Fettus. Final corollary to all of this. We’ll see how it fits. Andy suggested that for consent, one size does not fit all. But without legal reform that gives meaningful regulatory authority to states under long-established national environmental laws, how is this one-size-fits-all not going to be a race to the bottom?

Mr. John Kotek. One of the things that we learned – particularly from the WIPP experience – was how important it was for a state – in their case, their RCRA responsibility – the state had some ability – some regulatory responsibility to say – and you had other things that happened there. The Environmental Evaluation Group, I think is what it was called; you had the Environmental Monitoring Center, then Carlsbad; there were things that were done there that gave the state both some resources and some confidence that the facility could be constructed; operated safely. I would fully expect that a state would insist on something along those lines as they engage with us on hopefully, ultimately, reaching some sort of an agreement to host facilities. I mean a lot of that remains to be seen, but I think experience shows that that was very helpful in the WIPP situation.

Mr. Jim Hamilton. Great. Now I'm taking two questions from the web.

The first one is: "What has DOE determined with respect to engagement and consent of communities on transportation routes?"

Mr. John Kotek. And I'll start with that one. Of course, when it comes to transportation, the way that works and has worked for a long time and we envision it working going forward is that we work with state and tribal governments and particularly law enforcement and emergency response authorities to do things like planning routing; ensure that training is in place for emergency responders, and those sorts of things. And so we think there is a very well established and effective process for working with states and tribes on transportation. We would intend to continue that.

Part of what is going to be required is engagement with those state and tribal governments several years in advance of actually conducting a shipping campaign, so that they are ready to go and that is something that actually Andy and Melissa are working on now so I will ask them if there's anything they want to add to that.

Ms. Melissa Bates. Yeah, I guess what I would like to add on this topic is that we've been working with our state and tribal counterparts to really try to figure out what is that program as far as them to receive funds to train emergency management professionals; local safety officers going through training exercises and really bringing out the fire chiefs – you know, those that would be boots on the ground and responsible for the community; showing them the casks; showing them the railcar – you know, kind of doing a tour with it and giving them the time to become comfortable with the equipment that's being used and that kind of thing.

Further, like in relation to the topic of consent, transportation follows commerce, right? So we see this more in a sense that states and communities work with the local regions to discuss what is going on and to get to a degree of acceptance rather than, I guess "consent" – to work with them and try to have a conversation to see if there are things that we can implement within the program that would resolve some of their concerns, but yet not be, you know, strictly in a "consent-based" routing-type scenario.

Mr. John Kotek. What I would add to that is that we do have the experience of what I think is 10,000 successful shipments down to WIPP – it's been a very successful effort to work with states and tribal governments along transportation routes to implement the WIPP shipping process, and that is something that we want to learn from and build on going forward.

Mr. Andrew Griffith. And I think that the pre-start-up outreach that they did on the WIPP shipments was exceptional and widely – a lot of people found value in that. And so that's something that we would like to replicate in whatever we do going forward.

Mr. Jim Hamilton. Okay, one more from the web.

"Will the defense repository plan clearly state that the Waste Isolation Pilot Plant is excluded from consideration?"

Mr. John Kotek. Yeah, and again, we're not at the point where we're looking at specific sites. What we are intending to do in a plan is describe the process of how you would get to site identification and then – beyond that – to site design and what operations would look like, etc. That's the purpose of a plan.

Mr. Jim Hamilton. Okay. Questions again from the audience. So I'm going to open it up if anybody has any. [Pointing] One, and then two.

Ms. Lissa Weinmann. Hi.

Mr. John Kotek. Hi.

Ms. Lissa Weinmann. My name is Lissa Weinmann and I live within five miles of the Vermont Yankee Plant which, as you know, is shut down and is now – and we are now a host community playing host probably, according to your estimates, for the next 50 years, without any consent. And without any presence from DOE, mind you, in our community to come tell us what that means for us.

So I'm wondering you just threw out this \$25 million figure that you have in the appropriations request to help engage communities like mine in this process. I would say that you spent about a year talking about consent, but what about communities like mine? We are already hosting the waste and we hear nothing from you. And it might be a really good place to start to come to our communities and explain to people the reality of what it means for us to be hosting the waste. Because people really don't understand. And we'd like to think that, "Oh, the plant is closed, so now we are safe." And when those of us who actually study the issue realize that that's just not the case and that probably we are going to be playing host forever.

I'd like to think that your plans are going to come to fruition, but if experience is any measure, and if WIPP – what happened at WIPP is any measure – our community is going to be hosting the waste for a long time and nobody comes to tell us, so could you please explain a little bit about that appropriation that you are requesting and how you envision communities like ours becoming informed and understanding what it means to be a host? Because we are.

Mr. John Kotek. You've touched on a number of things there. Let me start, and I'll see if my colleagues want to add anything.

With respect to the question or the point about no DOE presence up there. During this consent-based siting process, you know we had the eight public meetings we scheduled around the country, but we did get requests from other communities to go and visit with them and help them understand just the type of thing you're talking about, and so Andy and I got invited and we went down to the communities around San Onofre, for example, and talked about this program; Andy got invited up to Maine Yankee, which I had visited as part of the BRC process; Melissa went to that; we visited the Prairie Island Plant, which is an operating plant, in Minnesota; so to the extent that you think it would be helpful and you want to invite us up to whatever – love to do it.

Ms. Lissa Weinmann. I invite you.

Mr. John Kotek. Thank you very much. Okay, so let's exchange cards or something after this is over and we will try to make that happen.

In terms of this question about hosting for decades. So one of the main reasons – one of the prime drivers for moving forward with consolidated storage is the drive to get fuel out of shutdown plant sites. And so, as you may know, you are part of a group of 13 or 14 sites around the country where there have been power reactors where the reactor has been shut down, but the fuel is still on the site.

And so, again one of, not the only, reason we want to move forward with consolidated storage is that it will give us the ability to meet the commitment to move the fuel out of the state sooner. Now I do want to caution you – the reactor shutdown – was it 2013? But it was – so it's been a couple of years. There are fuel cooling times required before fuel can be transported, so it's not like even if we had a site tomorrow, that we could clear the place out. So there will be some time involved in letting fuel cool, and of course you have to do the packaging and the route planning and all of that that's involved, but we are focused on communities like yours, and trying to provide a nearer-term option for moving fuel out. The fuel will certainly be there for a while and we are happy to come up and talk to you about the things that we are trying to do to give us the ability to move forward as fast as we can with that.

We of course need the ability to move forward. We've proposed this integrated waste management system. We've proposed to provide some funding next year for communities that want to learn more about this challenge, as I mentioned earlier we don't have agreement on the Hill as to which way we want to go, and of course Congress has an extraordinarily important role to play in this, and so we've got to see how all that turns out, but I do appreciate you coming and raising the issues and offering the invitation because we're happy to go talk to communities that have questions about this and so we are pleased to know about your concerns so we can go start answering some of those.

Ms. Melissa Bates. I guess that the items that I'd like to add to that is – so we do have a team in our program where we've been going around and touring all the different shutdown sites – I believe Vermont Yankee – we just toured last year...

Mr. Andrew Griffith. It was the last one – it was the most recent one.

Ms. Melissa Bates. Yes, and that was one we did not that long ago, and it was really helpful to understand the near-site and on-site infrastructure as far as what challenges are ahead of us as far as removing the fuel from that site [interrupted]

Mr. Andrew Griffith. Excuse me, Erica get ready – you are going to be on the stage here in a second [laughter].

Ms. Melissa Bates. So, we've been doing these shutdown site visits, right, to get information and to also meet with the citizen engagement panel; if there are those kind of groups in the community. Furthermore, I wanted to say, as John mentioned, we've been looking at ways or things that we can set up as far as getting advice on how to move forward, right? And one of those areas that we're looking at potentially is, you know, from a community or from a shutdown site-type perspective; another thing that I wanted to say was that in Boston, in our public meeting in Boston, there was quite a few comments that I heard there about the possibility of coming up with a new group – or the formation of a new group – that really represents the communities around these shutdown sites. Like there's the Decommissioning Plant Coalition that represents the utilities, right, but to come up with like a sister organization or group to really represent the communities and kind of be the advocate for information sharing.

Mr. Andrew Griffith. And the Energy Communities Alliance for DOE sites, it's awfully similar.

Ms. Melissa Bates. Yes, exactly, and then lastly I wanted to say a few months ago there was a hearing with Shimkus and in that hearing [interrupted]

Mr. John Koteck. Chairman Shimkus.

Ms. Melissa Bates. Chairman Shimkus, thank you – my shorthand –

Mr. John Koteck. She's new to Washington.

Ms. Melissa Bates. Yes I am. So in that it was testified that that there is a new bill that is being introduced to potentially provide funding to communities like yours and there is a structure that was being proposed in that, and so Erica I don't know if there is anything that you would like to add.

Mr. Andrew Griffith. If at a minimum you could share just some of your observations from your visit to Vermont Yankee from a couple months ago.

Ms. Erica Bickford. Yeah, so back in...

Mr. Andrew Griffith. By the way, this is Erica Bickford; she's responsible for the transportation area in our program.

Ms. Erica Bickford. Hey everybody. Yeah, so as the panelists mentioned, we have been conducting site visits of shutdown nuclear power plants around the country. Back in early May, we were up at Vermont Yankee. We conducted a site visit with a tour of the site and we looked at where the fuel was stored on-site and what the rail infrastructure at the site was, and we talked to the railroad that serves the plant and rode the infrastructure with them, and we also met with – it's called the NDCAP, which is the Community Engagement Panel for Vermont Yankee. So we met with them, and some representatives from the Windham County Commission, and talked to them about what the role of the Department is in transporting the spent fuel. What the sort of rough timeline for them and what needs to happen to move the fuel off-site and also one thing that was different for them was that they had many questions about what the role of the Department is versus the role of the Nuclear Regulatory Commission with respect to the decommissioning of the site, so we cleared up some of those questions for them as well. So that's just a brief summary of our meeting with them and if you have further questions, I'll be hanging around.

Mr. Andrew Griffith. And that's one of the points that I wanted to make, because you mentioned that you've got some concerns about the safety of your current situation.

Just to be totally clear on this: none of us will be successful unless we have strong and independent regulators. The Nuclear Regulatory Commission and the Environmental Protection Agency – they are separate from DOE. They are responsible for setting and overseeing the compliance with regulations. And, you know, personally I've got a lot of respect for my colleagues in those agencies and I think they do a very good job of holding us and their other licensees accountable.

So, if you do have any concerns, I know there are people in the region located in your neighborhood that should be able to address any questions you have about the safety of that facility, but from my own

perspective I think they play an absolutely essential role and I know they hold us accountable, so I would expect that they would fully do the same thing for the local utility.

Mr. Jim Hamilton. Great. There was a question in the middle of the room. If you could raise your hand, we will get you a microphone.

Ms. Chelsea Cuellar. Thank you. Hi, I'm Chelsea Cuellar with Congressman Issa's office. John, I want to thank you for attending our Community Engagement Panel meeting back in July. I heard great comments from that meeting.

Mr. John Kotek. Good. Thanks.

Ms. Chelsea Cuellar. I have two questions if there's time.

So, we've mentioned Mr. Shimkus and things happening on the Hill. Other than funding, what do you guys need from Congress?

Mr. John Kotek. You know, following the Report of the Blue Ribbon Commission, of course the Administration put its Strategy up, but there were also some attempts on the Senate side to move forward with legislation that really embodied the key Recommendations from the Blue Ribbon Commission; and while I don't think the Administration ever took a formal position on those bills, we have thought that they are a good starting point for the discussion on what we think is a necessary effort to modify the Nuclear Waste Policy Act to give us the ability to move forward because, as we say in the Strategy, we do think new legislation is required to fully implement that Strategy.

Ms. Chelsea Cuellar. Alright, so would you specifically be supportive of HR 3643, the Consolidated Storage Act?

Mr. John Kotek. Okay that's the Consolidated Storage Act – I would have to get back to you as to whether we've taken a position on that; I don't know off the top of my head.

Ms. Chelsea Cuellar. Okay, so then the other question I had was that you mentioned some of the partnerships in developing transportation methods and roadmaps and working with communities in that effort. Can you talk about how the DOE is taking steps to avoid reinventing the wheel when it comes to developing the railcar and the kind of pilot sites and developing all that?

Mr. John Kotek. I'll actually ask Andy or Melissa to talk about what we're doing specifically on the railcar piece, but we are trying to learn from what's gone before.

Mr. Andrew Griffith. I'll start, and I'm confident that Melissa will have something either correct me on or add to what I have to say, at a minimum.

On the railcar standpoint, we did hold a competition for what it would take to design and build a prototype railcar that meets our standards for both the cask car, as well as the buffer car. We have a cooperation with the [Office of] Naval Reactors who are developing an escort car, which would be needed for any kind of a shipment and as it happened, the contractor that won our competitive award also is the contractor responsible for developing the Navy railcar that meets the same standards, so there's some synergies there.

While we've got great cooperation with the Office of Naval Reactors, we are also trying to formalize that in a Memorandum of Understanding that improves that coordination a little bit. So I think there are really good synergies going on there.

In terms of learning lessons from the past activities associated with interim storage and the management of spent nuclear fuel and high-level waste, there are just – well, all the interim storage facilities that are currently licensed by NRC and located around the country provide a very deep body of knowledge of how to implement that technology. That's one of the things we're trying to get to with the generic design and safety analysis that we are pursuing in our program. You know, more on a generic standpoint, but giving us information that we could both present to a local community and say this is an example of what could be built, and then having the same conversation with the Nuclear Regulatory Commission on what it would take to inspect, load the canisters that are currently stored into a transport system, and then receive them in a new system, because while, on the surface, it looks pretty straightforward, in order to be fully compliant with all the regulatory requirements, it takes more detailed conversations and so there's a tremendous amount of experience with that that we are drawing on to go forward.

Ms. Melissa Bates. Just to go forward with that – are we pressured for time? Just to add on to that a little bit. Yes, in the same vein as the work that were doing under the storage program, we are also putting out other contracts both historically and in the future to really solicit the advice and thoughts from industry as far as things that they do on a day-to-day operational basis and really try to learn from that experience and make sure that we don't reinvent the wheel in that perspective, as well as on this team we have a number of individuals that were heavily involved in the Yucca Mountain initiative, and so we heavily draw on their experience and their history and their knowledge of what documents and what's been done 20 and 30 years ago to make sure that – or to try to make sure that – we aren't just repeating what has happened already, as well as we look internationally. We've talked to the nuclear waste management organization in Canada to review lessons we could learn from them.

Mr. Jim Hamilton. Great. I'm now going to take four questions from the web because I've got a bunch of them here and I'd like to honor their participation as well.

The first one: "Will DOE support funding for communities that are fighting the possibility of being dumped on with the nation's high-level radioactive waste or only those communities willing to dump on a community somewhere else?"

Mr. John Kotek. I think the part of that question had to do with funding NGO participation, which is something that, again, going back to the Blue Ribbon Commission days, we've seen done successfully. Sweden is one example that immediately comes to mind where that has been done, and it's, you know, it helps inform a healthy debate – the pros and cons of a project – and I think even we in DOE have done that before; I think our Environmental Management Office has provided funding for NGO participation in addition to, of course, us hosting citizen advisory boards, for example, around DOE cleanup sites, so I mean that's not an unusual sort of thing for us to do or for other waste management organizations to do.

Mr. Andrew Griffith. And to be clear, we're looking for communities to step forward that want to have a conversation with us. However, as we mentioned the terms "willing and informed hosts" as that implies, just being a willing community that you know if they jump to the point where they say we want to host one of these facilities, but we as DOE – we don't believe we have had sufficient time to share the breadth

of information; the depth of information that's necessary to fully inform that decision, then we would probably want to slow that process down a little bit because in our mind unless you have that deep conversation – and this is where it gets to informing NGOs that might be opposed to what we are proposing – we think it's okay for them to present their information and their thoughts on the conversation. That's all part of fully informing both the benefits as well as the risks associated with being a participant in this process. It's absolutely essential that we get to that depth of knowledge. Otherwise, we're not building something that's durable.

Mr. Jim Hamilton. Great. Second question from the web. "While I appreciate the discussion of the importance of a final repository, why did DOE object to the completion of the NRC review of the Yucca Mountain repository so the public could see whether that site was at least technically safe?"

Mr. John Kotek. Of course this goes back to decisions that were made – I think it was 2009 when DOE decided that the Yucca Mountain project was unworkable. I didn't come back to DOE until the beginning of 2015, so this is about objecting to NRC – I can't really speak to.

Mr. Jim Hamilton. The third question from the web is: "Does DOE envisage emergency preparedness, including Geiger counters and shielding equipment, or are you just looking at railcars?"

Ms. Melissa Bates. Could you repeat that one more time?

Mr. Jim Hamilton. It's how it's written – "Does DOE envisage emergency preparedness as including Geiger counters and shielding equipment or are you just looking at railcars?"

Mr. John Kotek. That goes to our interaction with states and tribal, law enforcement and emergency preparedness and I don't know if Melissa or Andy want to talk specifically about what's involved there, but certainly ensuring that they've got the ability to detect and respond to any sort of an incident – that's part of what we need to do.

Ms. Melissa Bates. And I guess what I would say is under the work that we're doing with the cooperative agreements with states and tribes right now is we're working with them in a negotiation to see what exactly would be funded by the funding for emergency response or for emergency response personnel and what isn't. And so that negotiation – you know, there has been significant dialogue historically as well as that discussion is still ongoing today.

Mr. Jim Hamilton. Alright, and the last question from the web for the time being and then we'll go back to audience questions is: "DOE is not looking at specific sites, but in 2012 the BRC suggested that the WIPP and WCS sites were models. With a license application submitted by WCS for Texas, and with the Eddy-Lea Alliance about to submit an application for a New Mexico site, how can DOE pretend to be site-neutral?"

Mr. John Kotek. Yeah, certainly based on the BRC experience, and in particular the WIPP experience, the Commission went down, they visited WIPP, they heard from the community there, they saw a community that had embraced the mission there and of course if you – those of you who have participated in these meetings know, I've mentioned this a couple of times – Sam will like this one – there is a really interesting book called *Nuclear Reactions* by a guy named Chuck McCutcheon which traces the history of the WIPP site from the initial interest by the community in the early 1970s to the opening of the facility in

1999, right? So one of the reasons the BRC pointed to that was that they had a sustained commitment by a community to move forward with that facility, so given that you have communities down in those parts of Texas and New Mexico that have embraced nuclear waste missions, it's not surprising to me that we are seeing expressions of interest down there, but let me reiterate we have not started the process of looking for locations yet.

Mr. Jim Hamilton. Okay, great. Just as a time...

Mr. Andrew Griffith. Let me be really clear about – the Blue Ribbon Commission was not the DOE – they issued a series of Recommendations. While they identified something, just because they identified something and included it as a statement doesn't mean that we have accepted – the fact of the matter is that we have no formal agreement with anyone on siting any facility now – that's what we are here today to discuss. And as far as the private initiatives; as I said, those are very interesting and could help us along the way. We just don't know how to engage with them and it's very important that we engage with them in the right way. And the right way is through the Federal Acquisition Regulations, and if we do anything different then we are in violation of them, and that's not a good thing, I assure you.

And so let me be really clear about that. That's one of the key purposes of going out and asking for information from people who are familiar with the process and with the potential on all sides, both for and against. We would like your perspectives on how this could be engaged – how we could engage with them in the proper way. And only when we are comfortable with that process going forward are we going to proceed.

Mr. Jim Hamilton. Great. Just as a time check, it's 3:50 PM and we're going to try to be out of here at 4 PM. I've got three people all in front who want to ask a second question; before I give them the floor, is there anybody who hasn't asked a question, but who wants to? [Points to individual]

Mr. John Heaton. Hi, I'm John Heaton, I'm Chairman of the Eddy-Lea Alliance.

Mr. John Kotek. Hi, John.

Mr. John Heaton. Andy ticked off at least nine reasons why to separate defense from commercial. And in view of that, it seems to me that in order to jumpstart the interim storage process, that you might think about talking to your brethren department, EM, about possibly shipping some of their waste that they have already prepared: 4,000 canisters at Savannah River and there's other places which would indeed get it going. Is that a consideration of yours?

Mr. Andrew Griffith. I think from a perspective of Department of Energy-managed material that is already in a safe, consolidated more cost-effective storage configuration, that there's no real driver for moving it to an interim location.

The one exception to that that I see going forward – and I'm going forward a couple of decades here – are situations where we have obligations in consent agreements to remove material from sites like the Idaho National Laboratory by 2035 and as we approach there, depending on the progress on our ability remove sites to a disposal facility, then that could trigger more efforts to prepare an interim storage location for material like that.

Mr. John Kotek. That's a long way down the road though.

Mr. John Heaton. But with that configuration and theoretically could be full again in the near future, which would result in DOE having to spend \$150 million for a new facility, so there are some trade-offs that need to be thought about, so just a question.

Mr. John Kotek. Thank you for pointing that out.

Mr. Andrew Griffith. That's a good question.

Mr. John Kotek. We've got another one here.

Mr. Jim Hamilton. So I've got one question here [pointing] and then we are going to start to...

Mr. Larry Camper. Larry Camper, NRC retired. Thanks for the presentation today. Good job, thank you.

Mr. John Kotek. Hi, Larry.

Mr. Larry Camper. Assuming that the \$25 million was approved in your FY17 Budget, could you project when the information would then be available from a planning standpoint for communities to understand the funding opportunity announcement and how they might go about seeking funds?

Mr. John Kotek. And yeah, of course, a lot of that is going to depend on when Congress gets to the point where we've got some sort of funding instrument for Fiscal 2017 and also what direction we have too, right? One of the things you have to be really careful of is if you've made a proposal to do something new with the Congress, you don't want to go off planning like you're going to actually implement that until you get the okay – they don't smile on that, so it will really be dictated by how long it takes us to get some sort of funding decisions for Fiscal 2017.

Mr. Jim Hamilton. Great, I've got three more questions in this room, so [pointing] first one will be here, again.

Mr. Paul Gunter. So this is Paul Gunter again.

Mr. John Kotek. Hi, Paul.

Mr. Paul Gunter. So I'd like to go back to the unwilling host communities and the issue of consolidating storage. Does the Office of Nuclear Energy make any distinction for high-density storage in spent fuel pools from what the current NRC position is – in a safe store, you can just leave it in the pool in high density storage indefinitely. Does your office make any distinction between that position and moving – consolidating the waste on-site into dry casks?

Mr. John Kotek. The responsibility, of course, for regulation on-site is with the NRC. The role that we're trying to play here is provide a place to move that material off the site as safely as we can, so the other piece is really an NRC consideration.

Mr. Andrew Griffith. You do raise the point of how we would prioritize and sequence the inventory of the shutdown sites, for example. Are there things that for one shutdown site that seem to be more urgent

or create a greater sense of urgency compared to another shutdown site? That's a very, very complex question. Because there are established standard contracts between the Department and each utility and those standard contracts currently drive the sequencing of any fuel receipts by the Department. If we were to make changes to those sequences, it would involve some negotiation and some rationale and there are multiple parties involved, and so how we would go about doing that is complex, but there could be solutions out there because there are different drivers for removing the fuel from different sites.

And from a technical and from a programmatic standpoint, we would like to get started on a pace that is appropriate and safe, of course, and we would like to learn from the early movements and apply those lessons into the subsequent movements, but not have large gaps in stopping and starting, but start and continue to grow the program from there. But there are a lot of discussions that are going to be necessary to get to that part. So that's a really important point – I don't want to give anybody the impression or have the expectation that there's some straightforward means by which we can start the process and continue. It's going to be pretty involved in how we get there. But I'm confident we can do it from both the technical, and hopefully we will be able to work out the legalities that are necessary to make something work.

Mr. Jim Hamilton. Great, final two questions. Gentleman in the white shirt, and then the gentleman in the black shirt.

Mr. Karl Herchenroeder. Hi. Karl Herchenroeder; ExchangeMonitor. How does DOE plan to avoid allowing temporary storage becoming permanent storage because I think that's one of the main concerns in the House.

Mr. John Kotek. We typically call that the linkages issue. We want to be able to move forward with both development of storage sites and repository sites, and so we've asked – our program plans are all predicated on moving forward with both of those things in parallel.

We do recognize that the process of identifying a site, and then going ahead and characterizing that site and doing the design and getting it licensed for a repository is going to take longer than it should with consolidated storage facilities; there is absolutely the potential for some lag there.

You know, personally I think that's going to be just part of the negotiation with the community and the state and potentially a tribe that might be interested in hosting consolidated storage is a recognition that there is the potential for a delay in the development of a repository and any sort of agreement is going to need to build in the protections for that state, that tribe, that local government in the event that material needs to stay on that site longer than anyone hopes.

Mr. Jim Hamilton. Okay, and our last question: the gentleman in the black shirt.

Mr. Sam Brinton. Just what I wanted. So, Sam Brinton, Bipartisan Policy Center. Page 51-52, you talk about the timelines; specifically on how a community will get funding as in the \$25 million conversation – there is a question – you've got a problem as to when do you get funding versus have you already been selected? Are you being under consideration? The timelines of how long that funding will be needed for a community – can you dive a little bit into the comments that you received on that? You can't design the process – you said you don't want to go ahead of Congress; you got comments on it though, so can you comment on what those comments suggest you do?

Mr. Andrew Griffith. We are developing a draft for what a Funding Opportunity Announcement might look like. Clearly, there is a need for some conversation before it is finally issued, so how I see the process unfolding is that we put our best shot into the draft document, recognizing that it's not going to be, in our minds, anywhere near complete. Then we would probably issue – well, we would issue – if it looked like Congress was supporting – and there is nothing magic about the 25 million...

Mr. John Kotek. Right, and so we will use the input that we got here, as Andy said, we're going to have to develop a Funding Opportunity Announcement, but that will take some time and we need to wait for Congress to act before we do anything or do any heavy lifting towards actually getting something written and out the door.

There are important questions about who should be eligible; for example – should it just be states, tribes, local governments and the question about NGO funding comes up. Other concerned citizens – should they be able – or should economic development organizations be able to apply? So we are going to look through all of the comments that we received. Again, in the hopes that we get some okay from Congress to move forward with that aspect of the program to help us design a Funding Opportunity Announcement. I'd say given the time involved, well, Melissa, do you have something you want to add to that?

Ms. Melissa Bates. So I was just going to say given the interrelatedness of the multitude of topics related with this program, we heard very strongly the notion of moving this thing to a separate waste management organization, right? And one of the main reasons for doing that – or one of the reasons for doing that – was to stabilize the funding that would be coming to the program, and so I think trying to guarantee that that's not a start and a stop and a start and a stop, or that it would be underfunded, or that kind of thing, or to make sure that that funding is there in order to have the right conversation and in order to provide the communities with the support that they need I think that's a large part of the comments that we received as far as guaranteeing funding.

Mr. Andrew Griffith. For the link to the access to the Waste Fund.

Mr. Jim Hamilton. Great. We are bumping up on 4 PM, so I'd like to thank the people on the webinar who gave us questions, as well of those in the audience, and now for closing remarks, I'm going to turn it over to Mr. John Kotek. John?

Mr. John Kotek. And I'll keep this quick because these are the closing credits to the movie, alright?

We've of course been engaged in an extensive effort over the last nine months to get out all across the country to hear from folks who have an interest in the nuclear waste issue. I just want to thank the people on our team and within the laboratory system and other contractors we've had helping us out on this.

From the Consent-Based Siting Team, Alisa Trunzo, Matt Feldman, Steve Maheras, Natalia Saraeva, Tom Cotton, Elizabeth Helvey, Lauren Rodman, Mary Woollen, Rob Howard, Jim Hamilton, Tim Frasier, Melissa Bates, Mike Reim, Andy Griffith, Nancy Buschman, Bill Boyle and Tim Gunter have all played important roles in making these meetings – the public meetings – a success. If you went to any of those, you know we had a lot of experts there to help answer people's questions; we had poster sessions, etc. to really try to increase the dialogue, and those folks were a really important part of that.

Also helping us out have been Jay Jones, Jack Wheeler, Pat Schwab and of course Erica Bickford, who you heard from earlier. Within other parts of DOE, Cyrus Nezhad, Kathy Schroeder and Martha Crosland from the General Counsel's Office, have been a huge help to us – want to thank them.

Want to thank some of our contractors: Jennifer Wachter, Matt Brainard, Dean Groetzinger and Dominick Gerard and then facilitators, Stu Smith and I think I saw Chip Cameron in the back somewhere, so Chip's here.

Thanks to everybody who played a role in helping us get out there and really start what we know is going to need to be a long-term, constructive two-way conversation with the American people on this important issue. Thanks for your help. We will be doing more of these things going forward and appreciate hearing any feedback you have on the Report that we just issued so that we can make sure that we've captured the important themes from public comments and can use that to design a process there really leads us to a durable solution.

So thanks for your time. [Applause].