

U.S. Department of Energy Public Participation Policy Comment Response Document

Public Reading Room
U.S. Department of Energy
Energy Efficiency Office



August 1994

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U.S. Department of Energy Public Participation Policy Comment Response Document



*Public Reading Room
U.S. Department of Energy
Washington, D.C.*

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**Public Participation Policy
and
Implementation Guidance**



The Secretary of Energy
Washington, DC 20585

July 29, 1994

MEMORANDUM FOR: ALL DOE EMPLOYEES
FROM: HAZEL R. O'LEARY *Hazel R. O'Leary*
SUBJECT: GUIDANCE ON IMPLEMENTATION OF THE DEPARTMENT'S PUBLIC PARTICIPATION POLICY

Public participation must be a fundamental component of the Department's program operations, planning activities, and decision-making. The business of the Department must be open to the full view and input of those whom it serves, consistent with applicable laws, regulations, and contracts.

To ensure that we operate in this manner, the Department's Public Participation Policy was developed by a cross-cutting team that included field representatives. This policy marks a clear break with past practice by challenging the Department and its contractors to perform to a new standard of openness and service.

Within this policy framework, each site will develop its own public participation program and plans in consultation with stakeholders and with the concurrence of appropriate Headquarters program offices. In achieving the goals of public participation, managers are responsible for:

- * identifying, planning, funding, supporting, and implementing the appropriate level and scope of public participation activities in their programs;
- * ensuring that public participation principles, values, and processes are fully understood and practiced within their programs and at their sites;
- * providing necessary human, information, systems, and financial resources; and,
- * ensuring that their staff receive basic communication and public participation training, and where appropriate, advanced public participation training.

To promote teamwork, share the benefits of experience and innovation at individual sites, and avoid unreasonable demands on site personnel or stakeholders, program and staff offices will coordinate public participation activities through the Office of Public and Consumer Affairs at Headquarters or with its counterpart in the field. This coordination in no way limits or dilutes field managers' authority to implement effective public participation programs or program managers' responsibility to plan, fund, and support appropriate levels of public participation in their programs.

The effectiveness with which each site/program implements the Department's Public Participation Policy will be assessed annually, and these assessments must include the views and recommendations of stakeholders. Stakeholders will also be invited to participate in the processes used to develop criteria and measures for judging effectiveness. The Director of Public and Consumer Affairs will evaluate these annual assessments and recommend changes to improve the effectiveness of the Department's public participation efforts.

While public participation processes must be tailored to meet specific site, program, and stakeholder needs, the following broad guidance provides a framework to assist management in implementing this policy Department-wide. Using the following critical policy elements and implementing actions as a guide, Headquarters and Field Elements should consult with stakeholders to develop appropriate public participation programs and activities.

CRITICAL POLICY ELEMENTS:

- I. The Department recognizes that honesty and forthrightness in dealing with stakeholders, and consistent, credible, quality performance are the bases upon which to build public understanding and trust.

Implementing Actions:

- * Department officials will be open, honest, and accurate in their public statements and accountable for diligent follow-up and timely results from the commitments they make.
- * Department officials will engage in an open and on-going communication process and consistently listen and respond to suggestions made by the public. The Department will incorporate public input into its decisions where appropriate and feasible and will provide feedback to the public on its reasoning.
- * Department officials will recognize and reward leadership and results in the area of public participation.

- II. Departmental program development, planning, and decision-making processes will be clearly defined, with regular, easily identified access points for public input.

Implementing actions:

- * Senior management will ensure that Department personnel, other Federal, State, and local officials, Tribes, and other stakeholders are appropriately integrated into their planning activities and decision-making processes.
- * Stakeholders and field managers will determine and identify pre-decisional access points for public input.

- III. Headquarters, field offices, laboratories, and facilities will operate as an integrated team in planning local and national public participation programs by combining resources, sharing information, and coordinating activities.

Implementing actions:

* Headquarters Elements will coordinate their planning of public participation activities with the Office of Public and Consumer Affairs and with affected sites, including the site Public Affairs/External Relations director.

* Field managers, as those closest to affected communities and stakeholders, will facilitate accommodation between local and national interests.

- IV. The Department will establish and support training and education programs to meet evolving public participation needs, both internally and externally.

Implementing actions:

* Senior management, at Headquarters and in the field, will identify and coordinate communication and public participation training on a priority basis until all appropriate headquarters and site personnel are trained.

* In consultation with stakeholders, field managers will make recommendations on the timing and content of needed external education/training programs.

- V. The Department will foster candid information exchanges and ongoing two-way communication using a variety of mediums.

Implementing actions:

* Whether formal or informal, all public participation activities will be conducted in a spirit of openness, respect for different perspectives, and a genuine quest for a diversity of information and ideas.

* The Department will work to establish, announce, and manage topical data bases of reliable, timely information available to the public through telephone and computer access.

Attachment

PUBLIC PARTICIPATION POLICY

PUBLIC PARTICIPATION:	Public participation is open, ongoing, two-way communication, both formal and informal, between the Department of Energy and its stakeholders. This steady, interactive communication enables each party to learn about and better understand the views and positions of the other. The Department recognizes the many benefits to be derived from public participation, for both stakeholders and DOE. Public participation provides a means for the Department to gather the most diverse collection of opinions, perspectives, and values from the broadest spectrum of the public, enabling the Department to make better, more informed decisions. Public participation benefits stakeholders by creating an opportunity to provide input and influence decisions.
POLICY:	Public participation is a fundamental component in program operations, planning activities, and decision-making within the Department. The public is entitled to play a role in Departmental decision-making.
PURPOSE:	This policy is intended to ensure that public participation is an integral and effective part of Departmental activities and that decisions are made with the benefit of important public perspectives. This policy provides a mechanism for bringing a broad range of diverse stakeholder viewpoints and values early into the Department's decision-making processes. This early involvement enables the Department to make more informed decisions, improve quality through collaborative efforts, and build mutual understanding and trust between the Department and the public it serves.
SCOPE:	This policy is designed to function as a general framework within which all Department programs shall operate. While it applies to all levels of DOE, its intent is development and implementation of effective public participation programs at each site. In conjunction with its stakeholders and field manager, each site shall develop and implement a public participation program that promotes openness and two-way communication and is tailored to meet specific program, site, and stakeholder needs. This policy is not intended to affect legal requirements imposed by law, regulation, or contractual agreement; neither does it modify any legal rights available to the public under current law.

DEFINITION: Under this policy, the Department actively seeks, considers, and incorporates or otherwise responds in a timely manner to the views of its stakeholders, thereby providing them an opportunity to influence decisions. Stakeholders are defined as those individuals and groups in the public and private sectors who are interested in and/or affected by the Department's activities and decisions. Public participation is defined as open, ongoing two-way communication, both formal and informal, within the DOE Complex and between the Department and its stakeholders. This communication will vary widely in nature and scope and may include, but is not limited to, informal conversations, scheduled meetings and workshops, legally required hearings, and Federal-State-local-Tribal agreements.

GOALS: The goals of the Department's Public Participation Policy are:

- I. The Department actively seeks and considers public input, and incorporates or otherwise responds to the views of its stakeholders in making its decisions.
- II. The public is informed in a timely manner about and empowered to participate in the Department's decision-making processes, which are open, understandable, and consistently followed. Access points for public input are clearly defined from the earliest stages of a decision process and provide adequate time for stakeholders to participate.
- III. Credible, effective public participation processes are consistently incorporated into the Department's program operations, planning activities, and decision-making processes, at headquarters and in the field. Every employee within the DOE Complex shares responsibility to promote, practice, and improve public participation.

CORE VALUES: Though program-specific public participation activities may vary throughout the DOE Complex, each program will be characterized by the following core values:

Accessibility: Known avenues to Department leaders who are available, approachable, and open to the public.

Accountability: Responsibility to the public for its decisions and a willingness to provide explanations for the rationales behind its decisions.

Accuracy: Commitment to the truth.

Communication: Open, two-way exchange of information, knowledge, and perspectives between the Department and its stakeholders.

<u>Consistency:</u>	Stakeholder interactions marked by regularity and continuity.
<u>Fairness:</u>	Objectivity and freedom from favor toward any side.
<u>Honesty:</u>	Commitment to fairness, trustworthiness, and straightforwardness.
<u>Innovation:</u>	Introduction of new ideas, methods, and approaches.
<u>Openness:</u>	Ready accessibility and a willingness to listen to, consider, and respond to stakeholders.
<u>Peer review:</u>	Reexamination of key issues and decisions by internal and external peers.
<u>Respect:</u>	Consideration and deference in the treatment of stakeholders.
<u>Responsiveness:</u>	Timely and empathetic consideration of and response to the needs, wants, and concerns of stakeholders.
<u>Scientific Credibility:</u>	Commitment to the pursuit of sound, dependable, leading edge science.
<u>Sincerity:</u>	Openness, frankness, and truthfulness in all stakeholder communications.
<u>Time/Timeliness:</u>	Adequate amount of time for stakeholders to participate in Department decision-making processes. Timely responses to stakeholder input and requests. Timely Departmental decision-making processes supported but not hindered or delayed by public participation.

ACCOUNTABILITY: Senior departmental, program, and field managers are accountable for assuring that public participation activities meet the goals of this policy and the needs of stakeholders; are fully coordinated; and reflect Departmental principles and values. Managers are responsible for implementing plans that assure that public participation needs for their programs or projects are identified and satisfied in the decision-making process. Public Participation is a performance element for these managers.

Comment Responses

INDEX OF COMMENT RESPONSES

	ORGANIZATION	AUTHOR
1.	City of Oak Ridge, TN	Jeffrey Broughton, City Manager
2.	Environmental Coalition on Nuclear Power	Judith H. Johnsrud, PhD.
3.	Laborers International Union of North America	Kenneth D. Smith
4.	League of Women Voters	Elizabeth Kraft
5.	Baltimore Gas and Electric	Elizabeth Bauereis, PhD.
6.	Agency for Nuclear Projects Nuclear Waste Project Office	Joe Strolin
7.	Nevada Nuclear Waste Task Force Inc.	Judy Treichel
8.	Nuclear Waste Technical Review Board	Paula N. Alford
9.	Nuclear Waste Technical Review Board	D. Warner North
10.	Commonwealth Edison	Louis O. DelGeorge
11.	Public Service Electric and Gas Company	Harold W. Borden, Jr.
12.	GPU Nuclear Corporation	P. R. Clark
13.	Northern States Power	James Howard
14.	Nuclear Information and Resource Service	Mary Olson
15.	County of Inyo, CA	Brad Mettam
16.	PECO Energy Company	Gwendolyn S. King
17.	Safe Energy Communication Council	Martin Gelfand
18.	U.S. EPA	J. William Gunter
19.	USCEA	Phillip Bayne
20.	Boston Edison	Bernard W. Reznicek
21.	Tennessee Valley Authority	O. D. Kingsley, Jr.
22.	Nevada Nuclear Waste Study Committee	Hal Rogers
23.	Sigma Xi, The Scientific Research Society	John F. Ahearne

- | | | |
|-----|---|----------------------|
| 24. | Office of Management and Budget | T.J. Glauthier |
| 25. | Portland General Electric Company | Ken Harrison |
| 26. | Western Interstate Energy | Douglas Larson |
| 27. | American Society of Civil Engineers | Edward O. Pfrang |
| 28. | U.S. Nuclear Regulatory Commission | Robert M. Bernero |
| 29. | ADR | A. David Rossin |
| 30. | Eureka County, NV | Abigail C. Johnson |
| 31. | League of Women Voters of Nevada | Nancy Wall |
| 32. | BNFL | John Graham |
| 33. | Agency for Nuclear Projects
Nuclear Waste Project Office | Bob Loux |
| 34. | UNLV-Harry Reid Center for
Environmental Studies | Bill Andrews |
| 35. | American Nuclear Society | Edward D. Fuller |
| 36. | Esmeralda, Lincoln, and
White Pine Counties, NV | Florindo Mariani |
| 37. | Science Applications International
Corporation | Dan Burns |
| 38. | Science Applications International
Corporation | Paul Seidler |
| 39. | Department of Energy
Environmental Management Advisory Committee | James T. Melillo |
| 40. | Vicki Dastillung | Vicki Dastillung |
| 41. | Shira A. Flax | Shira A. Flax |
| 42. | Confederated Tribes and Bands
of the Yakima Indian Nation | Russell Jim |
| 43. | Ohio EPA | Thomas Winston, P.E. |
| 44. | Department of Energy
Idaho Communications Division | Connie Nash |
| a. | (Comment made by Brett Hayball, Shoshone-Bannock Tribal/DOE
Coordinator and Project Director): | |
| b. | (Comment made by Linda Milam, Mayor of Idaho Falls): | |
| c. | (Milam) | |

- d. (Comment made by Terry Smith, Public Information Officer, State INEL Oversight Program):
 - e. (Comment made by Candis Webb, Department of Energy, Idaho):
 - f. (Comment made by Ellie Hamilton, Private Citizen):
 - g. (Webb):
 - h. (Smith):
 - i. (Smith):
-
- | | | |
|-----|--|------------------------|
| 45. | Department of Energy
Office of Nuclear Energy | Daniel Dreyfus |
| 46. | Illinois EPA | Stephen K. Davis |
| 47. | Department of Energy
Oakland Operations Office | John Belluardo |
| 48. | Lawrence Livermore National Laboratories | Harry L. Galles |
| 49. | Stanford University Linear Accelerator
Center | Kirk Stoddard |
| 50. | Sandia National Laboratories | Steve Baca |
| 51. | Department of Energy
Chicago Operations Office | Gary L. Pitchford |
| 52. | Department of Energy
Human Resources and Administration | Archer Durham |
| 53. | Oak Ridge Institute for Science
and Education | James E. Drewry |
| 54. | Author Unknown | Author Unknown |
| 55. | Energy Research Foundation | Tim Conner |
| 56. | Neighbors in Need | Rev. Dr. Velma Shearer |
| 57. | National Renewable Energy Laboratory | Duane N. Sunderman |
| 58. | Battelle Pacific Northwest Laboratories | Joseph D. Spencer |
| 59. | Continuous Electron Beam Accelerator Facility | James E. Coleman |
| 60. | Amarillo Area Office | Tom Williams |
| 61. | The Metal Trades Council | Ronnie Payne |
| 62. | Lawrence Berkeley Laboratory | Michael Chartock |
| 63. | Oregon Department of Energy | Ken Niles |
| 64. | Department of Energy
Environmental Health | Lea Ekman |

65.	Department of Energy Environmental Restoration	David Perotti
66.	Department of Energy Environmental Management	Bobbie Smith
67.	State of Missouri Department of Natural Resources	Robert Geller
68.	Pantex	Guyon H. Saunders
69.	The Peace Farm	Mavis Belisle
70.	W.H. O'Brien	W.H. O'Brien
71.	Ames Lab	John Eckert
72.	Military Production Network	Stephen Schwartz
73.	Department of Energy Defense Programs	Greg Rudy
74.	Department of Energy Office of the Secretary	Dan Reicher
75.	City of Oak Ridge, TN	Mayor Edmund A. Nephew
76.	Department of Energy Office of Environmental Management	Cynthia Kelly
77.	Stanford University Linear Accelerator Center	Burton Richter
78.	Mary Riseley	Mary Riseley
79.	Eugene Kovalenko	Eugene Kovalenko
80.	Bonnie Bonneau	Bonnie Bonneau
81.	LANL 2000 Subcommittee/Task Force on Policy Formation and the National Economy	
82.	Vista Control	Author Unknown
83.	Gloria Gilmore-House	Gloria Gilmore-House
84.	Carolyn and Arnold Keskulla	Carolyn/Arnold Keskulla
85.	David Kime	David Kime
86.	John Darke	John Darke
87.	Erwin Binder	Erwin Binder

88.	Jay Edgeworth	Jay Edgeworth
89.	DOE-Los Alamos Area Office ES&H Branch	Author Unknown
90.	Sig Hecker	Sig Hecker
91.	LANL-Public Affairs	Scott Duncan
92.	John Ussery	John Ussery
93.	New Mexico-Radioactive Waste Consultation Task Force	Anita Lockwood
94.	DOE-Carlsbad	Patty Baratti-Sallani
95.	Martin Marietta	Jane Malagon
96.	DOE-UMTRA	Albert Chernoff
97.	DOE-Los Alamos Area Office Counsel's Office	Lisa Cummings
98.	DOE-Los Alamos Area Office Counsel's Office	Author Unknown
99.	Concerned Citizens for Nuclear Safety	Margaret Card

PUBLIC PARTICIPATION POLICY COMMENT RESPONSE DOCUMENT

Ninety-nine respondents provided comments to the Department of Energy on its "Draft Public Involvement Policy," dated December 1, 1993. Their comments and the Department's responses are listed below. Virtually all of the comments were accepted and incorporated into the Department's Public Participation Policy, issued to all employees by Secretarial Memorandum of July 29, 1994. We believe the Policy was significantly improved through public comment and thank all those who took time to respond.

Organization

Author

1. City of Oak Ridge, TN City Mgr. Jeffrey Broughton
 - a. *No comments at this time.*
2. Environmental Coalition on Nuclear Power Judith H. Johnsrud, PhD.
 - a. *An inadequate amount of time was given to comment on this document.*

Several respondents made this point and in response the Department extended the original comment period from January 7 to the end of January, 1994. The issue of Time/Timeliness has been and will continue to be given careful consideration. The importance and complexity of this core value is implicitly acknowledged in the length of its definition in the Policy document. The challenge will always be to balance the need for sufficient time for full public input with the need for timely decision-making by the Department.
 - b. *The policy should state that DOE intends to include public involvement processes in actual decision making.*

This change has been incorporated into the policy. Please see the opening paragraph of the Secretary's Guidance on Implementation of the Department's Public Participation Policy.
 - c. *The Secretary should direct all divisions and offices to require actual demonstrations of new policies of openness and real involvement of the public.*

Each site's annual assessment of its public participation efforts will, in effect, "demonstrate" the degree of success being achieved in implementing this Policy. One such demonstration of how future public participation efforts may occur is the public input the Department sought on these policy and guidance documents and the fact that virtually all of the comments were accepted.
 - d. *In the descriptive summary, first section, add after "activities" the words "and in decision making".*

Though this section has been rewritten, the spirit of this suggestion has been incorporated into the Policy.
 - e. *The DOE should not define the public to include those private enterprises and individuals who have vested interests in DOE programs and the outcome of agency decisions.*

Private enterprises cannot be unilaterally excluded from the public for they are inherently part of the public. The fact that a vested interest may or does exist cannot preclude an individual's or a group's right to be included in that definition.

- f. *Don't promise more than can be delivered.*
The Department is committed to implement public participation to the best of its ability. As this is a new approach for the Department, the process cannot be implemented overnight and will certainly require continuing refinement. The Department looks to stakeholders, especially in the annual site assessment process, to help it measure its progress and set achievable goals.
- g. *Goals: Great! How best can we help you carry these goals through to success?*
As this Policy was designed as a general framework for the creation and implementation of public participation efforts within the DOE system, individuals and groups can contribute positively in the development and implementation of the program and site-specific public participation plans as they are created Department-wide. What works "best" for one site may not be effective at another site.
- h. *Core Values: Add "humility" to the list.*
The essence of "humility" has been incorporated within the core values of "fairness," "honesty," "respect," and "sincerity."
- i. *Responsibilities: By "discrete performance element" DOE must clarify that all staff should bear the responsibility for full and effective implementation, not just senior departmental and program managers.*
While all employees are given responsibility in Goal III to promote, practice, and improve public participation within the Department, senior department managers are accountable for ensuring that public participation activities meet the goals laid out in the Policy, as addressed in the "Accountability" section.
- j. *Responsibilities: The term "effective" should be defined.*
This section is no longer part of the Policy.
- k. *The policy statement should prescribe the consequences of failure to abide by these directives; such failures should go well beyond mere reprimands.*
This document is intended to provide the overarching philosophy and core values guiding the Department's conduct of public participation. Under this "umbrella policy" individual program offices or sites will develop detailed implementation directives which will include performance criteria and measures.
- l. *Memo: Paragraph 1, state definitively that public involvement shall be a routine component in operations, activities, and decision making.*
The spirit of these suggestions has been incorporated in the memorandum, beginning with the opening sentence.
- m. *Memo: Paragraph 2, ensure that the term "stakeholders" will not be so narrowly defined and applied as in the past.*
The term "stakeholders" has been defined in the Definition section of the Policy.
- n. *Add that access points for public input must be widely and timely noticed to encourage response.*
The spirit of this suggestion has been incorporated into the Policy (Goal II) and in the Secretary's Memorandum (Critical Policy Element II).

- o. *The policy should explicitly state that training/education programs are not to be designed to meet the Department's perceived needs (in the PR mode) but are to satisfy the needs of the public.* While it is important that the public receive training and education, it is essential that DOE personnel receive training to learn to interact effectively with the public. In all instances this training will be substantive and conducted to provide personnel with the requisite tools for working effectively in the broadest range of public participation activities. *The goal of consensus in matters of radioactive disposal is unrealistic.*
The Department agrees. The goal of public participation is open, two-way communication to foster *understanding* and ensure that the Department makes better, more informed decisions on the basis of "the most diverse collection of opinions, perspectives, and values from the broadest spectrum of the public."
3. **Laborers International Union of North America** **Kenneth D. Smith**
 - a. *Consider free training seminars for represented and unrepresented parties.*
This idea will be given consideration. We recognize that sites will require differing levels of support, including training, to ensure effective public participation.
4. **League of Women Voters** **Elizabeth Kraft**
 - a. *Diversity issues should be addressed throughout the document.*
The Public Participation and Purpose sections of the Policy discuss the bringing together of a broad range of diverse stakeholder viewpoints and values.
 - b. *Core Values: Add "respect for diversity."*
The spirit of "respect for diversity" is reflected in the Core Values of "fairness," "respect," and "commitment" and also captured in the first implementing action of Critical Element V in the Secretary's Memorandum.
5. **Baltimore Gas and Electric** **Elizabeth I. Bauereis, PhD.**
 - a. *Critical Policy Elements: The new benchmark for excellence will be leadership/performance---the two statements that follow do not fit the benchmark qualities for excellence. "Risk-taking" in and of itself does not define excellence and "peer review" should be strengthened. Perhaps, this statement should be modified or part of a larger set of excellence benchmark parameters.*
In the revised Policy and Guidance documents, references to "benchmarks of excellence" have been eliminated. Please see the Guidance document's introduction and Critical Policy Element I for further discussion of this concept.
6. **Agency for Nuclear Projects**
Nuclear Waste Project Office **Joe Strolin**
 - a. *An insufficient amount of time was given to review this document.*
Please see response #2.a.

7. **Nevada Nuclear Waste Task Force Inc.** **Judy Treichel**
a. *The comment period for this document was too short.*
Please see response #2.a.
b. *Public interest representatives will be surprised if the message of adequate time for public involvement is ever heard by DOE.*
The Department recognizes that effective public participation requires adequate time for public review and comment. With the implementation of this Policy, every effort will be made to inform the public in a timely manner of pending and upcoming Department decisions, and to provide sufficient time for the public to participate in those decisions.
8. **Nuclear Waste Technical Review Board** **Paula N. Alford**
a. *There was not enough time allotted for the Board to review this document.*
Please see response #2.a.
9. **Nuclear Waste Technical Review Board** **D. Warner North**
a. *Senior OCRWM managers should read the final report of the Secretary of Energy Advisory Board (SEAB) Task Force on Radioactive Waste Management, "Earning the Public Trust and Confidence: Requisites for Managing Radioactive Waste" and the National Research Council (NRC) Report, "Improving Risk Communication" (1989) as part of implementation of this policy.*
Your request has been forwarded to senior OCRWM management.
b. *The Director of Public and Consumer Affairs can provide useful coordination and training, but should not inhibit initiatives or delay the public involvement process.*
The Department agrees. The revised Guidance document defines the role of the Director of Public and Consumer Affairs as the primary point of coordination for public participation activities Department-wide. His/her counterpart at each site or field office will serve a similar coordination role at the local level.
10. **Commonwealth Edison** **Louis O. DeGeorge**
a. *The concept of timely and effective consideration of the full range of diverse stakeholder viewpoints and values produced by public involvement should be included in the policy.*
These changes have been incorporated in the Policy. Please see the Public Participation, Purpose, and Core Values sections.
b. *There must be a clear acknowledgement that the Department will retain accountability for and be focused on timely decision making.*
This suggestion has been incorporated into the Public Participation, Purpose, and Scope sections of the Policy.
c. *The implication of Goal III, i.e. "empowerment (of the public) to participate in Departmental decision making," may be impossible to achieve, is not contemplated in the Nuclear Waste Policy Act, or legislative history of the Act.*
The Goals section has been revised to convey that the Department actively seeks and incorporates input from an informed and knowledgeable public in an open and timely process.

11. **Public Service Electric and Gas Company** **Harold W. Borden, Jr.**
a. *The timing of public involvement is also a crucial factor.*
The Department agrees. The issue of timing is discussed generally throughout the revised Policy, including the Core Values section. Determinations about the timing of public participation in decision making will be described more specifically in the program- and site-specific public participation plans.
b. *The utilities are important stakeholders and should be included.*
The Department agrees.
12. **GPU Nuclear Corporation** **P. R. Clark**
a. *The policy should specifically recognize the need to seek the full range of diverse public views.*
This has been done, specifically in its opening paragraph of the Policy and in the first implementing action of Critical Policy Element V of the Secretary's Memorandum.
b. *The policy should assure a balance of diverse views and determine how representative each view is.*
The Department believes each viewpoint is representative of a specific stakeholder or stakeholder group. The Department will attempt to reach a balance of diverse viewpoints. Please see response #4.a.
c. *In the Secretary's memorandum, under Implementing Actions, the second item, rewrite it to read "Department officials will routinely and consistently listen to and incorporate or respond to public input."*
The spirit of this change is reflected in the Memorandum.
13. **Northern States Power** **James Howard**
a. *The training component of this policy should specifically address the importance of the type and timing of information intended to be provided to the public.*
This is an excellent suggestion and will be taken under consideration in planning and developing training for this Policy.
b. *Specifically address how the agency will use the public's involvement in its decision-making processes.*
The revised Policy discusses the incorporation of public input into the decisions the Department makes in a variety of places, including Critical Policy Element I under "Implementing actions." Further details about this process, which will vary by site, will be included in site-specific public participation plans.
14. **Nuclear Information and Resource Service** **Mary Olson**
a. *There was insufficient time given to review the policy.*
Please see response #2.a.
b. *When will the Department say there has been "public participation," when in fact there was stakeholder participation?*
The Department defines stakeholders as individuals or groups within the public and private sectors who are interested in and/or affected by the Department's activities and decisions. Consequently, the Department considers stakeholders to be members of the public who become involved.

- c. *There is no defined mechanism for accountability of who has had the opportunity to know about the Department's plans.*
Site and program managers responsible for public participation are expected to make good faith efforts to provide broad dissemination of information and notifications of upcoming events/decisions. The diversity of viewpoints on a given issue/decision will be one measure; another can be provided through the annual assessments to be done in conjunction with stakeholders at each site.
- d. *In the Definition section, there seems to be a mandate to "play it by ear". Who's ear?*
The Department disagrees with this interpretation. Though responsibility for the implementation of this Policy permeates all levels, senior managers, both at Headquarters and in the field, are specifically responsible (Accountability section).
- e. *I strongly recommend a proactive articulation of "actively seek".*
The phrase "actively seek" means that the Department will make good faith efforts to reach all parties who may be interested in specific programs and activities.
- f. *The DOE should rethink the apparent interchangeable use of the terms "stakeholder" and "public".*
The Department has defined "stakeholder" under the Definition section. As discussed in response #14.b., stakeholders are considered to be members of the public.
- g. *An appeals process for the public once a decision has been made is absent.*
If the public wishes to appeal a Department decision, it should first attempt to do so at the local level. If issue resolution is not possible at the local level, the public can refer the appeal to senior management at Headquarters.
- h. *Goals section: "A clearly defined decision-making process with known access points for public involvement is routinely followed". This is great. How will this be accomplished?*
There is no one answer to this question. These determinations will be made individually in accordance with each site's public participation implementation plan. Specifics of implementation will largely be local decisions.
- i. *Empowering the public to participate in decision-making is only meaningful if there is recourse for the public to an independent authority.*
Please see response #14.g.
- j. *Grants should be provided to fund the public and independent researchers so that they may be able to fully join into the dialogue. Commit taxpayer dollars to support taxpayer input.*
Public participation is to be the responsibility of all DOE employees (Goal III), part of ongoing program and site operations. As such, resources will be provided in the course of regular planning and budgeting processes. The issue of support funding to stakeholder groups is one that will be addressed on a site- and program-specific basis, subject to federal law and regulation.
- k. *Fund an independent stakeholder board that would be bound by ethics rules and policies.*
Many sites are setting up citizen advisory boards. Given the

decentralized nature of public participation activities, this approach seem preferable to a single national board.

15. **County of Inyo, CA**

Brad Mettam

- a. *The need for early public involvement should be explicitly discussed and required.*

The Department agrees and anticipates that this topic will be discussed explicitly in individual program and site specific public participation documents. The spirit of this comment is addressed in numerous places in this document.

- b. *Both the implementation guidance memo and the policy should say that active public involvement includes providing the public with the institutional and technical resources to independently assimilate and evaluate DOE information.*

Please see response #14.j.

16. **PECO Energy Company**

Gwendolyn S. King

- a. *No comments.*

17. **Safe Energy Communication Council**

Martin Gelfand

- a. *To whom did you send this particular request for involvement?*

This document was sent to the heads of DOE Headquarters Elements, Field Office managers, and national laboratory directors who, in turn, were asked to share it with their stakeholders.

- b. *Why is the comment period so short?*

Please see response #2.a.

- c. *Extra time or funds should be provided for this process to enable stakeholders to adequately participate.*

Please see responses #2.a. and #14.j.

18. **U.S. EPA**

J. William Gunter

- a. *The tone of the memo and guidance is "heavy handed".*

What may be interpreted as "heavy handedness" is a reflection of the seriousness with which this issue is being presented to those within the DOE Complex. Trying to change a culture of command-and-control to one of openness and public participation requires special attention and emphasis.

- b. *The policy and guidance should start off with an explanation of why DOE thinks public involvement is important. This explanation should precede the opening policy statement.*

The need for public involvement is defined in the guidance document. In addition, an opening Public Participation section has been added in the Policy.

- c. *The policy statement should stress that public involvement will be an open and on-going communication process. Therefore, we suggest eliminating the word "routine" throughout the policy.*

The Department agrees and has deleted the word "routine."

- d. *Add a statement or two suggesting that program managers or public affairs staff try to assess the communication needs of stakeholders and others.*

For the most part, references to specific personnel positions have been removed from the document to reflect the relevance this

policy has to every employee within the DOE Complex. It is expected, however, that site staff will perform these assessments as a result of these policy and guidance documents, and as part of specific public participation programs established at each site.

- e. *Core Values: Suggest including "communications" and "consultation."*
"Communication" as a core value was incorporated into the Policy. "Consultation" was not for it is similar to the combined core values of "communication," "openness," and "responsiveness."
- f. *Goals: Add "the public's concerns, questions, comments, etc, are addressed."*
The spirit of this suggestion has been incorporated throughout the Policy and Guidance Memorandum.
- g. *Responsibilities: Add a suggestion for a periodic evaluation of the effectiveness of DOE's public involvement processes.*
This suggestion has been incorporated into the guidance document. Each program- and site-specific public participation document will be assessed annually.

19. **USCEA**

Phillip Bayne

- a. *The policy should say that participants in any policy or program initiative have an obvious and relevant stake in that initiative.*
"Participants" in any specific DOE policy or program initiative would fit within the larger group of Departmental "stakeholders" who, by definition, are those "interested in and/or affected by the Department's activities and decisions."
- b. *The policy should also specify that achieving the desired result of a given DOE initiative will also be a measure of leadership and performance*
This is a good suggestion. The policy document, however, is not the appropriate place for this criterion. As discussed in the introductory section of the guidance document, the criteria to be used in the policy and program assessments have yet to be defined. The Department invites stakeholders to participate in this process by providing suggestions and recommendations on the creation of these criteria.

20. **Boston Edison**

Bernard W. Reznicek

- a. *The policy needs the important element of timely decision making. . . . Add timely decision-making to Goal II or as a separate goal.*
Timeliness is specifically identified as a Core Value, and the importance of timeliness is referenced throughout the document.
- b. *I underscore the importance of training DOE staff on the elements of public involvement.*
Training will be an integral part of many public participation programs within the DOE Complex. It is identified as Critical Policy Element III in the Secretary's Memorandum.

21. **Tennessee Valley Authority**

O. D. Kingsley, Jr.

- a. *The policy should clearly recognize the importance of public involvement, but that DOE has ultimate responsibility for efficient decision-making.*

As indicated in the Public Participation and Scope sections of the Policy, the Department is not relinquishing its responsibility for decision making, but rather is requesting stakeholder input to help it make better, more informed decisions.

- b. *Public involvement must be carefully integrated to achieve program goals in a timely and cost effective manner.*

The Department agrees and will make every effort to integrate public participation programs and activities into other management activities to achieve a timely and cost-effective approach to public involvement. These concerns are reflected in both the Policy (Core Values section) and the Secretary's Memorandum.

22. **Nevada Nuclear Waste Study Committee** **Hal Rogers**

- a. *Not much time was given to review the policy.*

Please see response #2.a.

- b. *Goal I: What degree of authority is needed and how much will be delegated by this paragraph?*

All employees throughout the Department system (Goal III) are held generally accountable for supporting and promoting public participation, but managers will be held specifically accountable (Accountability section). Further, under this Policy, sites are the primary developers/implementors of public participation plans and will be responsible with their stakeholders to do yearly assessments of the effectiveness of their efforts.

- c. *Goal II: Suggested Change - "...for public involvement shall be established for each project and followed by all employees assigned to the project. The public shall be informed of these processes and encouraged and assisted to participate in the decision making process."*

The spirit of this suggestion has been incorporated throughout the document. Please see the Scope section and Goal III.

- d. *Goal III: Suggested Change - "Current, timely information regarding a project's status (technical, community, administrative, and otherwise), shall be presented to the public, and readily available in response to public inquiries. Misinformation appearing in the news media shall be corrected promptly."*

The Department agrees with the thrust of these suggestions that information should, to the maximum extent possible, be accurate, current, and readily available; misinformation from any source must be corrected as quickly and broadly as possible. The whole thrust of this Policy is to ensure a continuous flow of two-way information and response.

- e. *Public communication through the news media and prompt correction of misinformation are the keys to current DOE problems of public perception.*

Please see response #22.d.

- f. *Responsibilities: The requirement for coordination with Public and Consumer Affairs at headquarters and in the field could introduce delays that would inhibit prompt and effective communication with the public at local levels.*

The Department agrees. Please see response #9.b.

- g. *Draft Memo: Public communication should be more specifically emphasized.*
The Department believes that the spirit of these comments are reflected in the Guidance document.
23. **Sigma Xi, The Scientific Research Society** **John F. Ahearne**
- a. *Goal I: Do you intend for every employee to be responsible for public involvement, and still coordinate such activities through PC&A?*
While every employee is generally responsible for public involvement, managers will be held specifically accountable. The role of the director of the Office of Public and Consumer Affairs is one of support and facilitation, not program direction or oversight. Please see responses #9.b. and 22.b.
- b. *Confusion can result in the public's mind if it is not clear right from the beginning what decision making participation the public is going to have. Therefore, Goal III needs some clarification.*
Site-specific public participation plans will provide this clarification, as it may vary according to a site's mission and a community's interests/concerns. Please see response #14.h.
- c. *"Risk-taking will be rewarded" is not clear.*
In this context, "risk-taking" means "innovation". That is, those who use innovative methods for engaging in public communication and participation will be rewarded. Nevertheless, in response to this and similar comments which suggested that the term "risk-taking" was problematic, the term has been replaced throughout the document with the more accurate term "innovation."
24. **Office of Management and Budget** **T.J. Glauthier**
- a. *No comments, the document is fine.*
25. **Portland General Electric Company** **Ken Harrison**
- a. *The goal of this process is not to force consensus, but to understand the options.*
The Department agrees. The concept of *understanding* threads through the entire Policy and especially in the Public Participation and Purpose sections.
- b. *Developing and agreeing upon participant ground rules in beginning of these processes, and referring back to this agreement when issues arise, helps align expectations.*
The Department agrees and encourages sites to consider the use of various agreements and mechanisms to define expectations as they develop their individual site public participation plans.
26. **Western Interstate Energy** **Douglas Larson**
- a. *The coordination of public involvement activities through the Office of Public and Consumer Affairs causes some concern, for it adds an unnecessary layer in the chain of communication between headquarters and local decision makers.*
The Department agrees. Please see responses #9.b.
- b. *The policy should build on and expand the direct contact between state personnel and OCRWM.*

This comment has been forwarded to OCRWM for consideration/action.

27. American Society of Civil Engineers

Edward O. Pfrang

- a. No comments.

28. U.S. Nuclear Regulatory Commission

Robert M. Bernero

- a. The policy is consistent with the existing NRC/DOE procedural agreement and its focus on information flow between the NRC and DOE, timely NRC involvement in DOE's regulatory activities, early identification of potential licensing issues, and participation in NRC/DOE pre-licensing consultations by sites, Indian Tribes, affected units of local government and the public. . . Stakeholder involvement is an essential element of the ongoing NRC/DOE technical interchange process.
The Department agrees.
- b. We encourage immediate real-time information availability through telephone and computer access points.
This is directed in Critical Policy Element V.

29. ADR

A. David Rossin

- a. Purpose: Should be amended to "trust between the Department and the public it serves in order that it may more effectively carry out its responsibilities to the nation and its people."
The spirit and intent of these words permeate the Policy.
- b. Background: Exceptions to this poor history of public involvement are the Civilian Radioactive Waste Management Program and the Low-Level Waste Management Program.
The section of the policy has been deleted from the final draft document.
- c. Definition: There is no mention of the responsible parties the state must deal with - states, municipalities, corporations, contractors, etc.
References to specific stakeholders, including responsible parties, will be incorporated in the site-specific and program public participation plans.
- d. Memo: Under Critical Policy Element V, the following addition should be made to explicitly point to the risks of failure of the department to meet its obligations, (and in a timely manner): "consensus, including the risks to the nation and its people of failure of the Department to carry out its obligations and meet its objectives."
The concept of consensus-building has been removed from the document. Please see response #25.a.
- e. Participation and involvement are confusingly intertwined in both the draft policy statement and the memo.
The word "participation" is used almost exclusively in both documents in the final draft.
- f. It is the Department, not the stakeholders, that must make decisions and set policy. The policy shows a serious lack of recognition of responsibility on the part of DOE.
The Department disagrees. This document is intended to ensure public participation in the Department's decisions. Still, it has

ultimate decision making authority, and nowhere is this document does it relinquish that responsibility. See particularly the Public Participation and Scope sections of the Policy.

30. **Eureka County, NV**

Abigail C. Johnson

- a. *There was an inadequate amount of time to respond.*
Please see response #2.a.
- b. *The draft does not address the issue of providing adequate scheduling and time for public involvement.*
The issue of timeliness is referenced throughout the Policy document. See especially the Core Values section and Goal III.
- c. *Does the policy apply to public review processes like Environmental Impact Statements and Environmental Assessments? If so, this should be explicitly stated.*
This policy applies to legally-required hearings, as noted in the Definition section.
- d. *The policy does not provide guidance or direction on doing more than listening and responding. Also, the policy should provide some direction on how DOE managers can incorporate input from the public.*
The revised draft focuses more attention on incorporating public input; for example, see Critical Policy Element I and its Implementing Actions. Also note the addition of a specific Accountability section in the Policy.
- e. *We are unsure of the meaning of "risk-taking".*
Please see response #23.c.
- f. *Headquarters will develop clearance procedures for public information materials. What kind of clearance?*
This reference has been deleted from the revised document. Public and/or Community Affairs offices, at headquarters or in the field, will provide coordination as described in the Guidance document. Also, please see response #23.a.
- g. *In the past it has been difficult for all levels of DOE to work as a team. Is this a new directive? What special steps will be taken so that this effort is successful?*
Teaming is part of the Department's overall commitment to quality management principles and strong customer service. All Department personnel are being trained in quality principles which will be applied in public participation activities.

31. **League of Women Voters of Nevada**

Nancy Wall

- a. *There was not enough time to respond with the original deadline given. We appreciate the extension.*
Thank you for noting the extension. It reflects the Department's commitment to be flexible in responding to stakeholder input and to learn from and correct inadvertant mistakes.
- b. *The policy needs to mention the need for allowing the public enough time to comment or participate.*
These additions have been made to the policy. The strongest language to this effect may be found in Goal II and the Core Values section.

- c. *The policy does not address what DOE should do with the public's input other than respond. The policy should detail how Americans will influence decisions --listening isn't enough.*
Please see response #30.d.
- d. *The policy should define what is meant by "risk-taking".*
Please see response #23.c.

32. BNFL

John Graham

- a. *The policy lacks specificity in many areas -- it appears to depend on the "public" and stakeholders coming forward; it lacks any effort on behalf of DOE to approach stakeholders on anything other than a formal basis.*
It is true that this Policy lacks specificity in a number of areas. As mentioned earlier, the Policy and Guidance Memorandum are designed to serve as a framework within which program- and site-specific public participation plans can be developed. Details not discussed in these documents will be included in the site-specific and program plans. With respect to your second comment, the Department disagrees. The very first sentence in the Policy, as well as the Definition section, define public participation as "open, ongoing two-way communication, both formal and informal, . . ." including "informal conversations." Indeed, the Department hopes to build open, respectful relationships with its stakeholders that will virtually ensure steady, informal interactions on the widest range of interests and thoughts.
- b. *Implementing actions appear to gather only stakeholder concurrence for programs already engaged.*
The Department disagrees. This Policy has been designed to solicit public input as a means of helping the Department make better, more informed decisions. Consequently, the Department hopes to involve the public as early in the decision making process as possible, and well *before* final decisions are made. Also, it is important to note that concurrence is neither a Department goal nor expectation.
- c. *American Indian Tribes are mentioned in passing in a couple of places as being an inclusive group within the "public." They are not.*
The Department's American Indian Policy recognizes and commits to a government-to-government relationship with all Native American Tribal governments and ensures that their sovereign rights are fully respected. That Policy mandates that all Departmental activities affecting Native American Tribal rights or trust resources be implemented in a knowledgeable and sensitive manner, respectful of Tribal sovereignty. As noted in other responses, this Public Participation Policy is to be implemented in concert with other Departmental initiatives, including its American Indian Policy.
- d. *How will DOE's new policy affect program "conferences," in light of scientific credibility and peer review?*
It is not expected that this Policy will have any effect on conferences.

- e. *Implementation plans do not deal with information channels, publications, public reading rooms, speaking programs, school programs, etc..*
This is true. Any reference to these programs would be found in program and site-specific public participation plans.

33. **Agency for Nuclear Projects
Nuclear Waste Project Office**

Bob Loux

- a. *Responsibilities section: Needs to discuss how a decision making process is defined and access points are established.*
Please see response #14.h.
- b. *Definition section: While two-way communication is an important and essential element in actualizing real public involvement, there is much more to the concept than is stated or implied by the draft policy.*
Two-way communication is discussed in greater detail in the revised policy. Please see the Secretary's Guidance Memorandum, Critical Policy Element I, "Implementing Actions," and the Policy under the Core Values and Definition sections, for specific discussions of this concept.
- c. *The current draft policy does not appear to do anything to assure that the public will, in fact, be able to influence DOE decisions.*
This Policy anticipates that the public will, in fact, influence the Department's decision making, but we cannot forecast precisely the nature and extent of that influence on every future decision. The revised document, however, discusses this issue extensively. Please see the Definition section, Goal I, and Critical Policy Element I.
- d. *Meaningful public involvement processes must have an element of empowerment built in.*
The Department agrees. Please see Goal II.
- e. *The draft policy would be strengthened if it contained specific directives designed to break down the wall between public input and DOE decision making. For example, an administrative appeals process available to the public for recourse when decisions are seen as contrary to the public's interest or when they are not consistent with the public's input.*
Please see response #14.g.
- f. *The policy needs real teeth, in the form of sanctions and systematic follow up. There is nothing to keep DOE from turning the initiative into a public relations tool.*
This document is meant to serve as the broad framework for guiding development of specific, detailed public participation plans and efforts. In the Accountability section, there is specific reference to public participation being a performance element for senior departmental, program, and field managers responsible for implementing public participation.
- g. *Unless the term "participate" is defined in such a way as to afford real ability to influence decisions, this statement carries little real meaning.*
Please see response #33.c.

- h. *The policy presumes a hierarchical structure of organization, where policy directives will flow readily from one level to the next.*

This section (Responsibilities section in the 12/1/93 version) has been changed to minimize any delays that may result from a hierarchical flow of policy directives. The coordination point for activities for each program and site will be the Office of Public Affairs at that site, while the Director of Public and Consumer Affairs will serve as the primary office for Headquarters and Department-wide coordination.

- i. *The Principal Secretarial Officer and Senior Department Managers will also need training themselves on the fundamentals of public involvement.*

This is true and, in fact, has already begun in many Headquarters program areas. The effort will be extended across the Complex.

- j. *Responsibilities section: Having DOE public relations staff coordinating public involvement activities raises the specter of the initiative devolving into a slick public relations campaign aimed at selling DOE programs to uninformed customers.*

The Department's public affairs staff will be coordinating public involvement activities. In addition, however, many informed customers are and will be involved in these processes; they will certainly not allow this type of devolution to occur. The annual stakeholder-assisted policy and program assessments will also help ensure that public participation efforts remain a substantive and meaningful part of the Department's decision making processes.

34. **UNLV-Harry Reid Center for Environmental Studies** **Bill Andrews**

- a. *The policy should be used to develop a "Total Credibility Management" policy that would go far beyond passive stakeholder participation afforded by "listening" and "access points" outlined in the current draft policy, to a fundamental restructuring of how department activities that lead up to a decision making process are conducted.*

This is not dissimilar from the efforts proposed within the revised Policy. Public participation is expected to be an interactive process in which the public will be able to play a substantive role in Department decision making.

- b. *Peer review should be required, not encouraged, to add confidence to the Core Value of scientific credibility.*

This suggestion has been incorporated in the Core Values section.

35. **American Nuclear Society** **Edward D. Fuller**

- a. *Statement of purpose: Amend it to read "trust between the department and the public it serves in order that it may more effectively carry out its responsibilities to the nation and its people."*

Please see response #29.a.

- b. *Background: It would add perspective to mention that notable exceptions to the poor history of public involvement include the Office of Civilian Radioactive Waste Management and the Low-Level Waste Management program.*

- Please see response #29.b.
- c. *Definitions: It would be helpful to include the responsible parties with which DOE must also deal...states, municipalities, corporations, contractors, etc.*
Please see response #29.c.
 - d. *Memorandum: Paragraph 5 should be amended to read: "consensus, including risks to the nation and its people if the Department fails to carry out its obligations in a timely fashion."*
Please see response #29. d.
 - e. *Information and participation are interdependent, but conceptually and practically distinct. The memo and the policy could be improved by recognizing this distinction.*
Please see response #29.e.
 - f. *The policy leaves the issue of DOE's responsibility to make decisions and provide accountability somewhat vague. (It is important that DOE clarify that DOE and not the stakeholders will ultimately make decisions and set policy).*
Please see response #29.f.

36. **Esmeralda, Lincoln, and White Pine Counties, NV** **Florindo Mariani**

- a. *There was not enough time to respond.*
Please see response #2.a.
- b. *Policy: The concept that DOE public involvement needs to be "routine" suggests that it may be unimaginative, unable to accommodate evolving stakeholder needs, and ultimately and potentially ineffective. An effective public involvement process will permit public participation when and to the degree various publics determine appropriate to their needs.*
The Department agrees that effective public participation will be defined by program and stakeholder needs and wants. Use of the word "routine" was intended to convey a sense of regularity. Rather, it conveys the images described in your comment. As a result, it has been removed from the document.
- c. *Purpose: You might note that the policy is intended to ensure that effective public involvement occurs and that DOE decisions are not made without the benefit of important public perspectives. This is an excellent suggestion and has been incorporated into the Purpose section.*
- d. *Purpose: As this paragraph now stands, the purpose of public involvement is articulated, yet the purpose of the policy on public involvement is not described. You need to indicate the policy's purpose.*
This is true. The Purpose section has been revised and a Public Participation section added to reflect these comments.
- e. *Background: Perhaps what is missing is the important recognition that historically, DOE staff have assumed an "us and them" approach to dealing with the public.*
Though the Background section has been removed from the revised draft, the intent of the Public Participation Policy is to foster a more interactive approach to decision making by involving the public in meaningful ways.

- f. *Definition: The concept of demand-driven public involvement rather than an institution of routine may be more appropriate. An effective public involvement initiative should be the means through which DOE decisions are reached, rather than providing a means through which Americans can influence DOE decisions. This definition might also focus less on inducing greater public involvement and more on improving ways DOE can enhance and better use the input the public is willing to offer.*
As discussed in earlier responses, the concept of "routine" decision making has been removed from the policy and guidance documents for the reasons mentioned in response #36.b. The Department hopes that the Policy will accomplish both of these; that public involvement will serve as the means by which Department decisions are reached and the means by which the public can influence Department decisions.
- g. *Goal I: Needs to be restated to incorporate staff as having an equal responsibility to effect public involvement.*
This important point has been written into Goal III in the revised policy.
- h. *Goals II: Internal decision-making should be reserved for those actions for which the Department has little or no discretion. In areas where there is latitude, an open decision making policy should be devised.*
The Department envisions many of its decisions will be made in this manner.
- i. *Goals III: Might be restated as, "The public is informed in a timely manner about and empowered to participate in all departmental decision-making activities of a discretionary nature."*
This Policy is meant to serve as a broad framework for public participation; more specific discussions about the types of issues in which the public will have opportunities to provide input will be included in the program and site-specific public participation plans.
- j. *Core Values: Others might include transparency, early involvement, health risk minimization, procedural equity, and distributional equity.*
Early involvement is discussed throughout the document. Health risk minimization is a priority of the Department; it is being addressed across multiple program offices, as are complex equity issues.
- k. *Responsibilities: If public involvement is a discrete performance element, how will performance be measured? Who will decide whether goals have been met? Shouldn't the public play a part in evaluating the performance of senior department and program managers with respect to public involvement goals?*
As discussed in the guidance memorandum, annual assessments will be made of the Department's public participation efforts. Stakeholders will be encouraged to participate in this review process by providing their views and recommendations on both the policy and implementation efforts. Stakeholders will also be invited to assist the Department in developing the criteria used

- to evaluate effectiveness.
- l. *The difference between program and staff offices is not clear*
The Department recognizes the confusion this has created and has revised the Policy to eliminate references to specific program and staff titles. But this in no way diminishes the responsibility of incumbents in these positions for effective public participation.
 - m. *What does the term "coordinate" imply?*
The Director of Public and Consumer Affairs will serve as the point of contact for public participation activities that occur at the Headquarters level. S/he will ensure that individual programs and sites are aware of each other's activities and share information, resources, and lessons learned as much as feasible.
 - n. *Will approval through the Office of Public and Consumer Affairs be required by field offices to respond to local stakeholder needs? Will this lead to bureaucratic paralysis?*
No. Senior, program, and field managers will have the authority to make decisions in response to local stakeholder needs and requests. Moreover, these individual managers will pass that information back through the Director of Public and Consumer Affairs so that the Department can improve its overall understanding, sensitivity, and responsiveness to stakeholders.
 - o. *The function of the Office of Public and Consumer Affairs is unclear and not justified with regard to effective public involvement. Perhaps this office can act as an Ombudsman to whom the public can go if they feel involvement is inadequate and managers are unresponsive.*
The Department envisions that the Office of Public and Consumer Affairs will serve as a conduit for information and support to ensure that public participation efforts are adequate and responsive across the entire Department. In this sense, the Office of Public and Consumer Affairs will indeed serve as a kind of unofficial "ombudsman." The Department also has an official ombudsman.
 - p. *Comments on the memorandum -- 1st paragraph, 1st sentence: DOE is encouraged to reconsider the routine nature of its public involvement policy. The term integral might be more appropriate.*
The Department agrees. The word "routine" has been replaced throughout the Policy and guidance memorandum and replaced with words like "integral."
 - q. *1st paragraph, 3rd sentence: Does "open to the full view and input" mean if the public becomes aware of a DOE meeting that the public will be entitled to participate therein?*
Though this section has been rewritten, it is the intent of the Policy that the public be broadly involved in the Department's decision making from the earliest stages. Program and site-specific public participation plans will detail this involvement.
 - r. *The terms "open", "full view", and "input" need to be defined so that the Secretary's intent is explicit.*
The Policy has been rewritten such that the phrase "open to the full view and input" is no longer a part of the revised Policy. However, the scope and timing of public input will be detailed in each site or program's individual public participation plan.

- s. *Critical Policy Element #1, Implementing Actions: Affected and other interested parties should be vested with the responsibility to regularly review and report to the Secretary Departmental performance in meeting agency involvement goals.*
Please see the introductory section of the Secretary's Memorandum for discussion of stakeholder participation in each site/program's annual assessment of its public participation efforts.
- t. *Critical Policy Element #- It is important that DOE not confuse public involvement and public information/education initiatives.*
The Department recognizes the difference and will work to the best of its ability to avoid confusing them.

37. Science Applications International Corporation

Dan Burns

Yucca Mountain Site Characterization Project

- a. *Definition: Public involvement should also include substantive two-way communication with employees (internal audience).*
The Department agrees. This is referenced in the Definition section.
- b. *Examination of the interchangeable use of "public" and "stakeholder" might be helpful, as would defining each term.*
Please see the Definition section of the Policy for a definition of "stakeholder." The word "public" is used in its standard English context.
- c. *Clarify as a goal of the Department to communicate the decision making access points and accessibility of the Department's decision making processes to the public.*
The Department has incorporated this suggestion in Goal II.
- d. *Core Values: Accessibility should be added to the list of 11 core values.*
The Department agrees and has added this core value to the list.
- e. *Effective public communication training for Department personnel and contractors is crucial. Training responsibility is listed for Program Managers but is later listed as an implementing action for the Director of Public and Consumer Affairs. The position closest to the public and with the most interactions with the public should be responsible for this.*
The Department agrees that communication training is an important and essential tool for communicating effectively with the public. The draft policy has been rewritten so that senior management is responsible for training at the local level.
- f. *An innovative method of accurately assessing local needs is needed. An effective assessment of public needs may include various types of public opinion research.*
Such an option would be appropriate for consideration by each site or program.
- g. *Further implementing actions should be examined that would transmit accurate and timely information to large segments of the public.*
Such examination is appropriate at each individual site. In addition, the Department is addressing the issue of information dissemination extensively in its development and implementation of its Communication and Trust Strategic Plan. All of the

Department's efforts are intended to be mutually supportive and integrated; no one effort is exclusive of the Department's overall commitment to openness, efficiency, and customer service.

38. **Science Applications International Corporation** **Paul Seidler**
Yucca Mountain Site Characterization Project
- a. *The policy document lacks a numbering system.*
This deficiency has been corrected.
 - b. *A consistent approach to public involvement is neither feasible nor desirable. The approach at each site will be determined by the political environment of that locality and the issues being discussed.*
The Department agrees and has made this a central tenet of the Policy and guidance documents. Each site will develop its own public participation plans tailored to meet its specific needs; but all sites will reflect a consistency in philosophy, core values, and goals as enunciated in these framework documents.
 - c. *A more appropriate objective is a consistent understanding of the Department's public involvement philosophy and a commitment to implement it.*
The Department agrees, as stated above.
39. **Department of Energy**
Environmental Management Advisory Committee **James T. Melillo**
- a. (Comment made by Tad McCall, BDM Federal) *What is the purpose of the Core Values section? It just seems to sit there.*
This section has been expanded to include a brief description of each core value, describing characteristics to be found in each program, regardless of how it is specifically developed.
 - b. (Comments made by Al Alm, Science Applications International Corporation; Jerry Christean, Mid-Atlantic Public Service; Ron Ross, Western Governors' Association) *This is a good plan.*
The Department agrees.
40. **Vicki Dastillung** **Vicki Dastillung**
- a. *It would be useful if DOE would clarify who is responsible for public involvement activities at each site or set up one person who could then refer the public to the proper person and procedure (if there is one) in order to have their needs addressed.*
The Department agrees and expects each site to designate a public participation contact point. As described in the Accountability section, senior management will ensure that appropriate staff is available to serve in this capacity.
 - b. *How will this policy impact the contractors who run many of the sites? Will they be required to adopt this?*
Contractors are considered part of the Department of Energy and will be expected to implement this Policy.
 - c. *Who will the public contact if it has any complaints about DOE's implementation of the public participation policy? Will DOE provide clear information about the name (and phone number) of this person so they will know the proper place to get such concerns resolved?*

The site public participation contact and/or site manager would be the first level of recourse; if resolution were not possible, the issue would then be referred to the responsible Headquarters Program and up through that chain of command.

- d. *How will DOE evaluate how well this policy is actually being implemented? Self-evaluation is essential, but should not be the only method of evaluation; the public should be included, as well.* The Department agrees. Please see the introductory section of the Secretary's guidance memorandum for a more detailed discussion of this matter.

41. **Shira A. Flax**

Shira A. Flax

- a. *Why does the chain of responsibility stop with the Field/Public Affairs/External Relations Directors?*

On the contrary, responsibility for public participation extends to every employee within the DOE Complex. Please see Goal III.

- b. *Does DOE have staff available that can identify the training and support their colleagues need?*

Yes. A number of such training programs are ongoing, through Headquarters and at sites and field offices. The Department has compiled an Inventory of Communications/Public Participation Training currently available. This document is available through the Office of Public and Consumer Affairs.

- c. *How are the Critical Policy Elements integrated in performance evaluations?*

Where appropriate, public participation elements will be included in managers' performance standards, and they will be evaluated on the basis of program effectiveness and results.

42. **Confederated Tribes and Bands
of the Yakima Indian Nation**

Russell Jim

- a. *I hope there will be training for managers on the implications of Treaty rights of Indigenous people.*

Training will largely be site and/or program specific, and will be identified in site/program implementation plans. The Policy envisions that all appropriate training will be provided.

- b. *The Yakima Nation considers its status as a sovereign, and does not wish to be lumped in with general public notices.* Please see response #32.c.

43. **Ohio EPA**

Thomas A. Winston, P.E.

- a. *Developing a successful public involvement program at each site requires a long-term commitment from top management.*

The Department agrees. Indeed, the Policy's strongest supporter is the Secretary of Energy.

- b. *Responsibilities: Training employees is not enough. DOE needs to evaluate effectiveness, devise improvements, create incentives, and discourage sanctions for inept, ill-advised, but well intentioned communication.*

The spirit of this suggestion has been incorporated into the Policy. Moreover, the Department views all of its new initiatives to improve openness, efficiency, and customer service as linked.

The commitment to quality management principles now infusing the Department will help ensure ongoing process monitoring and evaluation with a view toward continuous improvement. A key reason for the Director of Public and Consumer Affairs' coordination role under this Policy is to assure that experience, "lessons learned," and successes in public participation are broadly shared across the Department, so that all elements are performing to a high level of quality and meeting customer/stakeholder expectations.

44. Department of Energy

Idaho Communications Division

Connie Nash

- a. (Comment made by Brett Hayball, Shoshone-Bannock Tribal/DOE Coordinator and Project Director): *I strongly agree that the process must be tailored to specific stakeholder needs and that the policy only be used as a guide based upon the diversity of stakeholders.*
The Department agrees. A decentralized approach to public participation is a fundamental tenet of this Policy.
- b. (Comment made by Linda Milam, Mayor of Idaho Falls): *Too non-specific in the area of identifying stakeholders.*
The term "stakeholder" has been defined in the Definition section.
- c. (Milam): *I hope that DOE's commitment to two-way communication with "other governmental agencies" includes local (city and county) as well as state and tribal officials.*
Two-way communication will occur with all interested individuals, groups, and government entities.
- d. (Comment made by Terry Smith, Public Information Officer, State INEL Oversight Program): *Holding officials accountable and rewarding risk-taking is a step in the right direction.*
The Department agrees, though it has changed the term "risk-taking" to "innovation" (please see response #23.c.).
- e. (Comment made by Candis Webb, Department of Energy, Idaho): *The Secretary may want to consider issuing a short, separate letter to all DOE employees to emphasize this culture shift and positive aspects of goals.*
The Secretary will be issuing a Guidance Memorandum to all employees along with this Policy. And as noted in other responses, this Public Participation Policy is one of many Secretarial initiatives designed to instill a new culture of openness, efficiency, and customer service across the entire Department. Many efforts are underway to assure that employees embrace this new way of doing the Department's business.
- f. (Comment made by Ellie Hamilton, Private Citizen): *Core Values: Include "accuracy".*
This suggestion has been incorporated into the Core Values section.
- g. (Webb): *The policy should be issued through the DOE Order system, rather than just issued as a policy letter.*
The Policy is being issued under the Department's revised Directives System.

- h. (Smith): *Let the citizens advise the site manager on which access points are most appropriate.*
As discussed in Critical Policy Element II, stakeholders and field managers will determine and identify pre-decisional access points for public input.
- i. (Smith): *The establishment of a data base of real-time information is wonderful in theory, but is it workable or feasible cost-wise?*
Easy access data bases as well as other means of providing efficient, accessible, real-time information are being examined under the Department's efforts to implement its Communication and Trust Strategic Plan. It is hoped that electronic communication will prove both workable and cost-effective in the near-term.

45. Department of Energy

Office of Nuclear Energy

Daniel Dreyfus

- a. *The policy conveys the impression that the public can have daily and unrestricted access to the policy making process and staff in all DOE program offices. This is not feasible.*
Daily and unrestricted access to individuals is not the goal; "open, ongoing two-way communication, both formal and informal, between the Department and its stakeholders" is, with the objective of gaining "the most diverse collection of opinions, perspectives, and values from the broadest spectrum of the public, enabling the Department to make better, more informed decisions." Program officials and staff will be expected to be available as necessary to achieve this objective.
- b. *Certain information from private industry must remain classified, proprietary, or where privileged. Language to that effect should be included in policy.*
The Department agrees and has added language to this effect in the Scope section. Program and site-specific public participation plans will include any additional language necessary because of the mission/activities of that program and/or site.
- c. *The Background section is inappropriate because the policy could be around for years.*
The Background section has been removed.
- d. *Goal I: The public cannot practically be involved in "daily program operations."*
The point is well taken and the phrase has been removed.
- e. *Goal III: The public provides input which we use in making decisions. As written, this section implies that the public actually participates in the decisions themselves.*
Participation in Department decision making does, indeed, imply that the public actually participates in this process. Though the Department will ultimately make the decisions, the process will include input from the public. The goal is "better, more informed" decisions.
- f. *Need to clarify or delete the Director of Public Affairs' engaging in clearance procedures. Certain matters should be cleared with Public Affairs, but it appears impractical to both increase the involvement of the public as described in the policy and clear*

everything with Public Affairs. This will tend to delay response to the public and convey the wrong impression regarding openness. The role of the director of Public and Consumer Affairs has been clarified in response to numerous comments; his/her function is one of coordination, not clearance.

- g. *Policy: "routine component of program activities."*
Please see response #36.b.
- h. *"Risk-taking" is not clear. What kind of risk?.*
Please see response #23.c.
- i. *Peer Review is already encouraged.*
Peer review is now one of the Core Values.
- j. *Implementing Action #3 won't work if everything goes through the Director of Public and Consumer Affairs.*
Everything will not need to go through the Director of Public and Consumer Affairs; senior, program and field managers will have the authority necessary to carry out effective public participation.
- k. *Implementing action #5: Need to clarify what real-time information is.*
"Real-time" information has been changed to "timely" information.

46. **Illinois EPA**

Stephen K. Davis

- a. *A guidance document or handbook must first be drafted to expand on the newly generated policy.*
Program and site-specific public participation plans will serve to expand on and provide details of this new policy.
- b. *It would be useful for DOE to investigate the community involvement requirements or the specific program of law that it intends to comply with when conducting environmental remediation (RCRA or CERCLA).*
This is assumed. The Department is committed to full compliance with all legal requirements under RCRA, CERCLA, and other environmental laws and regulations. This Public Participation Policy is intended to go beyond such legal mandates by supporting open, ongoing two-way communication and public input into the Department's decision making, whether or not required by law.
- c. *Definition: It calls for two-way communication between DOE and "those interested in and/or affected by the Department's decisions and activities." This definition should include two other groups: 1) those living or working in the immediate vicinity of a DOE facility who are potentially affected, and 2) those who are not affected but perceive they are affected.*
The Department agrees and has produced a broader definition of "stakeholder" than previously used that would include these two groups. Please see the Definition section.
- d. *The term stakeholders should be changed to reflect something a bit more personal or relative to the public.*
The term "stakeholder" has been defined in the Definition section.
- e. *Responsibilities: Public involvement will be a discrete performance element for senior and program managers. Does this statement mean that these managers will be responsible for public involvement activities, that this responsibility will be measured on their annual performance evaluation, both, or something else?*

This means that senior management will be responsible for public participation activities and will have at least part of their annual performance assessments based on this process.

- f. *Who will be responsible for responding to news media inquiries?*
This is a decision best decided on an individual basis at each program or site.
- g. *Who should the IEPA and other government officials contact at DOE about news media inquiries? Issuance of news releases? Approval of quotes from upper management on joint news releases?*
Appropriate contacts will be identified in each site and/or program-specific public participation plan. In the interim questions can be directed to the site program and/or public affairs managers.
- h. *Can IEPA and other government agencies have the opportunity to review and comment on news releases affecting their particular state? Public involvement plans?*
Since state government agencies are considered stakeholders, they can certainly review public participation plans. Media issues should be discussed with site public affairs directors.
- i. *Why are senior level departmental and program managers only responsible for the policy's effective implementation? Should this concept be carried out through the DOE ranks to be implemented?*
Please see Goal III. The Policy applies to all DOE employees.
- j. *Goals: How is the public informed about and empowered to participate in Departmental decision making?*
The public will be informed about opportunities to participate in Department decision making through a variety of channels, including the *Federal Register*, local newspaper and radio announcements, and public meetings. The types of input desired and substantive information on the issue(s) for decision will be provided at the time of the public announcements.

47. **Department of Energy**

Oakland Operations Office

John Belluardo

- a. *The policy should stress proactive public involvement activities by DOE rather than reactive actions.*
The revised Policy is much more proactive in its approach.
- b. *Public involvement should be balanced against delays in activities caused by the time needed for consultation. In some cases, it may be better for DOE to consider stakeholders opinions without going through a formal process.*
Public participation activities should be designed in such a way that stakeholders are brought into the process as early as is feasible, adequate time is provided for them to participate, and the Department is able to make its decisions on schedule. Public participation, as defined in this Policy is "open, ongoing two-way communication, both formal and informal." This Policy anticipates that much of the day-to-day decision making activity at the site level will be informal.
- c. *Responsibilities: A commitment of resources should be made explicit.*

Please see the opening section of the Secretary's Guidance Memorandum. Managers are responsible for providing the necessary resources; specific resource requirements, which will vary from site to site and program to program, will be identified and provided through normal planning and budgeting processes.

- d. *Goal III: Items such as personnel records and classified data that will not be made public should be listed.*

Please see response #45.b.

- e. *Purpose: Replace "better" decisions with "more informed" or a similar phrase.*

The term "more informed" has been added in the Public Participation and Purpose sections of the Policy.

- f. *Critical Policy Elements (Implementing Actions): "The new benchmark for excellence will be leadership/performance: Excellence of what?"*

This Implementing Action and the two bullets under it have been deleted from the document.

- g. *Risk taking should be better defined.*

Please see responses #23.c. and #47.f.

- h. *Peer review of what?*

Please see response #47.f.

- i. *There should be a more direct connections between the policy goals and implementing actions to achieve those goals.*

These have been rewritten to correspond more closely.

- j. *The commitment to provide staff training and resources to achieve goals should be made explicit.*

Please see response #47.c.

- k. *Public participation is favored over public involvement as more descriptive and accurate.*

This suggestion has been incorporated throughout the document.

- l. *The issue of assuring a "balanced" or "representative" public is not addressed. The term "public" is used too often and too broadly.*

As discussed in an earlier response, the Department believes each viewpoint is representative of a specific stakeholder or stakeholder group. While the Department will make every effort to solicit the broadest range of diverse viewpoints, it should not arbitrarily assert its judgment as to what constitutes "balance" over the collective input of stakeholders at a particular site or on a particular issue. With respect to the use of "public" in the document, since this is a Public Participation Policy, the Department believes that use of the term is not excessive.

- m. *Public participation seems to vary between the draft policy and guidance. The policy says the public is "empowered to participate in Departmental decision making." The second says the policy is for the public to be involved with the Department in "developing consensus."*

The Department's objective is to encourage and empower the public to participate in its decision making; the term "consensus" has been deleted from the guidance document.

- n. *The policy and guidance should be flexible to meet the different needs of different communities and not place unreasonable demands*

on site personnel or the public.

The Department agrees completely and believes the revised Policy and Guidance provide the needed degree of decentralization and flexibility. Moreover, this issue could certainly be addressed further, on the basis of experience, in the annual site assessments which are to be done at the local level with stakeholder involvement.

- o. *The policy is too broad. It also should address who should determine which activities the public should be involved in.*
This comment would seem to contradict the previous comment regarding the need for flexibility and "not plac[ing] unreasonable demands." The Policy is deliberately broad in nature, providing an overall philosophy, core values and objectives which will guide development of specific implementation plans which will necessarily vary according to site and program needs.
- p. *The public involvement policy should be coordinated with customer advocate policies and activities to assure consistency.*
As referenced in other responses, the Public Participation Policy is consistent and supportive of other Departmental initiatives. Moreover, the annual assessments required in the Policy will provide each site an opportunity for improving alignment as the Department moves forward in several related areas.
- q. *The policy should tell the Operations Offices "what" rather than "how" as it does on page 2.*
Again, the Policy is meant to serve as a general framework, providing philosophy, core values, and goals; at the local level, managers and stakeholders closest to the issues and the community will formulate specifics in their site public participation plans.
- r. *Both the Department and the public need to have a clearly defined understanding of what role public participation will play in Department decision making.*
The Department believes that the revised Policy does that. Further definition will come in the program and site-specific public participation plans.

48. Lawrence Livermore National Laboratories Harry L. Galles

- a. *I am concerned about the degree and extent to which this policy will be implemented. I question the usefulness of actively seeking stakeholder involvement in all aspects of the LLNL's business.*
The Secretary intends for this policy to extend to all Department staff and contractors. The scope and nature of the public participation effort at LLNL will be defined in the implementation plan it develops with its stakeholders.
- b. *This will provide an open door to extremist or environmental groups to "shut down the laboratory."*
The Department disagrees. This Policy is predicated on the belief that the broader and more complete the knowledge base, the more informed and hence, better, the decisions will be. Thus, the Department will seek, consider, and incorporate public views in its decision making to the fullest extent appropriate and feasible. But as stated in the Scope section, this Policy "is not

- intended to affect legal requirements" and that includes the Department's ultimate responsibility for decision making.
- c. *The policy will run counter to DOE's attempt to be more responsive to the competitive needs of U.S. industry.*
The Department disagrees. Rather, greater stakeholder involvement is likely to increase our ability to understand and satisfy stakeholders' interests, including those of U.S. industry.
 - d. *If the policy is implemented, all LLNL schedules will have to be revised and costs will rise accordingly.*
This is unlikely. While there may be some initial increase in front-end costs, the Department's ability to better understand and respond more quickly to its stakeholders' interests is likely to lead to improved cooperation and stronger partnerships, to the mutual advantage of the Department and its stakeholders.
 - e. *Does DOE really intend for all its programs to interact daily with the stakeholders, as suggested in Goal I?*
Please see response #45.d.
 - f. *I prefer an approach in which DOE and LLNL are fully responsive to and take full consideration of questions, comments, concerns, and opinions volunteered by stakeholders, without instituting a formal process to solicit that input.*
A wide variety of means will be used to solicit public input; these will range from the most informal conversations to legally required hearings. "Two-way communication" certainly need not be a "formal process."
 - g. *The issue of how this policy would apply to classified work is not addressed.*
This issue is now addressed in the Scope section of the Policy and the opening paragraph of the Secretary's Memorandum.

49. Stanford University Linear Accelerator Center

Kirk Stoddard

- a. *There should be a more direct connections between the policy goals and implementing actions to achieve those goals.*
Please see response #47.i.
- b. *Responsibilities: Commitment of training and resources should be addressed more explicitly.*
Please response #47.c.
- c. *Risk taking should be clearly defined.*
Please see response #23.c.
- d. *Purpose: The term "better decisions" is unnecessarily vague. "Better" should be replaced with "more informed", "more conscientious", or "more thoughtful", or the like.*
The phrase "more informed" has been incorporated into the policy.
- e. *What type of document review process will be involved in coordination of activities at the various levels?*
The review process may depend on the nature and contents of a given document; that is, a NEPA document. Coordination activities assigned to the Office of Public and Consumer Affairs under this Policy will be in the nature of facilitation rather than "review" activities.
- f. *Throughout the document "assure" and "assuring" should be replaced by "ensure" and "ensuring."*

- This change has been made.
- g. *Critical Policy Element V: Replace "real time" with "timely" or define the intended application in more detail.*
This change has been made.
 - h. *Critical Policy Element IV: Address the commitment of resources, either combined with training or as a separate item.*
See response #47.c.
 - i. *Critical Policy Element II: "Well-known" seems vague here...replace with "well defined" or "well-established".*
This has been changed to "clearly defined".

50. **Sandia National Laboratories**

Steve Baca

- a. *Each program manager should commit that program's public involvement dollars in the field and at the laboratories in a way that is both effective and accountable. Public Affairs and External Affairs Offices should, per the implementation funding, receive funding directly from the program managers and should be accountable to the program managers.*
Certainly, the Department expects that all expenditures will be effective and prudent. And since public participation is the responsibility of every employee (Goal III) and the special responsibility of cognizant managers (Accountability section), it is expected that all elements in the Department will factor public participation activities into their planning and budgeting processes. It is further expected that in line with quality management principles, related elements in the Department will work as an integrated, effective team in promoting two-way communication and stakeholder input in DOE decision making processes.
- b. *"Public involvement must be a routine component" in everything we do. If that is the intent, it should be stated in a section on Scope in the policy.*
Please see response #36.b.
- c. *There is no mention of balance in public involvement. Public involvement must be balanced and include the full range of community views and opinions.*
Please see the Public Participation and Definition sections of the Policy, as well as Critical Policy Element V and the first Implementing action under it. The clear intent of this Policy is that the Department gather the broadest, most diverse range of stakeholder viewpoints, values, and perspectives.
- d. *Core Values: Consider the addition of "Commitment to progress in solving each problem through consensus."*
The Department's goal is understanding, not consensus-building.
- e. *What will be the process for continuously improving the policy and implementation guidance as well as measuring their effectiveness?*
The annual assessments outlined in the Secretary's Memorandum should provide the opportunity for evaluation and improvement in each site's efforts, as well as a forum for highlighting successes and progress which can then be shared across the DOE Complex.

51. Department of Energy

Chicago Operations Office

Gary L. Pitchford

- a. *"Risk taking will be rewarded" needs clarification.*
Please see response #23.c.
- b. *The policy needs to provide more guidance on how it will be implemented and coordinated with other departmental initiatives.*
The Department believes that this guidance has been provided in the revised policy.
- c. *The document should be codified as a DOE directive.*
Please see response #44.g.
- d. *References to DOE (Operations Site, Area, Project, Etc) and contractor-operated organizations (Laboratories, production plants, etc) needs to be clarified and made more consistent.*
An effort to maintain consistency has been incorporated into the Policy.
- e. *Critical Policy Element IV: Development of performance measures will be critical to the success of this assessment procedure.*
The Department agrees on the importance of criteria and measures for judging effectiveness. This concept is discussed in the Secretary's Memorandum.
- f. *Critical Policy Element V: Last paragraph, add the word "prompt" before the phrase "clearance procedures for public information materials." Timeliness in such reviews is critical.*
The issue of clearance procedures is no longer part of Critical Element V.

52. Department of Energy

Human Resources and Administration

Archer Durham

- a. *The broad manner in which the policy is written makes it very adaptable to local situations, but also leaves it open to inconsistent interpretations.*
The Department believes that this potential problem has been minimized in the revised draft policy.
- b. *A general statement of what is excluded from coverage would be helpful.*
This has been added in the Scope section of the Policy and the opening paragraph of the Secretary's Memorandum.
- c. *We do not interpret the program managers' responsibilities to include coordinating procurement rulemakings with your office, as we are interested in streamlining the rulemaking process.*
You are correct.
- d. *"...public involvement will be a discrete performance element for senior departmental and program managers directly responsible for its effective implementation." This definition is not clear as to what levels are considered "senior" or what constitutes direct responsibility.*
This section has been deleted in the revised policy. Please see the Accountability section for a more detailed discussion of this issue.
- e. *Our concern is that organizations will request additional resources (FTEs and funding) to meet this requirement. A statement needs to be included either within the actual policy or the*

Secretary's cover letter memorandum which states that the incorporation of this responsibility will be accomplished with existing resources.

Like quality management principles, public participation is a way of doing business that must be incorporated into all of the Department's activities and programs. It is not something separate or apart that would necessarily require additional resources.

53. **Oak Ridge Institute for Science and Education** **James E. Drewry**
a. *Public involvement activities may impact upon legal requirements set forth in the Administrative Procedures Act in Title 5 of the U.S. Code.*
Please see the Scope section of the Policy and the opening paragraph of the Secretary's Memorandum. This Policy does not affect existing legal or regulatory requirements on the Department.
54. **Author Unknown** **Author Unknown**
a. *Comments illegible*
55. **Energy Research Foundation** **Tim Conner**
a. *There is little mention of any system by which DOE can determine whether the goals are being accomplished. DOE should add a pledge to measuring its accessibility and responsiveness to meaningful public involvement.*
The Department agrees that accessibility and responsiveness are essential. Please see the Core Values and Accountability sections of the Policy as well as the Secretary's Memorandum which discusses the need for annual assessments of the effectiveness of each site or program's public participation plan. Stakeholders are to be involved in formulating criteria and carrying out these assessments.
b. *The Director of Public and Consumer Affairs is responsible for annually assessing the effectiveness of DOE's communications efforts. Perhaps this person should also be the appropriate one to evaluate the effectiveness of the overall public involvement policy.*
Please see response #55.a. The Director of Public and Consumer Affairs will evaluate these annual assessments of the site and program participation plans. The Director will also recommend changes to improve the effectiveness of these plans.
c. *What should citizens do when they have grievances about the effectiveness or responsiveness of DOE's public involvement policy?*
Please see response #14.g. Good faith efforts should be made to resolve all grievances at the local level, but as necessary may be referred through the chain of command at Headquarters.
d. *DOE is in the process of establishing nearly a dozen site-specific advisory boards. These boards may quickly become a central element in many of the DOE's public involvement activities. Perhaps the policy and implementation guidance should indicate how*

these boards will mesh with the other elements of DOE's public involvement program. Also the policy might indicate points of contact for these boards.

The role site-specific advisory boards will play in furthering public participation activities will be defined at the site level. Points of contact for these boards should be, and to the best of our knowledge are, available now at each site with a citizen advisory board.

- e. *The policy and guidance should contain more details on how officials who are progressive and successful in implementing meaningful public participation will be rewarded.*

This issue is referenced in Critical Policy Element I in the Secretary's Memorandum and in the Accountability section of the Policy, which seeks to make effective public participation a normal part of daily operations for the Department. Specific expectations, measures, and rewards for cognizant managers should be detailed in their performance plans.

56. Neighbors in Need

Rev. Dr. Velma M. Shearer

- a. *Are public involvement plans being designed solely for clean-up and health study activities at DOE weapons sites, or do plans include programs which concern future energy needs as well?*

Public participation is to be a part of all Department activities and operations, day-to-day; plans will be developed for specific program and site decisions, as necessary.

57. National Renewable Energy Laboratory

Duane N. Sunderman

- a. *Definition: There should be a major focus or emphasis on interactions with the public and less emphasis on interactions with other government agencies.*

The revised draft policy focuses on Department interactions with the public, not government agencies.

- b. *Goal I states that "every employee shares the responsibility to practice public involvement." This should be addressed in the "guidance" section (it currently is not), and some broad guidelines on employee responsibilities should be provided.*

Such specifics will be found in the program and site-specific public participation plans. This reference can now be found under Goal III. It has remained in the policy due to the fundamental role it will play in the effective implementation of the policy.

- c. *Some consolidation of the Core Values list appears to be possible.*

Because of the overwhelming number of suggestions calling for the inclusion of additional Core Values, this list has expanded.

Because this is an important area of commitment for the Department, each Core Value is listed separately.

- d. *The term "triggering legal requirements" is ambiguous and should be provided by the policy-setting body.*

The issue of legal requirements is now addressed in new language in the Scope section of the Policy and the opening paragraph of the Secretary's Memorandum.

- e. *A statement should be provided noting the need for protecting business-sensitive information.*

- f. This can be found in the Scope section.
A better description of "risk taking" is needed and its boundaries should be included.
Please see response #23.c.
- g. *A definition of "program operations" and "planning activities" is needed.*
These terms will be defined in the program and site-specific public participation plans, since the terms will vary throughout the DOE Complex.
- h. *Guidance outlining how public input will be used by the DOE is lacking and should be provided.*
The Department is committed to incorporating public input into its decision making processes and to providing feedback to the public on its reasoning for not incorporating input. Language to this effect appears in both the Policy and the Guidance Memorandum.
- i. *We encourage simple, streamlined clearance procedures that do not overly inhibit the central goal of openness.*
The Department agrees.
- j. *Critical Policy Element IV: The word "external" should not apply to training the public since DOE has a responsibility to help educate but not necessarily train the public.*
The Department has a responsibility to make the public participation process efficient and effective. Accomplishing this may in some instances include some level of training to help stakeholders better participate in these processes. This is an issue that will be decided at the local site/program level with input and discussions between the Department and stakeholders.

58. **Battelle Pacific Northwest Laboratories** **Joseph D. Spencer**

- a. *A fourth goal should be considered which would read "The public is informed about how their input influenced Departmental decision making."*
This issue is addressed in language in the revised Policy under the Definition section. The Department actively seeks, considers, and incorporates or otherwise responds in a timely manner to the views of its stakeholders.
- b. *Responsibilities: Departmental program managers' responsibilities also should include "participating" in appropriate levels of public involvement in their programs. These paragraphs should explicitly state this expectation in addition to the identifying, planning, budgeting, and implementing responsibilities already mentioned.*
This issue is addressed under language directing program and site managers to be accessible. Under the Core Values section, accessibility is listed and defined as known avenues to Department leaders who are available, approachable, and open to the public. The intent of this language is to encourage and ensure management-level involvement in public participation activities.
- c. *Program managers need to receive "basic public involvement" training, in addition to basic communication training.*
Critical Policy Element IV and the Responsibilities sections discuss the need for both communication and public participation

training. Moreover, an Inventory of Communications/Public Participation Training currently available across the Department has been compiled and distributed.

- d. *All managers need to understand when and how to factor public involvement into their program decision-making processes.*
This information would be provided in public participation training sessions. Also, Critical Policy Element II states that stakeholders and field managers will determine and identify pre-decisional access points for public input.
- e. *Managers of Field Operations also need to be held responsible for "assuring that their staff receive necessary training and participate in appropriate levels of public involvement."*
Senior managers throughout the Department are to be responsible for ensuring that staff receive training. References to specific management positions have been eliminated from the Policy because they were confusing to many.
- f. *Critical Policy Element III: Cooperation "and teamwork" should be rewarded.*
This reference to "reward" has been removed from the Guidance Memorandum. While public participation is a performance element for senior managers (Accountability section), cooperation and teamwork in public participation processes are expected from all employees as part of acceptable performance across the DOE Complex (Goal III).
- g. *Critical Policy Element IV: The Department's communication "and public involvement" efforts should be assessed for effectiveness annually.*
This suggestion has been incorporated into the Secretary's Memorandum.

59. **Continuous Electron Beam Accelerator Facility** **James E. Coleman**

- a. *If the public is to be included in planning, and if its participation is to be constructive, the public needs to have a good understanding of risk concepts.*
As issues arise and public participation is planned, concepts like "risk" and "equity" will be examined as appropriate. The need for such discussions will be identified at the program and site level.
- b. *The policy should cultivate and encourage "win-win" decisions and allow responsible, informed stakeholders to be effective team players.*
The Department agrees with this suggestion and hopes that this Policy will result in "win-win" solutions for all parties.
- c. *We request the summary information on the issue of advisory committee requirements referenced in your memorandum (last paragraph).*
This information has been provided.

60. **Amarillo Area Office** **Tom Williams**

- a. *I am forwarding to you additional comments provided to us by the Metal Trades Council of Amarillo. . . and we hope you give due consideration to their views.*
The comments, which follow, have been given due consideration.

61. **The Metal Trades Council** **Ronnie Payne**
 a. *It is a concern to us when an overwhelming majority of the public expresses a viewpoint and a very small minority is allowed to hold up a process. DOE should examine this issue more closely.*
 Please see response #2.p.
 b. *Goal III: Our concern is the word "empowered". How would the public be empowered and to what extent?*
 These issues are addressed in various parts of the Policy and Guidance Memorandum. Generally, the public will be given information early-on with respect to issues and questions needing resolution, and will be invited/encouraged to offer their various views and values as to the preferred manner of resolution. The Department will incorporate this public input into its decisions, or otherwise account for why input was not accepted.
 c. *Employees at DOE sites are being left out of the key stakeholder lists.*
 The Department agrees. Critical Policy Element II contains language directing senior management to ensure that Department personnel are integrated into planning activities and decision making processes.
62. **Lawrence Berkeley Laboratory** **Michael Chartock**
 a. *We have no comments.*
63. **Oregon Department of Energy** **Ken Niles**
 a. *Reference should be made to the Administration's commitment to streamline and simplify the Freedom of Information Act (FOIA) process and to declassify historical documents.*
 As noted earlier, this Policy is one of many initiatives that, taken together, mark the Department's **new way of doing business**. Issues affecting openness, including FOIA reform, are being addressed elsewhere.
64. **Department of Energy** **Lea Ekman**
Environmental Health
 a. *The final draft should contain a graphic depiction of the lines of internal DOE coordination. It would be a useful adjunct to understanding the various responsibilities and lines of authority for the DOE levels described.*
 The Policy has been restructured and lines of responsibility simplified. Public participation efforts will be driven at the local level, by site and program managers who are vested with the authority necessary to interact effectively with stakeholders on a consistent basis. Internal DOE coordination will be identified and directed from the program or site level.
65. **Department of Energy** **David Perotti**
Environmental Restoration
 a. *The policy should reflect the significant effort expended to date to achieve a publicly supported program. As currently written, it places an undue emphasis on "changing the old culture."*

Several references to the "old culture" have been deleted in favor of streamlining the Policy and focusing attention on the salient issues involved in public participation.

66. **Department of Energy**

Environmental Management

Bobbie Smith

- a. *The policy is simplistic and provides few details on how these objectives will be met.*
This Policy is meant to serve as a general framework; the site- and program-specific public participation plans to be developed will include an appropriate level of detail.
- b. *The terms "public involvement", "public participation", and "public outreach" seem to be used interchangeably within the DOE. These three terms have different connotations. There is a difference between involving and communicating. It may be more palatable to DOE's stakeholders to use the term "public participation" consistently in all DOE documentation. Participation implies a more active, two-way approach. The Department agrees that public "participation" is more appropriate than "involvement" and has incorporated this change throughout the Policy and Guidance Memorandum.*
- c. *Core Values: It may be more helpful to provide value statements rather than a list of words.*
The Department agrees and has provided value statements in the Core Values section.
- d. *How is headquarters and the field supposed to apply these core values?*
Public participation efforts, whether implemented at headquarters or in the field, will be characterized by the values identified in the Core Values section.
- e. *DOE should not continue to punish itself for the secrecy of the past (Background section).*
This recommendation references the Background section which has been removed from the revised Policy.

67. **State of Missouri**

Department of Natural Resources

Robert Geller

- a. *No comments.*

68. **Pantex**

Guyon H. Saunders

- a. *The Department is already strangling on public involvement.*
The Department disagrees and believes there is much to be gained by involving the public in its decision making processes.
- b. *There is no imperative that the "public" have a warm, friendly feeling about DOE.*
This is not the purpose of public participation. Rather, the goal is "better, more informed decisions" due to a more comprehensive, inclusive decision process.

69. **The Peace Farm**

Mavis Belisle

- a. *Core Values: I think there should be some commitment to providing context for decisions.*

This can be found in the Core Values under "Accountability." In addition, this issue is addressed in the Definition section which states that the Department actively seeks, considers, and incorporates or otherwise responds in a timely manner to the views of its stakeholders. Further, this issue is addressed in Critical Policy Element I, bullet #2. The Department will incorporate public input into its decisions where appropriate and feasible and will provide feedback to the public on its reasoning.

- b. *In addition to site-based public involvement, the policy should include the same broad-based review of DOE materials designed for use in schools and other educational programs or institutions. This is an issue to be addressed by other areas of the Department.*
- c. *Critical Policy Element II: Headquarters and field offices will be responsible for seeing that plant managers are fully included in communications, and have at the earliest moment the information they need to respond to inquiries or initiate public comment.*
The Department agrees that the timely flow of information is essential to the success of public participation.
- d. *Copy costs are high and reading room hours are not always convenient. DOE should consider making technical and other documents available on a loan basis.*
The Department is and will continue to examine more convenient, accessible, efficient ways to offer information to stakeholders.
- e. *All regulatory permits or permit amendments should be available in the public reading rooms at the same time they are submitted to the state and/or federal regulators.*
Consistent with legal requirements, this seems appropriate.

70. **W.H. O'Brien**

W.H. O'Brien

- a. *High risk operations should be identified as such.*
The Department agrees and will continue to pursue policies of openness and full compliance with all environment, safety, and health standards in its operations.

71. **Ames Lab**

John Eckert

- a. *This is a good thing.*

72. **Military Production Network**

Stephen Schwartz

- a. *How will officials, especially regional officials and contractor employees, be held accountable for implementing the new policy? What measures will be taken if employees do not follow the policy?*
All employees are expected to uphold this Policy. Annual reviews will help determine the relative success of public participation efforts at each site. Non-performance under this Policy will be handled in the same manner as non-performance in any other area.
- b. *Whom can a stakeholder turn to when the inevitable personnel or procedural roadblocks are encountered?*
Stakeholders should first turn to local officials (i.e. site/field managers). If a satisfactory resolution cannot be achieved, stakeholders would then press the issue through the chain of command in Headquarters.

- c. *How does DOE plan to measure progress in implementing this policy?*
This is an issue that requires further attention, but the annual assessments are one means. Stakeholders will be involved in developing site public participation plans, establishing performance criteria and measures, and assessing whether these are being met.
- d. *What funding mechanisms are envisioned for FY95 and beyond to help implement this proposals?*
Sites and programs are to include public participation activities as a part of their regular planning and budgeting processes.

73. Department of Energy

Defense Programs

Greg Rudy

- a. *Definition: Change "between" to "among".*
Because the Definition was reworded, "between" is now correct.
- b. *Definition: The department will genuinely/sincerely seek, consider, and respond to the views of its stakeholders.*
This suggestion has been incorporated into the Definition section.
- c. *Goal III: Delete "empowered to" and change "participate" to "participates".*
In the revised Policy, this references Goal II. The Department feels that the concept of empowerment is an important component of the Policy and as such, has left this part of the goal intact.
- d. *Responsibilities: Public involvement should not be a discrete performance element for just senior departmental and program managers. The policy says its everyone's responsibility.*
While it is true that all employees bear responsibility to support public participation efforts, the Department views Policy implementation as the responsibility of management. Please see the Accountability section.
- e. *Replace "basic communication" with "appropriate communication training and public involvement training (delete "and where appropriate, advanced public involvement training").*
The Department believes all employees involved in implementing public participation efforts should receive basic communication and public involvement training. For those working more closely with stakeholders, advanced training may be advisable. Please see the introductory section of the Secretary's Memorandum for discussion of this issue.
- f. *Guidance, second paragraph, second line, add "and legal requirements".*
This concept is captured in the Scope section.
- g. *Critical Policy Element III: Change to "will develop consistent formats and facilitate procedures for public access to information".*
This has been deleted from the revised Policy.

74. Department of Energy

Office of the Secretary

Dan Reicher

- a. *This is well done.*

75. **City of Oak Ridge, TN** **Mayor Edmund A. Nephew**
- a. *A more explicit statement that distinguishes public input from intergovernmental contractual agreements is appropriate.*
Please see the Scope section; there is explicit language to this effect.
 - b. *Because elected and appointed officials are legal representatives of the public, it is more accurate to state "Public involvement provides a means for Americans to more directly influence decisions made by their government."*
In the revised Policy, this sentence has been deleted.
 - c. *The DOE should receive training on public involvement from experts in that field, rather than relying on public relations contractors.*
The Department agrees and is using recognized public participation experts to provide employee training.
76. **Department of Energy** **Cynthia Kelly**
Office of Environmental Management
- a. *The subject headers in the policy should be less abrupt; they seem very bureaucratic.*
The subject headers are meant to be brief, clear, and descriptive.
 - b. *Purpose: The primary purpose of public involvement is working with the public to reach consensus on how to solve problems in a more publicly acceptable way. This goes beyond "building mutual understanding and trust" and should be incorporated into the statement.*
The Department disagrees. Public participation is not intended as a tool to build consensus, but as a means to build understanding between the Department and the public and to help the Department make better, more informed and responsive decisions. Please see the Public Participation section in the Policy for a more detailed discussion.
 - c. *Background section: The second sentence should be deleted. The third sentence should read "The focus of DOE's efforts during the Cold War was on national defense through nuclear deterrence; the priority, on design..." Insert after this sentence "This focus resulted in an operating culture that allowed for limited public interaction only."*
The Background section has been deleted from the Policy.
 - d. *Background: The second paragraph could be improved by deleting, "from a closed, command-oriented hierarchy."*
The Background section has been deleted from the Policy.
 - e. *Background: Second paragraph: In the last sentence delete, "such leadership and change are essential" and insert "this new culture is essential if..."*
The Background section has been deleted from the Policy.
 - f. *Definition: Reword lead-in sentence: "Public involvement is participation by interested members of the public in the activities and decision process of the Department, and provides a means for members of the public to influence these decisions."*
The spirit of this suggestion has been incorporated.

- g. *Definition: Reword last sentence: "The Department will actively seek and consider public input, and will incorporate or otherwise respond to the views of its stakeholders in making decisions."*
The spirit of this suggestion has been incorporated.
- h. *The Goal section needs a lead-in sentence and the goals need to be reworded.*
The Department agrees. A lead-in sentence has been included and the goals reworked.
- i. *Core Values: Examples would be very useful, especially in regard to "risk-taking".*
Definitions of each core value have been provided. The term "risk-taking" has been replaced with "innovation." (Please see response #36.b. for comment on this issue.)
- j. *Responsibilities: What does this coordination consist of? Is this advisory only or will the Office of Public and Consumer Affairs be actively involved?*
The Office of Public and Consumer Affairs will coordinate public participation activities at the Headquarters level. Local public affairs offices will coordinate their own public participation efforts. As noted earlier, this coordination role is one of facilitation and support, not direction. (Please also see responses #36 m. and o.)
- k. *May need to add another responsibilities section regarding the responsibilities of the Deputy Assistant Secretaries and Office Directors to oversee their program managers and ensure that they are including public involvement in their projects as early as possible.*
The Responsibility section was reworked, simplified, and renamed "Accountability." Specific titles were eliminated to avoid confusion; thus, additional designations are unnecessary. The value of early participation, however, is recognized and incorporated throughout the Policy (for example, in Goal II).
- l. *Guidance Memorandum: The last sentence should be revised to reflect that public involvement plans and activities should be appropriate to the needs of both the program and stakeholders. DOE must be very clear in defining what it needs from the public involvement process in terms of recommendations, alternatives, priorities, etc.*
The document is intended to provide a framework for what the public can expect from the Department, although benefits to the Department are also noted in the opening Public Participation section, and elsewhere in the Policy. More specific expectations, on the part of stakeholders and the Department, will likely be identified in site- and program-specific public participation plans.
- m. *It is not clearly stated that the Director of Public Affairs' coordination role is the need to be consistent and accurate.*
This role is discussed in further detail in the Guidance Memorandum.
- n. *Critical Policy Element #1: Suggest rewording the first bullet under Implementing Actions to clarify what officials will be empowered to do. Possible rewrite could be: "Officials*

representing the Department will be honest, open, and accurate in their public statements, and will assure diligent follow-up and timely results from the commitments they make".

This suggestion was slightly modified and incorporated.

- o. *Second bullet: Change to read "...routinely solicit public input, consider it in making decisions, and provide timely responses to the public. Responsiveness to public input is critical in building credibility".*

While this precise wording was not adopted, the spirit of the comment is clearly reflected in the Policy. For a discussion of the word "routine", please see response #36.b.

- p. *Third bullet: This is not an action, either delete or incorporate into the introductory paragraph.*

The Department believes that the recognition and reward of leadership in this area is extremely important. This section was rewritten to clarify.

- q. *Critical Policy Element #2: Replace "well known access points" with "clearly identified access points".*

This sentence was changed to read "with regular, distinguishable access points."

- r. *Second bullet under Implementing Actions: Insert "...will consult with Project Managers to identify appropriate pre-decisional...". Also, need to clarify what is intended by 'facilitate accommodation between local and national interests'".*

The first sentence of this Implementing Action has been reworded, while the second sentence was deleted.

- s. *Critical Policy Element #3: First bullet begs for some clarification or expansion - cooperation should be given in any organization and should not necessarily be "rewarded". If these bullets are to be Implementing Actions (header is missing), it may be better to state this as an action: 'A system will be developed to evaluate and recognize examples of innovative, efficient or cooperative team efforts in public involvement activities. Specific guidelines will be necessary to make this work. This bullet has been deleted.*

- t. *Critical Policy Element #4: It would be more logical to switch the sequence of the Implementing Action bullets to first list training, then evaluation.*

This section has been reworked and simplified, with references to evaluations removed.

- u. *Critical Policy Element #5: This is the first time developing consensus has been mentioned in the policy or the implementation memorandum. This should be a greater emphasis in the policy. Effective public involvement activities will seek to build consensus and understood public values, not just exchange information.*

Reference to consensus has been deleted. See response #76.b.

- v. *Second bullet: Will this be one database? Suggest changing to "...manage appropriate (or topical) databases of real-time information...".*

This reference to a database has been expanded; there will be more than one.

77. **Stanford University Linear Accelerator Center** **Burton Richter**
 a. *Those closest to the community should have as much flexibility as necessary in order to meet local needs. Local needs may vary widely from site to site.*
 The Department agrees; the Policy supports decentralized, site-driven efforts.
78. **Mary Riseley** **Mary Riseley**
 a. *Definition: Are you only going to conduct "legally required meetings"? I suggest omitting the modifiers as hopefully you will hold other public meetings as well.*
 The Definition section was rewritten to clarify that legally required meetings are but one of many forms of communication that may occur within the DOE Complex and between the Department and its stakeholders.
 b. *Responsibilities, second paragraph: This is unclear and sounds cumbersome. What does "coordinate" mean here?*
 The Responsibilities section has been eliminated. Please see responses #36.m. and o. for an explanation of "coordinate."
 c. *Guidance on Implementation, last sentence, last paragraph: This statement is patently overstated. "The business" of DOE includes many matters that will never be open to full view. I would hope for a more honest statement with qualifying phrases.*
 Indeed, the Secretary supports a policy which promotes openness and service within the Department. As such, this statement is not overstated. In response to this and other suggestions, however, the statement was qualified with the phrase "consistent with applicable laws, regulations, and contracts."
79. **Eugene Kovalenko** **Eugene Kovalenko**
 a. *This policy is a shift from an attitude of domination to an attitude of partnering.*
 This is true.
80. **Bonnie Bonneau** **Bonnie Bonneau**
 a. *There was not enough time to respond. I believe that 30-60-90 days notice is more in line with legitimate review processes.*
 Please see response #2.a.
81. **LANL 2000 Subcommittee/Task Force on Policy Formation and the National Economy**
 a. *Background, second paragraph: After "and leadership from the top down", add "and bottom up".*
 The Background section was eliminated.
 b. *Definition: Add something at the end about timely responses to comments.*
 This suggestion has been incorporated in the Core Values section.
 c. *Is public involvement restricted to non-classified material?*
 Yes. This is discussed in further detail in the Scope section and the introductory section of the guidance document.
 d. *Responsibilities: Public involvement will be a "discrete performance element...Is this a job requirement?*

Though the Responsibilities section has been eliminated, the Accountability section clearly states that public participation is a performance element for senior departmental, program, and field managers.

- e. *Will Site Specific Advisory Board members have access to clarification information or will they have to obtain a Q?*
This Policy in no way affects legal requirements governing classified information.
- f. *Director of Public and Consumer Affairs: This sounds like a place to bottleneck a project.*
The Director of Public and Consumer Affairs will serve as the point of contact for Headquarters coordination, but will have no direct role in local activities. For further discussion, please see responses 36.m. and o. as well as other references throughout this Comment Response document.
- g. *Critical Policy Element #1: Add "truth" to "honesty and forthrightness."*
The Department believes that the concept of truth is inherent within honesty and forthrightness.
- h. *Critical Policy Element #1, Implementing Actions: Please rewrite this element in laymen's terms.*
The Department hopes that Critical Policy Element #1 is easier to understand in the revised Policy.
- i. *Critical Policy Element #2, Implementing Actions, second bullet: Cite a partnership with the public.*
The spirit of this suggestion about a partnership between the Department and the public in the identification of pre-decisional access points may be found in Critical Policy Element #2 of the revised Policy.
- j. *Critical Policy Element #3: Replace "rewarded" with "recognize".*
Because cooperation is now to be the norm, it will be evaluated as part of regular performance appraisals; consequently, references to "reward" have been removed from the guidance document. Obviously, quality performance in public participation as in other areas will be recognized in the employee's evaluation.
- j. *Critical Policy Element #4: The Director should assess effectiveness on a quarterly basis, not annually.*
The Department believes that annual assessments are appropriate as public participation is an evolving process that will require time for implementation and progress.

82. **Vista Control**

Author Unknown

- a. *For meaningful participation, it is vital that more than all the relevant information is available. In some areas this will conflict with national security issues and classifications. I did not see this addressed in the document.*
This is now addressed in the Scope section.
- b. *Guidance document, first paragraph: I would like the strategic plan to be particularly called out in the second line.*
As noted in other references throughout this Comment Response document, the Public Participation Policy is but one of many initiatives to redirect the way the Department does business. The

Strategic Plan provides the overall roadmap for where the Department is going and how it will get there. Public Participation fits particularly within the critical success factor of Communication and Trust.

- c. *In the last line of the same paragraph, and with security issues in mind, add "of Americans" after "view".*
The Department cannot and does not wish to restrict public participation to any particular groups.
- d. *Critical Policy Element #1, first Implementing Action: Add "completeness" after "honesty".*
The word "accurate" has been inserted, implying completeness.
- e. *Critical Policy Element #3: Change "Cooperation will be rewarded" to "cooperation will be recognized."*
Please see response #81.j.
- f. *Critical Policy Element #5: Add "and understanding values" after "information and ideas".*
The spirit of this suggestion has been incorporated into other parts of the Policy, including the Scope section.

83. **Gloria Gilmore-House**

Gloria Gilmore-House

- a. *How deep is the commitment to change? Is it simply a fad or will it continue beyond the present administration?*
Both the external and internal events driving Departmental change began during the previous administration and are expected to continue beyond Secretary O'Leary's tenure. This Policy, for example, is to become part of the Department's Directives System, which pertains beyond any single incumbent Secretary.
- b. *Why are risk-taking and peer review the only core values singled out as benchmarks for performance assessment in this document? What about other laudable values like accountability, fairness, openness, respect, sincerity, etc...*
This was a shortcoming that has been rectified. As discussed in the Accountability section, effective implementation of this Policy will be a performance element for Department managers. Evaluations, in large part, will be based on the Core Values described in the Policy, including many of the values noted in your suggestion.

84. **Carolyn and Arnold Keskulla**

Carolyn and Arnold Keskulla

- a. *No comments pertaining to the DOE Public Participation Policy.*

85. **David Kime**

David Kime

- a. *So that accurate, effective solutions can be found for contamination clean-up, the public should be given the reasoning behind the contaminants.*
As defined in the Core Values section under "Accountability," the Department has a responsibility to explain both its decisions and the rationales for those decisions.

86. **John Darke**

John Darke

- a. *No comments on proposed Policy.*

87. **Erwin Binder** **Erwin Binder**
 a. *I have no confidence that the proposed public involvement process will not be subverted by political considerations.*
 The Department hopes that its actions over time build public confidence.
88. **Jay Edgeworth** **Jay Edgeworth**
 a. *The Purpose statement should contain a statement of how more involvement can reduce costs (i.e. it could reduce delays and legal issues later).*
 The primary purpose of this Policy is not cost-reduction, although this would clearly be a welcome auxiliary benefit if it occurs.
 b. *Guidance memorandum, Critical policy Element IV, bullet #2: It is important that all employees are apprised of their responsibilities and be given the instructions necessary to adequately carry out their roles in the new era of openness. This means that everyone should be given public involvement training, not just "appropriate personnel."*
 The Department agrees. Both of these suggestions have been incorporated into the introductory section of the guidance memorandum in the second and fourth bullets.
 c. *The draft seems only to address the roles of public affairs officers and area managers and above. It is a mistake not to empower all employees to respond to the public's concerns since all employees will be dealing with the public on a daily basis.*
 The revised Policy clearly states that all Department employees are responsible for public participation (Goal III).
89. **DOE-Los Alamos Area Office ES&H Branch** **Author Unknown**
 a. *Why are the Core Values different than the 8 DOE Headquarters uses?*
 The question is not clear. If the reference is to the core values contained in the Department's Strategic Plan, the core values in this Policy are not so much "different" as they are more specific and focused to the needs of public participation. The two sets of core values are complimentary and reinforcing.
90. **Sig Hecker** **Sig Hecker**
 a. *With respect to empowering the public to participate, who is the public? Accountability is the flip side of empowerment; how do we get the public to be accountable?*
 Here, the public consists of that portion of individuals or groups who choose to participate in Department decision making processes. It is presumed that such participants will be responsible and diligent in their efforts. The extent of their influence on the Department's decisions will perhaps be the best measure of their "accountability."
91. **LANL-Public Affairs** **Scott Duncan**
 a. *As a practical matter, I'm not sure just how we "empower" and "include" the public in the decision making process.*

Under this Policy, the Department is empowering the public to participate in its decision making. Specifics of implementation are deferred to local sites in conjunction with their stakeholders.

92. **John Ussery** **John Ussery**
a. *Enough time has not allowed for the public to truly respond. Please see response #2.a.*
93. **New Mexico-Radioactive Waste Consultation Task Force** **Anita Lockwood**
a. *DOE should carefully review the SEAB report during creation of this policy. Please see response #9.a.*
b. *It is strongly recommended DOE pay particular attention to the implementation of the policy in the field. Often a well-thought-out plan or policy conceived in good faith fails to achieve its objective because of poor implementation. The Department agrees. As discussed in the Secretary's Memorandum, annual assessments will be made at each site and for program-specific efforts. Stakeholders will be invited to participate in the process. The Director of Public and Consumer Affairs will then evaluate these assessments, share successes, and recommend improvements at individual sites and across the DOE Complex.*
c. *We recommend DOE take the necessary steps to monitor and evaluate the effectiveness of its Public Involvement Policy. Please see response #93.b.*
94. **DOE-Carlsbad** **Patty Baratti-Sallani**
a. *No comments or changes to suggest.*
95. **Martin Marietta** **Jane Malagon**
a. *Purpose: Add the following: Public involvement brings a full range of diverse stakeholder viewpoints and values into the Department's decision making early in the process, enabling the Department to make better decisions. This suggestion has been incorporated into the Purpose section.*
b. *Goal III: Add the following: The public is informed and encouraged to participate. Also, add final decisions rest with the Department. Goal II now seems to reflect the spirit of the first comment. Additions to the Scope section of the Policy and the opening paragraph of the Secretary's Memorandum address the second comment.*
96. **DOE-UMTRA** **Albert Chernoff**
a. *The last sentence under the heading DEFINITION is a strong one. It might be more effectively placed under the first heading "POLICY" (Sentence: "The Department will actively seek, incorporate, or otherwise respond to the views of its stakeholders").*

This sentence remains in the Definition section as it serves to define the *what* of public participation. Because this concept is fundamental, it appears again in Goal I.

- b. *Senior management must receive training on the new values and assumptions, and must learn to involve public affairs early at the strategic planning level.*

As discussed in the introductory section of the guidance document, training is an important element in the effective implementation of this Policy.

- c. *Public affairs people with media backgrounds will need to learn new roles with a stronger emphasis in strategic counseling to senior management.*

Trained personnel will be utilized to the maximum extent.

- d. *A resource investment is required to achieve the long-term gain of public involvement.*

Managers are expected to identify and provide needed resources through their normal planning and budgeting processes.

97. DOE-Los Alamos Area Office Counsel's Office Lisa Cummings

- a. *"Legally required?" What law requires secrecy? Classified information/secrecy is an inherent part of weapons development.*
This Policy in no way affects legal requirements governing classified information.

- b. *Definition: What is the difference between individuals and the general public?*

Not much. This has been reworded for clarification.

- c. *Goal III: I am concerned this is too broad a statement; it may promise too much.*

Indeed, it does promise much. Public empowerment is, however, at the heart of this Policy.

- d. *Core Values: Is taking risks a Core Value? How about "Prudence" as a Core Value?*

"Risk-taking" is no longer a Core Value. Please see response #23.c. With respect to "Prudence," the spirit of this value is reflected in the Core Values "accountability," "peer review," and "scientific credibility."

- e. *Responsibilities, second paragraph: How do you coordinate "informal conversations" between individuals?*

This is, perhaps, being read too literally; informal conversations are not meant to be coordinated, though they are an important part of the overall communication effort that will take place in the course of public participation.

- f. *Add: Risk-taking which leads to increased public involvement will be rewarded.*

For reasons discussed throughout the Comment Response document, the entire concept of risk-taking has been deleted.

98. DOE-Los Alamos Area Office Counsel's Office Author Unknown

- a. *Background: The last two sentences are not true; classification is not an emphasis, but an inherent part of research and development for weapons.*

- The Background section has been deleted from the Policy.
- b. *Definition: This is not a definition, but a policy on how DOE will accomplish public involvement.*
In the revised Policy, the Definition section has been rewritten to better define public participation as discussed in the Policy section.

99. **Concerned Citizens for Nuclear Safety** **Margaret Card**
via telephone: ". . . good beginning . . . will weigh in in depth at implementation stage."

Incoming Comment Letters

CITY OF
OAK RIDGE



1

FAX # 482-8352

POST OFFICE BOX 1 • OAK RIDGE, TENNESSEE 37831-0001

TO: Frank Juan, Department of Energy

FROM: Jeffrey J. Broughton, City Manager

DATE: January 28, 1994

PG. 1 **OF** 2

NOTE: In response to your January 26, 1994 fax transmittal regarding DOE's Public Involvement Policy, I have reviewed the policy and have no comments at this time.

The Vision Lives On,
OAK RIDGE

Dr. Judith Johnsrud, Director

433 Orlando Avenue, State College, Pa. 16803 814-237-3900

December 23, 1993

Dr. Jerome Saltzman, Director
Office of External Affairs
U.S. Department of Energy
Washington, D.C. 20585

RE: Request for comment on
Draft Public Involvement
Policy

Dear Dr. Saltzman:

Thank you for including our organization in your request for comments on the Energy Department's proposed policy on public involvement. One of the major concerns I hear voiced by people in the public-interest community has long been the failure of Federal agencies associated with environmental issues, and especially with issues of nuclear energy, to incorporate in their decision processes the views of the public -- both those who are directly affected by agency decisions and those who are indirectly impacted by these actions.

There are a great many people who have assumed all their lives that these governmental bodies, supported by public funds, have as their first priority the protection of the public's interests in health, safety, and environmental protection. Only when their personal lives and property are quite directly and immediately impacted by agency decisions do most people become involved. And often, too late, they find the gaping chasm between their concerns and those of the private profit-oriented corporate or government interests that the agencies seem devoted to. The deep disaffection of so many Americans toward their government is often rooted in this disillusionment. And all too often the arrogance of public servants -- for you all are, after all, our employees -- compounds the anger and frustration of the people who are required to pay your salaries and suffer the heavy hand of government.

Because the attitude described above has come to be all too prevalent, we must insist that the Department undertake this proposal to "include public involvement processes as a routine element" not only "throughout its operations and planning activities," as you state in your December 17th letter, but much more importantly in DOE's decision-making. Unfortunately, reports from the August 10th workshop in Las Vegas indicated that the commitment did not appear to be serious enough to meet the need. We therefore strongly recommend that the Secretary direct all divisions and offices of the agency, and particularly those that deal with weapons- and radioactive waste-related matters, to give extremely high priority to actual demonstration of these new policies of openness and involvement of the public.

Thus, to turn to your "Draft Policy on Public Involvement"

1. At the first section, "POLICY," please add after "activities" the words "and in decision-making." We support implementation both at headquarters and in the field.

2. PURPOSE: Having for years urged DOE and its sibling agencies to bring the public into decision processes early, we strongly support this provision. However, the implementation of "stakeholder" has all too often turned out to mean a "token enviro" or local official or a couple of farmers or householders who live near a facility as surrogates for many others in the public whose views are neither sought nor adopted. We recognize this as one of the toughest

Page two (Comment on Public Involvement Policy)

problems we face in public involvement, but DOE must be sensitive to the complaint and at all times endeavor to be inclusive. We also recognize there is a certain level of frustration for staff who are directed to reach decisions; each effort seems to require starting over with yet another sector of an uninformed or newly aroused angry public. Conversely, for those in the public who have long been involved, the frustration works the other way: having to restate what has been said many times before to new DOE staff who are somewhere between the revolving doors. It's enough to try the patience of saints.

3. BACKGROUND: We cannot concur strongly enough with these staff comments! I find often that my audiences have no understanding of DOE's obligations to research, develop, demonstrate, and produce nuclear weapons or to manage high-level, transuranic, and some low-level radioactive wastes. We would like to look to the Department of Energy to assist us in both the denuclearizing and demilitarizing of our nation. We commend you on giving emphasis to this aspect of DOE which you propose to change for the better. But historically DOE and its predecessors have so deeply damaged the trust of the American people that there will be a special need for the Energy Department to bend over very far backward to demonstrate, with consistency, these changes of policy and mission are real and worthy of the public's trust. You therefore must not continue to promote additional nuclear weapons or more nuclear power reactors.

4. DEFINITION: The wording here sounds good, and we encourage the staff to carry it out conscientiously. But the caution applies about not limiting DOE's concept of "public stakeholders" to a few well-known or "comfortable" persons or organizations as surrogates for the larger population. Almost nothing irritates a local grassroots group of affected people so much as having someone from a national organization invited by a Federal agency to represent their interests, which that person may not even remotely understand or share. We asking that DOE be careful, attentive to these differences.

5. GOALS: Great! How best can we help you to carry them through with success? Another word of caution: it will be prudent for the Department to exercise this undertaking with prudence and caution. Don't promise more than can be delivered. The skeptical public(s) will be all the more cynical about DOE (and NRC, DOD, EPA, FDA, et al.) for promising, and then failing.

6. CORE VALUES: Delightful words to see in a DOE document. Please add "humility" to the list. We'll probably think of some others.

In order to assure that these comments reach you before January 4, and because my very young grandson expects me for pre-Christmas Eve dinner tonight 200 miles from here -- and that matters to me even more than DOE's public policy -- I'll complete our comments on the remainder of this draft notice upon my return as a supplement to these two pages. Please know that this policy is an appreciated holiday package from DOE.

Sincerely,

Judith H. Johnsrud
Judith H. Johnsrud, Ph.D.
Director

ENVIRONMENTAL COALITION ON NUCLEAR POWER

Dr. Judith Johnsrud, Director

433 Orlando Avenue, State College, Pa. 16803 814-237-3900

December 29, 1993

Dr. Jerome Saltzman, Director
Office of External Affairs
U.S. Department of Energy
Washington, D.C. 20585

RE: Request for comment on
Draft Public Involvement
Policy

Dear Dr. Saltzman:

This letter replaces our two-page letter of December 23, 1993. Thank you for including our organization in your request for comments on the Energy Department's draft Policy on Public Involvement. The subject is of great importance; we wanted to respond fully. However, your letter, dated December 17, arrived literally on the eve of departure for holiday family gatherings.

The Department of Energy deserves our careful consideration of, and constructive responses to, the issues raised. But your closing date of January 4th for public comment is far too soon and is totally inadequate if the Department seriously desires public comments on its public policy. Therefore, on behalf of our organization and others who may not have received this draft document but would like to comment, I am requesting that the Energy Department extend the public comment period on the Draft Policy on Public Involvement for an additional 60 days following formal publication of notice of availability for comment in the Federal Register.

At the very time that the Energy Department is admitting to nearly a half century of secrecy and deception practiced by DOE and its predecessor AEC, this brief window of opportunity for citizens to respond to your request seems yet another indication of the contempt of the Energy Department (and, we feel, its fellow Federal agencies associated with nuclear energy) toward the public that DOE and they are supposed to serve. If your agency fails to provide a full, noticed comment period on this important policy issue, please be aware that you will be negating the beneficial effects of Secretary O'Leary's welcome efforts to declassify secret documents and "come clean" about radiation experiments and past DOE abuses of power. We can't believe that she wants that to happen.

A major concern that I hear voiced repeatedly by people in the public-interest community is the continuing failure of Federal agencies associated with environmental issues, and especially nuclear energy, to incorporate in their decision processes the views of the public -- both those who are directly affected by agency decisions and those indirectly impacted by these actions. Opportunities for public comment, hearings, and participation in administrative law proceedings come, invariably, if at all, after the fact when decisions have been virtually finalized. With rare exceptions, inputs from members of the public (the people affected by what you do) are disregarded, or only minor corrections occur in agency programs that are fundamentally flawed and contradictory to the public's legitimate interests in health, safety, and environmental quality. If this is the way in which DOE continues to go about presenting its public involvement policy, the Department is casting its failure "to build greater understanding and trust" in concrete that'll be far more durable than any DOE has been able to develop for disposing of radioactive wastes.

There are a great many people who have assumed all their lives that governmental agencies, supported by public funds, have as their first priority the protection of citizens' interests in health, safety, and the environment. Only when their personal lives and property are directly and immediately impacted by agency decisions do most people become involved. And often, too late, they find the gaping chasm between their concerns and those of the private profit-oriented corporate or government interests to which the regulatory agencies seem devoted. The deep disaffection of so many Americans toward their government is often rooted in this disillusionment. And all too often, the arrogance of public servants -- for you all are, after all, our employees -- compounds the anger and frustration of the people who are required to pay your salaries but suffer the heavy hand of and even injury from your governmental decisions.

Because the attitude described above has been all too prevalent, we must insist that the Department undertake this policy proposal to "include public involvement processes as a routine element" not only "throughout its operations and planning activities" (as you state in your December 17th letter), but much more importantly in DOE's actual decision-making. Unfortunately, reports from the DOE August 10th workshop in Las Vegas indicated that the staff commitment did not appear to be nearly serious enough to meet this need. A community relations (PR) program, one-way update meetings, site tours, open houses, and workshops in which DOE staff exhibit both ignorance of their agency's actions and history (as I have observed) and disregard for recommendations from public-interest participants do not bode well for a positive public policy program.

We therefore strongly recommend that the Secretary direct all divisions and offices of the agency, and particularly those that deal with weapons- and radioactive waste-related matters, to require actual demonstration of the new policies of openness and real involvement of the public. Start by providing adequate formal public notice and time for public comment on this policy.

Let's turn to your cover description of the "Draft Policy on Public Involvement." It reads, I'm sorry to say, like an intelligent schizophrenic's treatise. The words seem reasonable, indeed refreshing, and one is initially pleased with the frank discussion of Energy Department self-criticism in the Background section and with the lofty Goals and Statement of Responsibilities. But unfortunately, the draft policy is divorced from the actuality we observe in the Department's interpretations of its statutory mission and goals.

We observe that the Department's interpretation of its mission and goals includes continued research and development of new nuclear weapons. It includes forcing sites for the storage and disposal of highly irradiated "spent" reactor fuel and other high-level and "low-level" radioactive wastes upon communities and states that do not want further contamination and damage from this agency (e.g., WIPP, Yucca Mountain). It includes development and demonstration of new nuclear power reactors, including liquid metal breeders, that will generate more radioactive waste, despite the fact that DOE hasn't yet been able to isolate nuclear wastes from the biosystem with any assurance of control for the hazardous life of the waste. It includes recycle of contaminated materials and deregulation of radioactive wastes in ways that will be additive to existing "background" radiation and to individuals' unavoidable exposures from natural

Page three (Comment on Public Involvement Policy)

and other sources of ionizing radiation. The Energy Department has yet to match its commendable claims of a good-faith desire to remediate sites with marked actual success in cleaning up the radioactive ruination that DOE and its predecessor and fellow agencies have caused at facilities nationwide.

In true good faith, we do earnestly urge the Secretary to insist that all staff undertake the changes of mission that she proposes by also demonstrating a major change in institutional and individual attitude on the part of all DOE employees. These attitudinal changes must be demonstrated in all DOE programs and contacts with state and local officials and members of the public and public-interest environmental community. Lip service to policy won't do. Only when those changes of attitude are reflected in real changes in DOE and its actions can the rebuilding of public trust begin.

We believe that the first essential step toward regaining trust must be a statutory change in the Congressional mandate to Federal agencies with respect to the development, uses, and control of nuclear energy. We urge the Secretary and all staff to join members of the public in clarifying to the Congress the desperate need for updating this nation's nuclear energy policy, which is codified in the Atomic Energy Act of 1954 as amended at Chapter 1, Section 1 (42 USC 2011-2296). The complete statement is as follows:

Section 1. Declaration.--Atomic energy is capable of application for peaceful as well as military purposes. It is therefore declared to be the policy of the United States that--

a. the development, use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security; and

b. the development, use, and control of atomic energy shall be directed so as to promote world peace, improve the general welfare, increase the standard of living, and strengthen free competition in private enterprise.

So long as the law requires development and uses of the energy of the atom "to make the maximum contribution" without even mentioning what ought to be the premier objective of nuclear energy policy -- viz., to protect to the maximum extent the health and safety of the public and of workers and the quality of the environment for both present and future generations -- the Department of Energy cannot expect to implement a public involvement policy that will succeed. When the Secretary of Energy has led the Administration and the Congress in ending our reliance on the uses of nuclear energy for military and domestic purposes, and thereby ending production of ever greater quantities of radioactive materials and wastes, only then will informed members of the public be able to become the "partners" DOE seeks. Only when DOE's goals match the public's concern for protecting human health from radiation damage and for protecting and restoring environmental quality can DOE implement a successful public involvement policy.

Environmentalists have prepared some language to modify the policy statement in the Atomic Energy Act so as to redirect U.S. nuclear energy policy toward the objectives that citizens want: maximizing protection of health, safety, and environment. We look forward to discussing these suggested amendments with the Secretary and senior staff in the near future, as, we'd like to hope, an early demonstration of the Department's new involvement policy.

1. In the descriptive summary, at the first section, POLICY, add after "activities" the words "and in decision-making." We urge real implementation at headquarters and in the field.

2. PURPOSE: Having for years urged DOE and its sibling agencies to bring the public into decision processes early, we strongly support this provision. However, DOE's public "stakeholder" has all too often turned out to be just a "token enviro" or one local official, or a farmer or householder who lives near a facility as surrogate for the many others in the public whose views are neither sought nor adopted. We recognize this as one of the toughest problems we all face in public involvement, but DOE must be sensitive to this complaint and at all times endeavor to be inclusive.

We also recognize there is a certain level of frustration for staff who are directed to reach conclusions; each effort seems to require starting over with yet another sector of a seemingly uninformed or newly aroused and angry public. Conversely, for those in the public who have long been involved, the frustration works the other way: having to restate what has been said many times before to new DOE staff who are somewhere between the revolving doors. Either way, it's enough to try the patience of saints.

3. BACKGROUND: We cannot concur strongly enough with these observations! I find often that my audiences have no understanding of DOE's statutory obligations to research, develop, demonstrate, and produce nuclear weapons, or to manage high-level, transuranic, and low-level radioactive wastes. We commend you for giving emphasis to this aspect of public policy which you propose to change for the better. We would like to look to DOE to assist us in both the denuclearizing and demilitarizing of our nation. But historically DOE, AEC, and the nuclear industry have so deeply damaged the trust of the American people that the Energy Department must truly change, and demonstrate, with consistency, that these changes of policy and mission are real and worthy of the public's trust. You therefore must not continue to promote additional nuclear weapons or more nuclear power reactors. But review, for an example of DOE's failure to change, the scoping materials for the Programmatic Environmental Impact Statement on Reconfiguration of the Nuclear Weapons Program.

4. DEFINITION: The wording here sounds good, and we encourage the staff to carry it out conscientiously. But the caution applies about not limiting DOE's concept of "public stakeholders" to a few token well-known or "comfortable" persons or groups as surrogates for the larger population. Almost nothing so irritates a local grassroots group of affected people as having someone from a Washington-based national organization invited by a Federal agency to represent their interests, which that person or organization may not even remotely understand or share. We're asking that DOE be careful, be very attentive to these differences, and be vastly more inclusive of the wide range of public concerns.

We also caution that DOE not perpetuate the custom of defining "the public" to include those private enterprises and individuals who have vested interests in DOE programs and the outcome of agency decisions. Too often masked conflicts of interest are present in persons chosen to "represent" "the public" in advisory or participatory roles as surrogate stakeholders.

5. GOALS: Great! How best can we help you to carry these goals through to success? But are you really going to do this? But another word of caution: it will be prudent for the Department to exercise this undertaking with both prudence and caution. Don't promise more than can be delivered. The skeptical public(s) will end by being all the more cynical about DOE (and NRC, DOD, EPA, FDA, et al.) for promising, and then failing to live up to its goals. The burden of proof lies squarely with those who have shattered public confidence.

With respect to DOE's nuclear weapons and waste responsibilities, highest priority should be given to full admission of what is now known about the deleterious health effects of all exposures, including low-dose and chronic low-dose exposures, to ionizing radiation. We urge DOE to incorporate in its standards for radiation protection the newest research findings from the former USSR (your enemy no longer). See Chernobyl Catastrophe, Minsk, 1993, 4 volumes, in Russian; and D.W. Boardman, M.D., Radiation Impact: Atoms to Zygotes, Center for Atomic Radiation Studies, Cambridge, MA, 1992, preprint, and elsewhere in the scientific literature. The essence of these research results is that, as the U.S. National Research Council's Committee on the Biological Effects of Ionizing Radiation admitted in 1990 (BEIR V Report), there is indeed no safe level of exposure, including that from naturally-occurring background sources.

The Department must take into account these very different mechanisms and health consequences of low-dose radiation exposures, adopt the standard of zero tolerance above naturally-occurring background, and abandon reliance on risk assessment. In establishing risk-based standards, Federal agencies have failed to include all adverse health and genetic consequences, to match risk assessment assumptions with reality, and to ascertain from those who bear the risks from environmental contaminants what levels and consequences of exposures they consider to be an "acceptable risk" to their lives, health, or progeny's well-being -- or to provide "ample margins of safety." A real public involvement policy will require DOE to do so, even at the risk of enormously increased costs to achieve the missions with which the agency has been charged.

6. CORE VALUES: Delightful words to see in a DOE document, but only if they are matched by effective and consistent agency actions. Kindly add "humility" to the list. We'll probably think of some others.

7. RESPONSIBILITIES: By "discrete performance element" DOE must clarify that all staff bear responsibility for full and effective implementation, not just senior departmental and program managers. That term "effective" should be defined as well; too often in the past, this kind of terminology has been used to justify exclusion of "difficult" public concerns in order for managers to meet other mission or goal requirements and deadlines. This misuse has been particularly offensive to members of the public when artificially-imposed deadlines (like this January 4th comment deadline) were used to excuse the Department's failure or unwillingness to tackle tough issues. The Department

Up to here!

Page six (Comment on Public Involvement Policy)

has an obligation to make very clear to the politically motivated Congress the unresolved technical problems and uncertainties and length of time required for remediation of contaminated DOE sites and facilities, the dismantling of the nuclear weapons arsenal, and implementation of technologies for the safe management of all radioactive wastes generated in this past half century.

Although the goals of coordinating through the Office of Public and Consumer Affairs seem sensible, we are concerned that this approach will be or will become or will be perceived as yet another "public relations" gimmick. The good faith role of senior Energy Department personnel will have to be to keep a very close watch and be themselves open to the public. Another PR program to "sell" the public on DOE's earnestness will not suffice.

In paragraphs 3-7 of this policy description section, we laud the mandatory language: "are responsible," "will ensure," "are understood and practiced." The policy statement should prescribe the consequences of failure to abide by these directives; such failure should go well beyond mere reprimands.

We turn now to MEMORANDUM FROM THE SECRETARY: GUIDANCE ON IMPLEMENTATION OF THE DEPARTMENT'S PUBLIC INVOLVEMENT POLICY, and respectfully submit the following additional comments and recommendations:

A. At paragraph 1, state definitively that public involvement shall be a routine component in program operations, planning activities, and decision-making of the Department of Energy.

B. At paragraph 2, line 8, we hope that the Secretary will also take measures to ensure that the term "stakeholders" will not be so narrowly defined and applied as has been the case in the past. (See comments above.) Clear guidelines on the breadth of the publics to be involved should be incorporated in the policy, rather than left to the discretion of those staff who have in the past failed to be inclusive.

C. At Critical Policy Elements, Section 2, add that access points for public input must be widely and timely noticed to encourage response. If the request for comment on this policy had been timely it would be exemplary. We believe that the staff does not take into account the added burdens experienced by members of the public, whose lives are filled with other jobs and obligations, who do not have secretarial assistance, who are not paid to review documents and devote time to preparing comments. We urge the Secretary to develop means to sensitize DCE staff much more to these aspects of public involvement.

D. At Section 4, we suggest the policy statement explicitly state that training/education programs are not to be designed to meet the Department's perceived needs (in the PR mode) but are to satisfy the needs of the public whose interests are affected by the Department's decisions and actions.

E. At Section 5, we caution that a goal of consensus in matters of radioactive contamination and waste disposal is unrealistic. We have a deep concern that some future Administrations might choose to redirect these goals to manipulate public involvement and citizen participation in ways detrimental to the very public interests that this Secretary is attempting to aid.

F. Also at Section 5, we urge the Energy Department to join NRC and EPA in providing toll-free telephone and computer access to documents and other access points for persons other than Nevada residents. That would be a useful expenditure of our tax dollars, although, again, we emphasize that agency cost-consciousness is of great importance.

Members of the public do need financial assistance in order to attend DOE meetings and participate fully as envisioned; but governmental agencies should arrange to keep those costs minimal -- no more expensive hotels, no high-cost locations; low-cost alternatives can be arranged. Choose DOE meeting sites on the bases of energy conservation and efficiencies, including both travel and the buildings in which meetings are held. Use public meeting places of solar design; discourage waste in heating, cooling, or inefficient building materials and design. Agency personnel seem to be so accustomed to wasteful environments that they are unaware of, or unwilling to use, less expensive, more appropriate accommodations even if such are available. It would be good for the Department to seek out and support small independent public accommodations when and where possible, rather than costly chain hotels, to encourage local small businesses.

Overall, the draft Guidance on Implementation of Policy is good, and it's sorely needed. It must be applied in all divisions of the Department. We want to encourage the President and Vice-President, the Secretary, and the Department staff at all levels to continue to move away from secrecy, from deception, arrogance, and neglect of the public whom you were elected and hired to serve. This policy is refreshing and ambitious. We want it to be wildly successful, beyond your dreams and ours. But it must not be used to seduce members of the public into supporting further commitment to the uses of atomic energy or being forced to choose among unsafe means of managing radioactive wastes, or to accept higher exposures to radiation, denial of just compensation for injuries, or incomplete remediation and restoration of contaminated sites.

We recognize that this public involvement undertaking has potential for a huge waste of taxpayers' money -- as occurred, for example, with DOE's unsuccessful search for a second high-level waste repository and a volunteer community to take a Monitored Retrievable Storage facility. Our country's broke, deeply in debt. Mr. Grumbly tells us clean-up will cost \$1,100,000,000,000 or more. That is more than \$4000 for each one of us -- for the indigent, the infirm, the aged, the newborn babies, all. And these costs will rise disproportionately as quantities of radioactive materials and waste continue to increase. That is only one of the major reasons that the Department must bring to a halt the generation of more radioactive materials and wastes, and adopt a policy of maintaining effective control in isolation from the biosystem of all of the contaminated materials and wastes that have already been produced.

The Secretary must not allow any subordinates to mishandle these assigned responsibilities, or in any way to undermine this program to recreate a basis for public trust in the Department of Energy. But this policy is going to become effective only when, and if, the Congress replaces the Federal mandate to promote nuclear energy with a supreme objective to provide maximum protection from radiation to promote health, safety, and environmental quality; if the entire agency has reformed and proven its dedication to that latter mandate;

Page eight (Comment on Public Involvement Policy)

if the generation of additional quantities of radioactive materials and wastes has ceased; and the Department of Energy has demonstrated its original reason for being: namely, to provide this nation with an energy policy based on conservation, efficiency, and alternative renewable sources -- energy that is safe, clean, and sustainable. That final goal will require vast changes in American society and values, many sacrifices, perhaps some pain and dislocation. But a policy of public involvement in seeking the solutions that will be required is worthy, is desperately needed, and will be welcomed.

Although our comments may seem harsh (as well as redundantly repetitive), they're meant to be positive, supportive of the changes that, at long last, the Department of Energy is proposing to adopt. Please know that our organization and others in environmental and public health communities will do everything we can to further the improvements that the Secretary has proposed, but we'll also remain your sternest critics if you waver.

Sincerely,



Judith H. Johnsrud, Ph.D.
Director, Environmental Coalition
on Nuclear Power

For identification purposes only:
This commenter has served in 1992-3 as Chair
of the Sierra Club National Energy Committee,
and expects to remain on its Nuclear Sub-
committee; and is an Honorary Trustee of the
New England Coalition on Nuclear Pollution

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA
LOCAL 872

3

Kenneth D. Smith
Secretary-Treasurer
and Business Manager

AFFILIATED WITH THE AFL-CIO
4200 EAST BONANZA ROAD
LAS VEGAS, NEVADA 89110

(702) 452-4440
FAX 452-4262



George Dunckhurst
President
and Field Agent

December 27, 1993

Mr. Allen Benson
Director of Program Relations Division,
Office of Civilian Radioactive Waste Management
1000 Independence Ave., S.W.
Mail Stop RW 5.2
Washington, D.C. 20585

RE: Draft Public Involvement Policy

Dear Mr. Benson:

I have worked directly with a D.O.E. contractor for quite some time now, and may I say, your core values are long overdue. However, you have to start somewhere and I commend you on starting with this draft policy.

I feel it will be difficult for management to be open, honest, and sincere. They are use to the "pass the buck" system. However, you have many outstanding people in your organization who can and will meet the challenge.

I also feel training is the key to all organizations. You may want to consider the implementation of free training seminars to represented and unrepresented parties.

The Yucca Mountain Project Labor Agreement, if negotiated and signed by D.O.E., will show sincerity and honesty, as well as all other elements described in your draft policy. Show your sincerity by sitting down and negotiating this agreement with us.

Sincerely,

Kenneth D. Smith
Secretary/Treasurer
Business Manager

KDS/slw



THE LEAGUE
OF WOMEN VOTERS
EDUCATION FUND

4

December 27, 1993

Jerry Saltzman
Director
Office of External Relations
Department of Energy
Washington, DC 20585

Chair
Becky Cain
St. Albans, West Virginia

Vice-Chair
Diane B. Sheridan
Taylor Lake Village, Texas

Peggy Lucas
Minneapolis, Minnesota

Secretary-Treasurer
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Bobbie F. Hill
Camden, Arkansas

Debbie March
West Bloomfield, Michigan

Beverly K. McKinnel
St. Paul, Minnesota

Linda Moss
Taos, New Mexico

Nancy Pearson
Tacoma, Washington

Carol Wagner Williams
Manhattan Beach, California

Kathleen Wersenberg
Atherton, California

Executive Director
Gracia M. Hubman

Dear Mr. Saltzman:

Thank-you for the opportunity to review your public participation plan. Overall it seems comprehensive, with one omission.

You should specifically address diversity issues throughout the overall document. It is not enough to simply use such terms as "respect for all positions" or "stakeholders." The set of stakeholders that are traditionally up front: industry, environmentalists, local communities, the states, already occupy the psychic space these words offer. If you don't directly address these issues at the senior level, your field staff will not have the tools and training they need. The issues will be skirted and this will lead to problems in the future.

The diversity issues of most significance to your program are ethnic, racial, tribal, gender and income. Respect for diversity should be one of your "core values". A "policy element" and a set of "implementing actions" should be developed. The topic is a tough one and people have a hard time dealing with it. Fear and prejudice are hard to overcome but much can be achieved if the right resources are brought in.

I'm sending you a copy of two recent issues of *The National Voter*, the membership magazine of the League of Women Voters that addressed diversity issues.

Sincerely,


Elizabeth Kraft
Manager of Natural Resource Programs

December 28, 1993

Mr. Allen Benson
Director of Program Relations Division
Office of Civilian Radioactive Waste Management

To: Mr. Allen Benson

From: Elizabeth I. Bauereis, Ph.D
Director of Environmental Affairs

Subject: Department of Energy's Policy on Public Involvement

Thank you for the opportunity to comment on the proposed policy. I am responding at the request of Mr. Christian H. Poindexter, Chairman and Chief Executive Officer, Baltimore Gas And Electric Company who received the letter from Mr. Jerome Saltzman.

I have only two minor comments on this proposed policy. In the memorandum entitled "Guidance on Implementation of the Department's Public Involvement Policy" under the Section 1. CRITICAL POLICY ELEMENTS, Implementing actions: -- The new benchmark for excellence will be leadership/performance.----the two statements that follow do not fit the benchmark qualities for excellence. Certainly, risk-taking is important but by itself without any other supporting benchmark criteria is rather frightening and to reward risk-taking for the act alone is definitely not excellence. Perhaps, this statement should be modified or part of a larger set of excellence benchmark parameters. The second statement concerning peer review should be strengthened to read "Peer review should be the rule and lack of peer review should be justified." Scientific scrutiny is imperative for scientific excellence in decision making.

Again, thank you for the opportunity to comment.

Elizabeth I. Bauereis, Ph.D
Director of Environmental Affairs
Baltimore Gas and Electric Company

Post-It™ brand fax transmittal memo 7871		# of pages > 1
To <i>Allen Benson</i>	From <i>E.I. Bauereis</i>	
Co.	Co. <i>BGE</i>	
Dept.	Phone # <i>410-787-5118</i>	
Fax # <i>202-586-7259</i>	Fax #	



**AGENCY FOR NUCLEAR PROJECTS
NUCLEAR WASTE PROJECT OFFICE**

Capitol Complex
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Telephone: (702) 687-3744
Fax: (702) 687-5277

M E M O R A N D U M

TO: Allen Benson
U.S. Department of Energy

FROM: Joe Strolin

DATE: December 29, 1993

SUBJECT: Draft Public Involvement Policy

We are in receipt of Jerry Saltzman's letter transmitting DOE's draft Public Involvement Policy for comment. This office intends to provide comments.

The comment deadline of January 4, 1994 does not provide sufficient time to review the document and develop appropriate comments, especially since we did not receive the draft until December 27, 1993. We are therefore asking that the deadline be extended at least until January 14th. In any case, the State of Nevada comments will not be submitted before the 14th.

Thank you for your attention to this matter.

JCS/js

cc Bob Loux

NEVADA NUCLEAR WASTE TASK FORCE, INCORPORATED ⁷

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4550 W. Oakey Blvd.
Suite 111
Las Vegas, NV 89102
702-878-1885
FAX 702-878-0832
800-227-9809

December 29, 1993

Jerome Saltzman, Director
Office of External Relations
Department of Energy
Washington, DC 20585

Dear Mr. Saltzman,

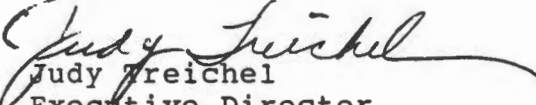
The December 17, 1993 draft copy of the Department of Energy's (DOE) new public involvement policy arrived at my office on December 23, 1993, with a request for comments to be provided by January 4, 1994.

Public interest participants in general and especially Nevadans have come to expect difficulty in participating in meaningful ways in DOE policies and decisions that vitally affect their lives, their children and their future. Probably the best recent example we've seen of this elusive process is the comment period for this document. Our opportunity for submission of comments amounts to four business days or less - in the midst of the holiday season.

Ever since Nevada was painted with the waste repository target sign, we have been requesting, insisting and demanding more access to the DOE process and a greater degree of fairness. We were vocal at all of the Secretary of Energy Advisory Board meetings focused on public trust and confidence. The consistent message was that we were not treated as a genuine, important or equal entity in the process. After years of meetings and testimony, the board's report is to be delivered to the Nuclear Waste Technical Review Board next month. It's safe to assume that it will recommend giving the public adequate time and opportunity for significant participation. Public interest representatives will be surprised if this message is ever heard and comprehensively enacted by DOE and the Office of Civilian Radioactive Waste Management.

I have frequent dealings with many government agencies, especially DOE and related entities. It is unusual when I am able to get a simple answer to a simple verbal question by phone or fax within four days. I've never asked DOE to comment on any written proposal or policy spawned in my office but it would be enlightening in many ways to do that, especially to note the time factor that would no doubt be required.

Sincerely yours,


Judy Freichel
Executive Director

cc: Daniel Dreyfus
Allen Benson



UNITED STATES
NUCLEAR WASTE TECHNICAL REVIEW BOARD
1100 Wilson Boulevard, Suite 910
Arlington, VA 22209

8

December 30, 1993

Mr. Allen Benson
Director
Program Relations Division
Office of Civilian Radioactive
Waste Management
Department of Energy
Washington, D.C. 20585

Dear Mr. Benson:

Thank you for forwarding a copy of the Department's new policy on public involvement, which we received on December 23. While we appreciate your desire to receive comments by January 4, there is not enough time for the Board to review this document, particularly with the holidays upon us. We are, however, including it in the Board's briefing books as an information item at their January 10-12 Board meeting. Should the Board have any comments to make following this meeting, we would be happy to forward them to you.

The Nuclear Waste Technical Review Board is specifically charged with providing scientific and technical review of the OCRWM program to characterize the Yucca Mountain Site. Consequently, the Board has not been significantly involved to date in studying or reviewing policies or processes addressing public involvement. Based on our four years of experience, however, the Board has stated its belief that scientific and technical credibility and public acceptance must both be present in any project to site a permanent underground repository. In this spirit, the Board applauds Secretary O'Leary's efforts to create a more open environment at the Department of Energy. We will be particularly interested to see how OCRWM implements this policy in its efforts to seek stakeholder involvement.

Thank you for this opportunity to comment. We look forward to receiving your draft report from the August 10, 1993 stakeholders workshop.

Sincerely,

A handwritten signature in dark ink, reading "Paula N. Alford", is written over a large, stylized, looped initial "P".

Paula N. Alford
Director, External Affairs



UNITED STATES
 NUCLEAR WASTE TECHNICAL REVIEW BOARD
 1100 Wilson Boulevard, Suite 910
 Arlington, VA 22209

January 3, 1994

Via Fax: 202/586-7259

Mr. Allen Benson
 Director of Program Relations Division
 Office of Civilian Radioactive Waste Management
 U.S. Department of Energy
 Washington, D.C. 20585

Dear Mr. Benson:

Thank you for inviting me to comment on the draft of the Department of Energy's draft policy on public involvement. I am responding as an individual who presently serves on the Nuclear Waste Technical Review Board (NWTRB). In view of the response deadline of January 4, there has not been time for NWTRB to discuss the draft policy on public involvement. I concur with the comments provided for the NWTRB by Paula Alford. The additional comments provided in this letter represent my own thinking, based upon my professional work in the field of risk analysis.

I strongly support the draft policy and its goals as stated. DOE should have a policy of involving the public in its program operations and planning, at headquarters and in the field. Particularly in the area of radioactive waste management, DOE has very serious problems in establishing and maintaining public trust and confidence. The cultural legacy that has led to these problems is succinctly summarized in the "Background" section of the draft policy. The final report of the Secretary of Energy Advisory Board (SEAB) Task Force on Radioactive Waste Management, "Earning the Public Trust and Confidence: Requisites for Managing Radioactive Waste," provides a much more detailed discussion that is specific to OCRWM. The National Research Council (NRC) Report, "Improving Risk Communication" (1989) provided its viewpoint on OCRWM, concluding:

Given the knowledge today of the cavalier treatment of facts concerning its activities in the past and the tremendous opportunity for uncertainty to enter its analysis and for its analysis to be skewed, the DOE faces tremendous credibility difficulties.

I attach a copy of the full paragraph on page 120 from which this sentence is taken. (While I was a member of the committee that authored this report, I was not present on the day that Tom Isaacs and Ben Ruche made their presentation, and I will not claim authorship for the words on

page 120, which were written before I became a member of the NWTRB.) I cite these words as evidence that OCRWM has an extreme credibility problem, which has perhaps improved slightly over the past five years. I endorse both the NRC report and the SEAB report as a useful start towards diagnosis and describing methods for ameliorating this problem. I urge that both documents be read carefully by senior OCRWM managers as part of implementing the draft policy on public involvement.

Given the severity of the problem, the achievement of the goals in the draft policy will require a commitment to cultural change by senior management, "special attention and leadership from the top down" as stated in the "Background" section of the draft policy. The Director of Public and Consumer Affairs can provide useful coordination and training, but should not inhibit initiatives or delay the public involvement process. This office must not be perceived as a traditional public relations function or as an impediment to improved communications between DOE managers and the public. The needed cultural change must occur with individual headquarters and field managers and their staffs. Accomplishing such a cultural change will be a great challenge to these individuals and to DOE as an organization.

NWTRB has provided through its meetings a public forum for critical review of the technical aspects of the Yucca Mountain Project and of storage and transportation issues associated with spent nuclear fuel and high-level nuclear waste. As a member of NWTRB since its inception five years ago, I am proud of our contribution toward encouraging public involvement in OCRWM's activities. I believe that the members of NWTRB will welcome further opportunity to comment on the details of how OCRWM can accomplish the goals of the draft policy on public involvement within the area of NWTRB's statutory authority.

Sincerely,



D. Warner North
Member, Nuclear Waste Technical Review Board
Past President, Society for Risk Analysis

Attachment

surrounding the events at Love Canal, the result was considerable controversy. Five independent reviews of the chromosome study were submitted to the EPA, two requested by federal agencies and three by the scientist conducting the study. All emphasized the limited inferences that could be drawn due to the lack of a control group. The reviews commissioned by federal agencies criticized the interpretation of the data on chromosome damage in the study, while those requested by the scientist conducting the study were more favorable concerning the data interpretation. Although this example is extreme, scientific studies are subject to strict examination of their methods of data collection and interpretation. This examination is usually severe when the studies are used to support controversial public policy decisions.

Reputation for Deceit, Misrepresentation, or Coercion

Perhaps the most difficult problem for credibility is a past record of deceit, misrepresentation, or coercion. For example, as was acknowledged to us by officials from the U.S. Department of Energy (DOE), one of the biggest problems confronting the civilian radioactive waste program at DOE is the legacy of the Atomic Energy Commission and even earlier government programs (Isaacs, 1987). The attribution during the 1950s of fallout in St. Louis to Russian sources when in fact it was known to come from tests in Nevada was a blatant abuse of public trust, the repercussions of which the DOE must live with today. When the responsible government organizations have been proven to lie, it is not surprising that people want independent verification. One year of being honest with the people is not enough. Given the knowledge today of the cavalier treatment of facts concerning its activities in the past and the tremendous opportunity for uncertainty to enter its analyses and for its analyses to be skewed, the DOE faces tremendous credibility difficulties. Even the slightest indication of less than complete candor and honesty will probably lead many people to reject whatever position the agency takes. Given the highly politicized issues that DOE's program addresses, this legacy adds to an exceedingly difficult challenge.

The situation is somewhat different for nongovernment organizations. Private corporations, advocacy groups, and private citizens are commonly expected to interpret the facts of the situation in ways that support their aims and goals. This is part of the reason corporations and their messages are distrusted. Despite the difficulty



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One First National Plaza, Chicago, Illinois
Address Reply to: Post Office Box 767
Chicago, Illinois 60690 - 0767

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January 3, 1994

Mr. Allen Benson, Director
Program Relations Division
Office of Civilian Radioactive Waste
U.S. Department of Energy
Washington, DC 20585

Dear Mr. Benson:

At the request of our Chairman, Mr. James J. O'Connor, I am providing comments from Commonwealth Edison Company in response to the inquiry from Mr. Jerome Saltzman dated December 17, 1993. We appreciate this opportunity to comment on your draft Policy on Public Involvement in the Civilian Radioactive Waste Program. We support the view that timely, credible, and effective public involvement in the Civilian Radioactive Waste Program should be a goal of the Program Office. The timely and effective consideration by the Program Office of the full range of diverse stakeholder viewpoints and values produced by public involvement, should enhance decision-making by the Office.

However, the Office of Civilian Radioactive Waste cannot be expected to address all inputs that the public has already or may in the future tender. While public involvement and effective on-going communication with the various interested stakeholder groups should receive a high level of attention by all decision-makers in the Program Office, effective public involvement will not substitute for effective decision-making in the Program Office..

As you are doubtless aware, there is a Congressional mandate to complete the development and deployment of a civilian high level waste repository in a safe and timely manner. In fact, the Department of Energy has contracted with my Company to begin accepting high level waste for disposal in 1998. Our nuclear facility operations and our Company financial planning relies on the Program Office fulfilling that contractual obligation.

As an interested stakeholder in this issue and as a Corporate citizen representing the interests of our rate payers, we support a policy of timely, credible and effective public involvement. We also strongly urge the Program Office to meet its contractual obligations, using input from the public in support of timely and effective decision-making.

In this regard, we strongly recommend that you include the concept of timeliness of decision-making in the public involvement policy. Furthermore, we strongly suggest Goal III be reworded to assure there is clear acknowledgement that the Department will retain accountability for and be focused on timely decision-making. The implication of Goal III, i.e. "empowerment (of the public) to participate in Departmental decision-making," may be interpreted as creating a "consensus" decision-making process that may be impossible to achieve, and which is not contemplated by the Nuclear Waste Policy Act, or legislative history of The Act.

If we can be of further assistance in refining this policy recommendation, or in any other way to support the effective performance of the Office of Civilian Radioactive Waste, please contact me directly.

Very truly yours,



Louis O. DelGeorge

Vice President

Nuclear Operations Support

cc: J. J. O'Connor

Public Service
Electric and Gas
Company

Harold W. Borden, Jr.
Senior Vice President
External Affairs - T4A

80 Park Plaza, Newark, NJ 07101 201-430-6868

Mailing Address: P.O. Box 570, Newark, NJ 07101

January 3, 1994

Mr. Allen Benson
Director
Program Relations Division
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
Washington, D.C. 20585

Dear Mr. Benson:

I am writing in response to your invitation to share our views on the new public involvement policy developed by the U. S. Department of Energy (DOE). We are supportive of that policy, and are convinced that greater public and stakeholder involvement is vital to the success of the civilian radioactive waste management program.

As the policy statement recognizes, the weak commitment of DOE to public involvement in the past can be traced to the origins and mission of the agency. It is hardly remarkable that an agency whose primary mission was production of nuclear weapons during the Cold War would display a decided lack of enthusiasm for public involvement in its decision-making. The Secretary and staff of DOE should be commended for this and other steps it is taking to change the culture of the agency to adjust to new missions and new realities.

The program that can perhaps benefit most from this new policy is the civilian radioactive waste management program. Missteps taken by program management created the perception by many Nevadans that DOE is not open to public views, that there is no role for the public in decision-making, that information is not shared and that the rules that govern public participation are unfair. To the extent these perceptions have fostered public support for bitter opponents of site characterization and encouraged litigation, program delays can be attributed to the failure by DOE to establish a credible, effective process for public involvement in the civilian radioactive waste management program.

We believe this new policy has potential to reduce the level of hostility and suspicion by citizens in Nevada, and instead, foster the belief that DOE is open to their views. At present, some citizens in Nevada believe that the only effective form of public participation in the program is litigation. They must instead be



convinced the most effective means of participation is involvement in the DOE decision-making process. The timing of public involvement is also a crucial factor. To the extent that public participation is strengthened at earlier stages in DOE's decision-making process, there may be less frequent resort to litigation and other procedural tactics, and the many delays that have marked the history of the program may not recur.

The public involvement policy also envisions reinforced contacts with stakeholders in the civilian radioactive waste management program other than Nevadans, such as electric utilities. This is equally important, since on certain key policy issues related to the program, utilities do not share common views.

As a final note, we are aware that bureaucracies in both the private and public sector are often resistant to change. It is vital that this important policy be effectively implemented.

Thank you for the opportunity to comment on the draft policy.

Very truly yours,

A handwritten signature in dark ink, appearing to be "H. B. ...", written in a cursive style.



P. R. Clark
President
GPU Nuclear Corporation
One Upper Pond Road
Parsippany, New Jersey 07054-1095
201-316-7797

January 3, 1994

Mr. Allen Benson
Director of Program Relations
Office of Civilian Radioactive Waste Management
Department of Energy
Washington, DC 20585

Dear Mr. Benson:

This is in response to Mr. Saltzman's letter of December 17, 1993 which requested comments on a draft DOE policy on public involvement. The following comments are offered:

- 1) The policy should specifically recognize the need to seek the full range of diverse public views. This is perhaps the most difficult aspect of implementing the policy. It will be easy to allow a few individuals claiming to represent the public to provide an unbalanced view. The policy should require specific attention to assuring a balance of diverse views and determining how representative each view is.
- 2) In the proposed statement by the Secretary - the second item under Implementing Action could be improved and made more directly consistent with the policy by inserting "to" between listen and, and inserting "incorporate or" between and and respond. The item would then read:

"Department officials will routinely and consistently listen to and incorporate or respond to public input."

Sincerely,

A handwritten signature in dark ink, appearing to read "P. R. Clark".

P. R. Clark,
President

/mes

cc: Mrs. C. Clawson - Director, Communications (GPUN)

Northern States Power Company
414 Nicollet Mall
Minneapolis, Minnesota 55401-1993
Telephone (612) 330-7707

James J. Howard
Chairman and Chief Executive Officer

January 3, 1994

Mr. Allen Benson
Director of Program Relations Division
Office of Civilian Radioactive Waste Management
U. S. Department of Energy
1000 Independence Avenue S.W.
Washington, D.C. 20585

RE: Public Involvement Policy

Mr. Benson:

Thank you for the opportunity to comment on the DOE's proposed Policy on Public Involvement. An effective external relations policy is an essential element of any business strategy having a material public impact. We believe the proposed policy codifies the Department's current community relations practices under this Secretary. Moreover, the policy has appropriate goals, strategies and responsibilities necessary for its effective implementation.

Proper presentation of information is critical to encouraging meaningful involvement. In particular, the formulation of alternatives, the communication of risks and a framework for evaluating the information are all essential elements of a public involvement policy, especially in licensing or policy matters. I recommend that the training component of this policy specifically address the importance of the type and timing of information intended to be provided to the public.

Allen Benson
Department of Energy
January 3, 1994
Page 2

I would also recommend you specifically address how the agency will use the public's involvement in its decision making process. Careful use of public involvement has been shown to enhance the chances for a successful outcome by developing alternatives and encouraging future public participation. At the same time, the use of public involvement in the decision making process should not serve to unnecessarily delay decisions or impair the effectiveness of the Department.

We look forward to the continuation of public involvement in DOE's decision making process. Please contact me if we can provide any additional comments.

Sincerely,

A handwritten signature in cursive script, reading "Jim Howard". The signature is written in dark ink and is positioned below the word "Sincerely,".

NIRS NUCLEAR INFORMATION & RESOURCE SERVICE

1424 16th Street NW Suite 601 Washington, DC 20036
voice (202)328-0002 fax (202)462-2163

Submitted by facsimile 1/4 94

To: Allen Benson, Director of Program Relations
OCRWM, U.S. Department of Energy
Washington, DC 20585

From: Mary Olson, Radioactive Waste Project
Nuclear Information and Resource Service

Re: Draft DOE Policy on Public Participation

Dear Mr. Benson,

I have been asked to comment on the Department's Draft Policy on Public Participation. If I take this invitation and the manner in which it was proffered as any indication of what the Department means by "participation." I am not very hopeful about the meaningfulness or immediate success of this proposal..

It is helpful to be notified, to receive the proposed Draft Policy to my attention, however the notification while very friendly and informative -- signed by Jerome Saltzman, dated 12/17/93 -- arrived on Christmas Eve. The comment deadline was fixed as January 4. This allowed me at best 4 working days to comment on the document. This is less time than I allow a co-worker to review a major position statement within my own office! On checking with colleagues who are concerned with OCRWM programs and who have an interest and have regularly participated, it is somewhat of a mystery why some people received the draft policy and others did not.

I do take this opportunity to comment on the Draft Policy as a form of public participation -- an extremely vital one which must be done well. If you could at this point establish an open and credible process it would become the foundation for all that follows. Issuing an invitation that arrives just before the major holidays observed in this culture and then requiring immediate response does not create such a vehicle. In fact, it suggests just the reverse: an extraordinary piece of timing to preclude, exclude and obviate participation.

To be open and credible the department would have needed to: Publish the proposed policy. The Federal Register should be viewed as the barest minimum -- very few members of the public have access to it, or even know of it -- but provides an outlet of sorts. For a major policy such as this, focused on the public and integral to the effort to change the DOE 'culture' of secrecy, it would be important to seek the wider press as well. A mix of straight journalism and the critique of the alternative public interest sector press would be an extremely interesting change. This would be

NIRS Comment 1/4/94 pg-2

for the dual purpose of putting out the word that 'things are changing' and also to notify a broader public about how to get a copy of the draft policy and the length of the comment period.

The comment period on an important policy such as this one should be a minimum of sixty days--preferably 90. This allows some opportunity for the organizations and groups that are affected and those that are broadly concerned, to utilize their own network and communications structures to allow an even wider range of people to participate in giving in-put on this pivotal policy which will affect them as members of the public.

The Department also needs to reach out to the individuals and groups that have already made the effort to participate even before any policy comes from the Department itself. I see that this has been done to the extent that it was mailed directly to me, and a few of my colleagues. It is not clear what system was used to identify those who receive it, or that it is a comprehensive distribution list that encompasses all of the current "stakeholders."

I applaud the Department in making the effort to "open the doors" and address the issues of culture in as large an entity as the Department of Energy. It is vital that these steps are taken, at the same time, it is meaningless to simply posture.

While it is understandable that there must be a broad policy statement upon which specific articulation and implementation rest, it is very difficult to take such a broad statement with no definition or example of its application and expression. The stated policy opens the door to real concerns about accountability -- when will the Department say that there has been 'public participation,' when in fact, there was 'stakeholder' participation which reflected only the financial interests and gave no concern what-so-ever to equity issues, environmental justice, inter-generational responsibility, etc. There is not defined mechanism for accountability of **who** has had the opportunity to even know about the Department's plans, let alone access to the levels of participation that **some** stakeholders may enjoy. Perhaps there is a way to work this out, but in the "Definition" section, there would seem to be a fairly large mandate to simply 'play it by ear.' Who's ear?

Perhaps the key here is in the phrase "actively seek." I would strongly recommend a proactive articulation of "actively seek." It is time and past time that the Department pay closest attention in setting new policy and making decisions to those who are already most affected by the Department's current programs. I would urge the Department to rethink the apparent interchangeable use of the terms "stakeholder" and "public." This is not appropriate. stakeholder might be appropriate for sorting out issues among contractors and other agents such as States. It is not appropriate to delegate the people of this country to being one or a small number of 'interests' who are then made stakeholders on "equal" footing with for-profit corporations who stand to win or loose financially. The dollar should not be the medium of exchange in policy making that has the potential to affect the future of the planet. Here, people, ordinary people's voices must be heard on the same terms as the Declaration of Independence. Indeed, the actions of the Department do affect the lives, the liberty, and the ability to pursue happiness of the citizens of this land. This is what a policy about Public Participation must be about. I see little recognition of this understanding in the Draft Policy.

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Certainly an open door is the first step. In-put on decisions may in fact begin to effect change, if in fact those who's voices are clear have the opportunity to be heard. Nonetheless, from the broad swath, one feature which is obvious for its absence is any mention of recourse or appeal for the public once a decision has been made by the Department (with or without 'participation.'). We are invited to imagine benevolence, but it is still a case of absolute rule without the possibility of hearings -- which must be full, adjudicatory procedures (not to be confused with a public meeting), judicial review of key decisions all clearly spelled out such that the Department is no longer the sole arbiter of Department decisions. Finally, there must be the provision for citizen suites that are vital in the situation where the stated policy and the actual implementation situation diverge and efforts to seek remedy from the Department fail. This is necessary to put out front.

In the Goals section, it is stated that "a clearly defined coherent decision-making process with known access points for public involvement is routinely followed." This is great. How will this be accomplished? will it be unique to each branch of the Department? To each policy maker? How will overall accessibility be accomplished? "...public is empowered to participate in Department decision-making" this is only meaningful if, in fact, there is recourse to an independent authority.

In order for truly meaningful participation to happen, it becomes necessary in the highly technical nature of much of the issues the Department is involved in, for there to be a level of support provided for the public and independent researchers in order to be able to fully join in the dialogue. Some level of facility and technical assistance grants should be mandated as a National Endowment for the Social Responsibility of Nuclear Science...or some other moniker. There could be a range of programs. External, peer-review grants are needed for community-based projects in affected and potentially affected areas -- granted outside of the channels of those considering such programs (MRS, MPC, etc.). There are a number of technological resources such as the fly-over monitoring helicopters that could be made available for independent project much as the space shuttle serves many projects. The possibilities are endless. Many affected communities have their own proposals and others will soon. These comments are not intended to override those of any other party on the profile of this idea.

The bottom line is that although the dollar must not be the medium of exchange, unless some of the taxpayer dollars are devoted to supporting the taxpayer's in-put, the unfair burden placed on affected communities is compounded repeatedly. As those members of the general public who have borne the burden of impact from DOE facilities -- or will in the future -- they are the few who are "activated." They have learned about the issues and concerns not because they wanted to, but because they had to. Now they are invited to 'participate.' If they choose to, it is at their own expense or with nominal support for travel or personal expenses. Most of these folks participate because they feel a sense of moral obligation to the people of their country, who they represent, not by choice, but because if they are going to be victims, they may as well make their voice count. DOE, now is your chance. One level of true change would be to create a system of real, fair support for affected, and potentially affected individuals and communities and their representatives. Indeed, some level of resource should be available to those who are truly "members of the public at large" any of whom it is truly in their interest as citizens to participate in affecting the course of the Department.

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In order for such funding to be credible, it most likely should be issued in block to an independent, perhaps "stakeholder" board that would be bound by ethics rules and policies that uphold the rights of the Constitution for distribution.

I question that the Site Manager is the right agent to mediate between local and national interests. What about local and state officials?

I sincerely hope that these brief and somewhat hurried comments are useful to you. Next time have the courtesy to offer me at least a few weeks. I am certain that you enjoy a larger staff, and yet I rather think that you would have trouble honoring a 4 day turn-around if our positions were reversed!

In Cooperation,

Mary Olson
Radioactive Waste Project



COUNTY OF INYO PLANNING DEPARTMENT

Yucca Mountain Repository Assessment Office

P.O. Drawer L, Independence, California 93526

Telephone (619) 878-0380 FAX (619) 878-0382

Brad Mettam, Project Coordinator

15

January 4, 1993

Mr. Allen Benson
Director of Program Relations Division
Office of Civilian Radioactive Waste Management
U. S. Department of Energy
Washington, DC 20585

Dear Mr. Benson:

Listed below are my comments on the Department of Energy's new public involvement policy. Please be aware that I have not had sufficient time to review and reflect on this draft, and I consider my comments to be preliminary, based on a cursory review of the document. With that in mind, the following comments are presented for your consideration:

- A key issue that is not clearly addressed in the draft policy is the timing of public involvement. In order to actively counteract the "Decide, Announce, Defend" public involvement methods of the past, the need for early public involvement should be explicitly discussed and required.
- The recognition (in paragraph three under "Responsibilities") that support resources "human, information, systems, and financial" are essential is appropriate, and would bear repeating. "Old School" managers may have difficulty with the concept that actively encouraging public involvement means more than just having the information available, should someone ask. It is probably necessary to explain that active public involvement includes providing the public with the institutional and technical resources to independently assimilate and evaluate the Department's information. This point should be made in the implementation guidance memorandum, as well as in the policy itself.

These two key points: the early involvement of the public, and the provision of resources to "even the playing field" are essential elements of the public involvement program. They should be clearly and emphatically stated in both the policy and the implementation guidance memorandum. Thank you for this opportunity to comment on these documents. If there are any questions please contact me at (619) 878-0380.

Sincerely,

Brad Mettam
Yucca Mountain Project Coordinator



PECO ENERGY

Gwendolyn S. King
Senior Vice President
Corporate & Public Affairs

PECO Energy Company
2301 Market Street
PO Box 8699
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215 841 4101

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January 4, 1994

Mr. Jerome Saltzman, Director
Office of External Relations
Department of Energy
Washington, DC 20585

Dear Mr. Saltzman:

Thank you for your letter of December 17, 1993 to our Chairman, Joseph F. Paquette, Jr. which included the draft of your Department's new public involvement policy.

As a former federal employee and the current Senior Officer responsible for external relations at PECO Energy, I am delighted with the trust, direction and scope of your new policy. We are a large urban utility concerned about corporate social responsibility and public trust. We would be delighted to participate in this new public involvement effort of the Department of Energy and would be pleased to assist in any way as you unfold this bold initiative to increase public participation in the Department's decision-making process.

Specifically the three goals outlined in the draft policy are a breath of fresh air for those of us concerned about ongoing communication and information-sharing with the Department of Energy. We applaud the core values contained in the draft, as they are quite consistent with our own.

My department of Corporate and Public Affairs here at PECO Energy, will be happy to serve as your point of contact. I can be reached at the above number. In Washington, David Brown of my staff is available at 202/789-5599.

We look forward to working with you as you finalize your public involvement policy and to hearing from you in the very near future.

Sincerely,



Safe Energy Communication Council
 177 Massachusetts Ave. NW
 Suite 805
 Washington, D.C. 20036
 (202) 483-8491
 FAX (202) 234-9194

January 4, 1994

Mr. Allen Benson
 Director of Program Relations Division
 Office of Civilian Radioactive Waste Management
 U.S. Department of Energy
 1000 Independence Avenue, SW
 Washington, DC 20585

Dear Mr. Benson,

I received a letter from Jerome Saltzman dated December 17, 1993, asking for response to the proposed policy on public involvement and the related directive from the Secretary of Energy that were enclosed with the letter.

The Safe Energy Communication Council (SECC) believes that the proposed policy expresses the right rhetoric. We agree "that public involvement must be a routine component in program operations and planning activities." SECC applauds the Secretary's desire to include greater public participation in the Department of Energy (DOE) decision-making process.

Unfortunately, it apparently is not so simple to change a "50 year old culture from a closed, command-oriented hierarchy into an open, participatory culture that values diversity and innovation." The fact that we were sent a correspondence immediately before Christmas to which we are required to respond immediately after New Years (January 4, 1994), is an example of the difficulty that the Office of Civilian Radioactive Waste Management (OCRWM) seems to be experiencing in instituting the necessary cultural change. It is difficult for SECC to address the proposed policy change in a thoughtful, careful manner when the method and time-frame for comments seem to preclude such response.

Safe Energy Communication Council

Environmental Action • Friends of the Earth • Greenpeace • Media Access Project • Nuclear Information & Resource Service • Organizing Media Project •
 Public Media Center • Renew America • Sierra Club • Telecommunications Research & Action Center • U.S. Public Interest Research Group

Nevertheless, SECC is committed to greater public participation in the DOE decision-making process in general, and OCRWM's process in particular. Therefore, please consider the following questions:

(1) To whom, among the public and public interest groups, did you send this particular request for involvement? Is your list inclusive of the many environmental stakeholders across the country who are concerned about radioactive waste? Has a methodology been instituted to ensure that all environmental stakeholders are included in the proposed public participation process? If this has not been done, perhaps SECC could help OCRWM compile a list that is truly inclusive of the many environmental stakeholders that want a greater voice in OCRWM's decision-making process.

(2) Why is the period for comments so short? Two weeks, under ordinary circumstances, are insufficient for a comment period. The fact that the two weeks that you chose for a comment period include Christmas and New Years, indicates to us a lack of sincerity on the part of OCRWM.

SECC recommends that OCRWM expand the comment period for this particular issue to April 4, 1994. In addition, all public comment periods should be at least three months, but up to five or six months or even longer if the subject matter is of a technical nature and additional research is needed.

Please always keep in mind that individuals, citizen groups and small businesses do not have any funds allocated to do the research and writing that "public comments" require. Therefore, extra time or funds should be provided for this process to enable such stakeholders to adequately participate.

(3) Is OCRWM examining its questionable cultural assumptions as well as its public participation policy as a means to accomplish cultural change? While the official mission of OCRWM is "to manage and dispose of the Nation's spent nuclear fuel and high-level radioactive waste," a not so "hidden agenda" was described in the Bush Administration FY 1993 DOE Posture Statement: "As enunciated in the NES, solving the problem of permanent disposal of nuclear waste will contribute to ... removing a barrier to the further development of nuclear power."

While the first Clinton Administration Budget Highlights removed this language, the culture at OCRWM seems to retain this policy. At a December 8 and 9, 1993, OCRWM meeting I attended by invitation on a nuclear waste system architecture value framework, one of the assumptions brought forward by OCRWM was that the "impact on the construction of new

Mr. Allen Benson, Page 3

nuclear power plants" would be a range of between "0 to 3 years" after the implementation of the system. In other words, the general assumption of the Bush Administration DOE appears to have been carried over by OCRWM without the Clinton Administration's publicly expressed approval.

Other examples of OCRWM's cultural and policy assumptions appeared to be operative during the meeting. While the language of the proposed policy changes appear to be positive from a public interest standpoint, rhetoric does not automatically translate into policy change. It will take a more basic questioning of the assumptions within the culture at OCRWM to have a real impact.

SECC has called on the Clinton Administration to immediately initiate a comprehensive and independent review of the United States' nuclear waste programs. Along with seven other national environmental organizations, SECC sent a letter to President Clinton on August 4, 1993 that details the rationale for the review. To date, SECC and the other organizations have not received a reply. A copy of the letter is enclosed for your further consideration.

SECC hopes that OCRWM is sincere about the proposed changes in its public participation policy. We believe that OCRWM could take a step in this direction by extending the comment period on its policy for public involvement, expanding its list of environmental stakeholders and funding public interest participation. In addition, it would send a positive signal if the DOE and the Clinton Administration responded to the August 4, 1993, letter and meet with the signatories to discuss the need for a comprehensive and independent review of the nation's radioactive waste policies.

Sincerely,



Martin Gelfand
Research Director

cc: Jerome Saltzman
Dwight Shelor
Hon. D. Warner North
Hon. Daniel Reicher
Hon. Daniel Dreyfus
Hon. Hazel O'Leary

enclosure

FOR INFO. ONLY

August 4, 1993

President William J. Clinton
The White House
Washington, D.C. 20501

Dear President Clinton,

We are writing today to ask you to immediately initiate a comprehensive and independent review of the United States' nuclear waste programs. Secretary of Energy Hazel O'Leary recently announced her intention to conduct a review of the financial issues regarding the high-level radioactive waste program. We seek to ensure that this review will be broadly defined to encompass all aspects of the civilian high level waste program, as part of a larger comprehensive examination of all radioactive waste generated in both the civilian sector and weapons complex. Furthermore, examination of the systems of waste classification which currently define waste as "high" or "low" level should be a prerequisite for a meaningful reassessment of the current "high-level" waste program. The broad evaluation is necessary in addition to the limited inquiry into the financing of the high-level radioactive waste program.

To ensure that the evaluation process will be designed and conducted in an unbiased and apolitical manner, we urge that an independent commission be established separate from the Department of Energy (DOE). The membership of said commission should include a majority of members who are not affiliated with nor have a vested interest in the utility, nuclear power and radioactive waste management industries. To prevent further waste of taxpayers' funds, we recommend that the program activities at the Yucca Mountain site be suspended for the duration of this review.

Problems with the Yucca Mountain Project

Specifically, with regard to the high-level waste program, there is increasing consensus that the policy directing the conduct of the civilian high-level nuclear waste management program under DOE's Office of Civilian Radioactive Waste Management (OCRWM) should be thoroughly and independently reviewed and re-evaluated. This need has been recognized by the U.S. General Accounting Office (GAO); the Nuclear Waste Technical Review Board (NWTRB) which is a statutory Federal Advisory Committee; Representative Phil Sharp, Chairman of the House Subcommittee on Energy and Power; Representative Richard Lehman, chairman of the Subcommittee for Energy and Mineral Resources; and numerous independent analysts such as Keeney and von Winterfeldt at the University of Southern California.

On May 21, 1993, the GAO reported to Congress the results of its study: Nuclear Waste: Yucca Mountain Project Behind Schedule and Facing Major Scientific Uncertainties. The GAO specifically recommended to Congress:

"In view of the current status of the disposal program, we recommend that the Congress defer consideration of legislation that would change how funds are provided to DOE from the Nuclear Waste Fund for use on the disposal program until (1) the Secretary of Energy has completed the review of the program that we recommended; (2) an independent review of the program, such as that recommended by the Nuclear Waste Technical Review Board, has been completed; and (3) appropriate legislative policy, and/or programmatic changes to the program have been implemented." (GAO/RCED-93-124, p. 48)

The necessity of an independent evaluation and a curtailment of current site activities are of timely importance because the DOE program to characterize Yucca Mountain, Nevada, as the only deep geologic high-level nuclear waste disposal site is about to initiate large, irreversible expenditures at the site that may prove imprudent after objective review.

Two specific activities are imminent: (1) final purchasing of a large, multi-million dollar tunnel boring machine to excavate 25-30 foot diameter repository tunnels beneath Yucca Mountain; and (2) further work on excavation of the starter hole for the 5-mile underground Exploratory Studies Facility (ESF) which is designed to be the first stage of repository construction by the tunnel boring machine described above. The estimated cost of the ESF over the next five years is \$850 million, with FY-93 ESF costs budgeted in excess of \$49 million, a portion of which has already been spent.

It is clear that the DOE Yucca Mountain project managers are proceeding with great speed to commit as much as possible to irreversible expenditures before the project is subjected to executive scrutiny that may result in a redirection of the program. In simple terms, this type of effort would assure that 'the tail wags the dog.'

While DOE managers insist that these large expenditures are necessary to meet the goal of having a repository operational by 2010, it is clear to most observers, including the GAO and the NWTRB, that this rigorous and demanding schedule is both unrealistic and ill-advised. Yucca Mountain's

President Clinton
August 4, 1993
Page 3

suitability for safe disposal of radioactive waste has yet to be determined by DOE, and there is no contingency plan should the site prove unsuitable or unable to receive a license from the Nuclear Regulatory Commission subsequent to the DOE's determination of viability.

In reference to questions related to statutory compliance, Secretary O'Leary has the legal authority to order an immediate halt to these two major financial commitments at Yucca Mountain before any further FY-93 funds are expended, and throughout the period that a review is taking place.

Comprehensive Review Needed

It is urgent that the prudent decision be made to defer the very near-term commitments to large expenditures at Yucca Mountain until a comprehensive, independent review of the nuclear waste programs and policies can be completed. In consideration of this request, we believe that it is important to remember that high-level waste financial issues are but one subset of the larger, overall problems confronting the nation's civilian and weapons waste programs. Establishing an independent commission to completely re-evaluate U.S. radioactive waste classification, technological options, economics, institutional framework, regulation, regulation of long-lived wastes and funding needs is necessary to responsibly address the country's nuclear waste dilemma.

Please let us know if we can be of any assistance or provide additional information. We look forward to the opportunity to discuss this issue soon with you and your staff.

Sincerely,

Scott Denman
Executive Director
Safe Energy Communication Council

Anna Aurilio
Staff Scientist
U.S. Public Interest Research Group

Diane DiArrigo
Radioactive Waste Project Director
Nuclear Information & Resource Service

Bill Magavern
Director, Critical Mass Energy Project
Public Citizen

President Clinton
August 4, 1993
Page 4

Harvey Wasserman
Senior Advisor to the Nuclear Program
Greenpeace

Brent Blackwelder
Vice President for Policy
Friends of the Earth

Angela Park
Program Associate
Center for Policy Alternatives

Daniel Becker
Director, Global Warming &
Energy Program
Sierra Club

cc Vice President Albert Gore
Secretary of Energy Hazel O'Leary
Ms. Kathleen McGinty, Director White House Office of Environmental
Policy
Dr. John H Gibbons, Director, White House Office of Science &
Technology Policy
Mr. T.J. Glauthier, Associate Director for Natural Resources, Energy
& Science, Office of Management & Budget



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 4 1994

OFFICE OF
AIR AND RADIATION

Mr. Allen Benson
Director of Program Relations Division
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
Washington, DC 20585

Dear Mr. Benson:

Thank you for the opportunity to comment on DOE's draft policy on public involvement. Overall, we agree with the policy and think it is similar to EPA's philosophy towards public involvement (although we have not seen it written down in this kind of detail). However, we have a general concern that the tone is a little "heavy-handed" for a program area that requires staff to be thoughtful and sensitive to the public's needs. One suggestion to try to soften the tone would be start off with an explanation of why DOE thinks public involvement is important. This explanation ought to precede the opening policy statement: "The policy of the DOE is that public involvement must be a routine component in program operations and planning activities, at headquarters and in the field." Our more specific comments follow.

First, we feel that the Policy Statement should stress that public involvement will be an open and on-going communication process. Therefore, we would suggest eliminating the word "routine" throughout the policy since that could be construed as meaning any periodic basis, frequent or infrequent. As public servants, we feel that it is important to communicate with the public as much as they feel is necessary, not necessarily according to our "routine." Related to this, you may want to consider adding a sentence or two suggesting that program managers or public affairs staff try to assess the communications needs of stakeholders and others. This is something my office did in trying to develop our WIPP communications/public outreach program. We conducted in-depth interviews with about 25 New Mexicans with an interest in the WIPP to try to identify their major concerns and communications needs. We have been using the results of those interviews to develop an effective communications/outreach plan.



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In the "Core Values" section we suggest including the words "communications" and "consultation" since they are the basis for any communications policy. DOE (and EPA as well) should strive to maintain open lines of communication with the public and to frequently consult with affected stakeholders on the issues.

We suggest adding one more goal in the "Goals" section: The public's concerns, questions, comments, etc., are addressed.

In the section on responsibilities we recommend adding a suggestion for periodic evaluation of the effectiveness of DOE's public involvement process.

Again, we appreciate the opportunity to comment on the policy and look forward to reviewing the draft report on your public involvement workshop when it becomes available.

Sincerely,

A handwritten signature in cursive script that reads "Amy Newman for".

J. William Gunter
Director, Criteria and
Standards Division



U.S. Council for Energy Awareness

19

Suite 400
1776 I Street, N.W.
Washington, DC 20006-2492
(202) 295-0770

Phillip Bayne
President and Chief Executive Officer

FAX (202) 765-4019
(202) 765-4113

VIA FACSIMILE

January 4, 1994

Mr. Allen Benson
Director, Program Relations Division
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
Washington, DC 20585

Dear Mr. Benson:

This is in response to the December 17 letter from Mr. Jerome Saltzman, soliciting our comments on the DOE's draft public-involvement policy.

Overall, let me commend the Department for implementing what we consider to be a thoughtful and timely policy initiative. As the DOE adapts to significant changes in its mission, there is nothing more essential than public trust and confidence in the Department's efforts. We believe the public-involvement policy, as outlined, has the potential for building and maintaining a real sense of equity among the Department's many stakeholders.

As with any such policy initiative, the proof lies not so much in the words as in the implementation. I would offer a few words of caution in that regard.

* Public involvement must have realistic goals and conditions. An open-ended commitment to building consensus on each and every DOE initiative could lead to paralysis.

* The final policy should make clear that participants in any given policy or programmatic initiative have an obvious and relevant stake in that initiative.

* The guidance memo to DOE managers and operations offices asserts that the benchmark for excellence will be leadership/performance; in addition to risk-taking and peer review, the policy should also specify that achieving the desired result of a given DOE initiative will also be a measure of leadership and performance.

We will continue to follow the evolution of the public-involvement policy with great interest, and would be pleased to assist the Department in any way we can.

Sincerely,

Phillip Bayne



Bernard W. Reznicek
Chairman and Chief Executive Officer

January 4, 1994

Mr. Jerome Saltzman, Director
Office of External Relations
Department of Energy
Washington, DC 20585

Dear Mr. Saltzman:

Thank you for your December 17 letter and the opportunity to comment on your draft policy statement on public involvement.

Overall, I support the purpose and goals as outlined in the draft. However, in reading it, as well as the draft memorandum from the Secretary of Energy to heads of headquarters elements managers and managers of DOE operations offices, I find no mention of one of the most important elements, and that is timely decision making. While I fully support public involvement and believe firmly that the results of almost any undertaking are better when the views and interests of diverse stakeholders are reflected in the decision making process, I would be concerned if the process itself became the focus instead of focusing on the intended outcome. Therefore, I would recommend adding either a further goal to assure timely decision making or adding that element to Goal II.

As one of the evaluation factors for the annual review, I would suggest including an assessment of timeliness. I would also underscore the importance of training DOE staff members on the elements of public involvement, as well as the importance of producing decisions in a timely manner.

Thank you for the opportunity to comment.

Sincerely,



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402

Oliver D. Kingsley, Jr.
President, Generating Group

January 4, 1994

Mr. Jerome Saltzman, Director
Office of External Relations
Department of Energy
Washington, DC 20585

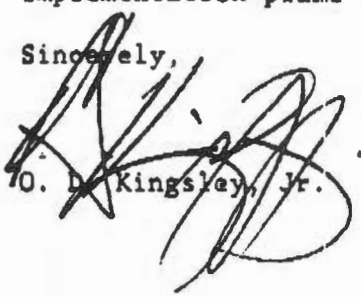
Dear Mr. Saltzman:

Thank you for the draft of the Department of Energy's (DOE) public involvement policy which you recently forwarded to Chairman Crowell. Tennessee Valley Authority endorses the goal of bringing diverse views and values into the DOE decision-making process in order to make better decisions and build greater public understanding and trust. In addition, we believe that significant accomplishments and sustained progress toward program goals are essential elements to achieving public support.

To this end, we would offer two comments relative to the new public involvement policy. First, the policy should clearly recognize that public involvement is essential, but that DOE has ultimate responsibility for efficient decision making. Second, the policy should stress that public involvement must be carefully integrated with other management activities in order to achieve program goals in a timely and cost-effective manner.

We look forward to your draft report that will set forth the program's implementation plans for public involvement.

Sincerely,


O. D. Kingsley, Jr.

Nevada Nuclear Waste Study Committee 22

Northern Nevada Activities
1029-1 Brooktree Drive, Sparks NV 89434
(702) 331-1228

January 5, 1994

Mr. Allen Benson, Director
Program Relations Division
Office of Civilian Radioactive Waste Management
Department of Energy
Washington, DC 20585

Subject: Draft Policy on Public Involvement

Dear Mr. Benson:

Mr. Jerome Saltzman's letter of December 17 and the subject draft were received today . . . evidently delayed in the holiday mails. I hope that our rather hurried review of the draft policy will be received in time to be useful.

Our comments on the draft policy are as follows:

1. Policy through and including Definition paragraph - no specific comment.

2. Goals:

Goal I: If every employee is delegated responsibility to practice and improve public involvement, they must also be delegated the authority necessary to carry out these responsibilities. What degree or span of authority is being delegated by this paragraph? Can we expect that "every employee" can make public involvement decisions? Does every employee have to coordinate these decisions/actions with the local Public and Consumers Affairs representative? This goal needs to be more clearly defined.

Goal II: Suggested change (also, see new Goal III):

" . . . for public involvement shall be established for each project and followed by all employees assigned to the project. The public shall be informed of these processes and encouraged and assisted to participate in the decision making process."

Goal III: A major problem in DOE public information policy has been the failure to respond to misinformation appearing in the news media and other public forums. For example, regarding the Yucca Mt. project, Nevada's Robert Loux has frequent op-ed pieces in Nevada papers containing grossly misleading statements or even technical errors; yet, there is seldom, if ever, a correction by DOE. This is frequently noted in our conversations with the public; if DOE or other

authority does not correct the record, the public assumes the misinformation is true.

Therefore, we suggest the following for Goal III:

Goal III: Current, timely information regarding a project's status (technical, community, administrative, and otherwise), shall be presented to the public, and readily available in response to public inquiries. Misinformation appearing in the news media shall be corrected promptly.

This policy element should be implemented via the news media, regular and well publicized local presentations, by providing guest speakers, communications with State and other governmental and tribal entities and non-government stakeholder organizations, and by other means, in all geographic areas significantly affected by a project.

Our Committee believes that public communication through means readily available to the public -- the news media -- and prompt correction of misinformation, are the keys to current DOE problems of public perception.

3. Responsibilities - 2nd & 5th pp: The requirement for coordination with Public and Consumer Affairs (P&CA) at Headquarters and in the field, is well taken. However, this requirement could introduce delays that would inhibit prompt and effective communication with the public at local levels. This kind of "red tape" must not occur. Public confidence and support depends on prompt, open and frank communications -- fast reaction time -- not news that is several days or weeks old!

4. Draft Memorandum - Generally, we have no suggestions except that public communication should be more specifically emphasized.

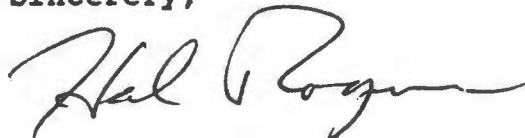
Summary:

In general, we believe that the concept of the policy is good, and the terms of the policy as expressed in the draft are doable. However, as expressed in our comments, we believe that greater emphasis on public communication is imperative, especially the prompt correction of misinformation, whatever the source.

Many of us feel that prompt and effective communications with the public are much more important in project acceptance than public participation in decision making, regardless of the expressed desires of some so-called citizen's organizations!

Please do not hesitate to contact us if we can be of further assistance in these matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hal Rogers", with a long horizontal flourish extending to the right.

Hal Rogers
Co-chairman, Northern Nevada Activities
Nevada Nuclear Waste Study Committee

copy: Hugh Anderson, Co-chair, So. Nevada Activities
 NNWSC Staff



January 5, 1994

VIA TELECOPY--(202) 586-7259

Mr. Allen Benson
Director of Program
Relations Division
Office of Civilian Radioactive
Waste Management
U.S. Department of Energy
Washington, D.C. 20585

Post-It [®] brand fax transmittal memo 7671		# of pages • 3
To <i>Allen Benson</i>	From <i>John Ahrens</i>	
Co.	Co.	
Dept.	Phone #	
Fax # <i>202-586-7259</i>	Fax #	

Dear Mr. Benson:

Warner North has sent me a copy of Jerome Saltzman's letter to North of 17 December asking for comments by yesterday on your draft policy. Although I was not asked to comment and I only received these last night, I will provide a few comments. These are from three perspectives:

- (a) as Chairman of the National Academy Committee on Risk Perception and Communication, which authored the report Improving Risk Communication, published by the National Academy in 1989 (Tom Grumbly was a member of the study);
- (b) as Chairman of the Department of Energy's Committee on Nuclear Facility Safety from 1989 through 1991; and
- (c) as a former Chairman of the Nuclear Regulatory Commission.

The goals and specifics in the draft are excellent. Secretary O'Leary and Mr. Grumbly are making major changes in the openness of the Department and these are all excellent steps outlined in your draft.

I only raise a couple of issues which you may wish to address because they could lead to some confusion or some difficulties.

In your policy, goal I includes "with every employee sharing responsibility to practice and improve public involvement". However, under Responsibilities, it lists: "To assure a consistent approach throughout the agency...Program and Staff Offices will coordinate their public involvement activities through the Office of Public and Consumer Affairs...." Do you intend that every employee, taking it upon himself or herself this responsibility for public involvement, nevertheless

Mr. Allen Benson
January 5, 1994
Page 2

continuously coordinate any such activities through the Office of Public and Consumer Affairs? In other words, the way the policy is currently written could be viewed, particularly by any local manager who is not interested in implementing the policy fully, as a requirement to constrain the employees rather than to empower them.

Furthermore, the requirement to coordinate all the activities does seem to be a chilling factor. I suggest that, instead of leading off with this under the Responsibilities, put it farther down in the Responsibilities section and stress that it would be appropriate or advantageous, as opposed to the way it is currently worded, which sounds a bit like the old Watkins approach. This was: don't do anything until headquarters or the field office has approved. In the past, that was used as a cover to avoid or prevent a local DOE facility dealing with the public.

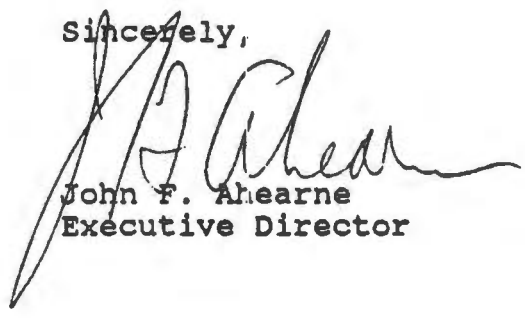
Under the goals, III is that "The public is...empowered to participate in departmental decision-making." One of the important issues the National Academy Committee on Risk Perception and Communication addressed was the confusion that can come in the public's mind if it is not clear right from the beginning what decision-making participation the public is going to have. When you start discussing with the public, you should be clear, for example, are you going to let them have an equal vote or are you going to require consensus before a decision is taken. In the end, this turns out to be the critical issue, because most people, in addition to wanting to be sure that their views are heard, want to have those views weighed in the final decision. Of course, the best way, from the public's view, to insure that adequate weight is given is to allow the public to have a vote. If that is not going to be possible, then that should be made very clear right in the beginning. Therefore, your third goal needs some clarification somewhere in the rest of the document.

The memo from the Secretary includes under "Implementing actions" one of the Core Values; "Risk-taking will be rewarded". This is not clear. Taking risks is what got many of the reactor operators and other facility operators into deep trouble. They took risks with the public health and safety. It is not obvious what you mean by risk-taking. Some clarification would be quite helpful.

Mr. Allen Benson
January 5, 1994
Page 3

In conclusion, I strongly support the concepts presented and it continues the fresh air that has been let into the Department by the new Administration.

Sincerely,



John F. Ahearne
Executive Director

JFA:cm/492

cc: Jerome Saltzman
Warner North



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

24

JAN 6 1994

Mr. Jerome Saltzman
Director
Office of External Relations
Department of Energy
Washington, D.C. 20585

Dear Mr. Saltzman:

Thank you for sending me a draft of the Department of Energy's (DOE's) new public involvement policy. This statement takes a critical step in a needed direction; I have no specific comments and think it is fine as is.

Overall, I applaud your efforts to bring more diverse views and values into DOE's decision-making processes by committing the Department to include public involvement processes as a routine element throughout its operation.

Sincerely,

T.J. Glauthier
Associate Director
Natural Resources,
Energy and Science

cc: Allen Benson
Director of Program Relations Division
Office of Civilian Radioactive Waste Management

PORTLAND GENERAL ELECTRIC COMPANY

KEN L. HARRISON
CHAIRMAN OF THE BOARD
AND CHIEF EXECUTIVE OFFICER

ONE WORLD TRADE CENTER
121 S.W. SALMON STREET
PORTLAND, OREGON 97204
(503) 464-8825

January 6, 1994

Allen Benson
Director of Program Relations Division
Office of Civilian Radioactive Waste Management
Department of Energy
Washington DC 20585

Dear Mr. Benson:

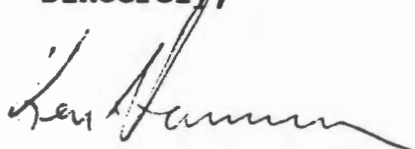
Thank you for the opportunity to comment on the Department of Energy's draft public involvement policy. We applaud your desire to include a wide range of public sentiment in an issue such as radioactive waste management — an issue that can be so polarizing to the citizenry.

As the leader of a utility that, one year ago this week, announced the early closure of an 1,100-MW nuclear power plant, I can attest to the value a participatory process brings to decision-making. This decision was part of an integrated resource plan that was developed with as diverse an assemblage of advocacy groups, state agencies, and customers as was ever assembled by a utility.

Your draft policy articulates the most important characteristics of public involvement: the spirit of openness and respect of differing opinions. I have never believed the goal of these processes is to force consensus, but rather to understand the options and perspectives that should be considered when making decisions. However, making DOE staff accountable for the accuracy of their public statements and thoroughness in their follow-up to the commitments they make, will go far in building trust with your constituents, if not full agreement.

We have also found that developing and agreeing upon participant ground rules at the beginning of such a process, and referring back to this agreement when issues arise, helps align expectations. Developing mutual respect with your public takes time, but the time is well worth the gain in credibility.

Sincerely,





Western Interstate ²⁶ Energy Board/ WINB

January 6, 1994

Alberta
Arizona
British Columbia
California
Colorado
Hawaii
Montana
Nebraska
Nevada
New Mexico
North Dakota
Oregon
Utah
Washington
Wyoming

Anita Lockwood
Chair

Douglas C. Larson
Executive Director

Mr. Allen Benson
Director of Program Relations Division
Office of Civilian Radioactive Waste Management
Department of Energy
Washington, D.C. 20585

Dear Mr. Benson:

A December 17 letter from Jerry Saltzman requests comments on the Department's draft public involvement policy. The Secretary's policy to embrace a new culture of openness and service is clearly a step in the right direction. There are many elements of the draft policy on public involvement which will improve the Department's ability to understand and be responsive to their employers, the citizens of the country. However, one element of the draft policy — coordination of public involvement activities through the Office of Public and Consumer Affairs — causes some concern. This element has the potential of adding an unnecessary layer in the chain of communication between state decision-makers and decision-makers at the Office of Civilian Radioactive Waste Management (OCRWM).

As you may know, western states, through the Board's High-Level Radioactive Waste Committee, have worked hard to cultivate a productive working relationship with OCRWM's experts on spent fuel and HLW transportation issues. The success of this working relationship has been the direct communication between state personnel and OCRWM technical and policy personnel (and, where appropriate, OCRWM contractors). Such direct discussions are an essential element of productive intergovernmental relations and have enhanced the states' and DOE's understanding of key issues.

The Committee believes that any public involvement policy implemented by OCRWM should build on and expand the direct contact between state personnel and OCRWM personnel. Trust and understanding are the products of direct discussions.

I hope these comments are responsive.

Sincerely,

Douglas Larson
Executive Director

cc: Elissa Turner, OCRWM
HLW Committee Co-Chairmen



AMERICAN SOCIETY OF
CIVIL ENGINEERS

27

345 East 47th Street
New York, NY 10017
(212) 705-7496

7 January 1994

Mr. Allen Benson
Director of Program Relations Division
Office of Civilian Radioactive Waste Management (OCRWM)
U.S. Department of Energy
Washington, DC 20585

Reference: Letter -- Saltzman to Pfrang, dated 17 December 1993

Dear Mr. Benson:

In response to the referenced letter, the American Society of Civil Engineers (ASCE) is pleased to be invited to comment on the draft of the Department of Energy's (DOE) new public involvement policy. ASCE enjoys a long-term relationship with DOE and its OCRWM Program, particularly with regard to the management of the annual International High Level Radioactive Waste Management (IHLRWM) Conference, for which DOE serves as a cooperating organization. In fact, relative to the draft policy, educational activities, such as the conference, serve to foster a greater understanding and trust amongst DOE, the scientific, engineering and educational communities and the public at large.

The draft DOE policy speaks further to this issue, and we feel the policy will have a positive impact on DOE's current and future programs. The example of the IHLRWM Conference might be looked at as a case study towards facilitating the acceptance of a rational solution of a controversial problem. The conference provides an educational forum for the discussion of forging a cooperative scientific and social sciences approach towards addressing a controversial national (and international) problem, and thus facilitates acceptance towards a solution.

In short, ASCE applauds the draft policy, and stands ready to assist DOE in its implementation efforts. ASCE has expertise in developing technical programs which facilitate information exchange, technology transfer, team decision-making, public involvement, etc. ASCE also has a peer-review program, public communications program, and other activities which can serve well any public involvement initiative. ASCE would welcome discussing these programs with DOE.

Should you wish to discuss this further, please contact Mr. George L. De Feis, Manager, ASCE Conference Marketing & Programs, at tel. 212-705-7290; fax. 212-705-7975. Mr. De Feis has worked closely with DOE on the IHLRWM Conference during the past five years.

Sincerely,

Edward O. Pfrang
Executive Director

cc: G.L. De Feis



Civil engineers make the difference
They build the quality of life



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

28

JAN 07 1994

Mr. Jerome D. Saltzman, Director
Office of External Relations
U.S. Department of Energy
Forrestal Building, RW 5
Washington, D.C. 20585

Dear Mr. Saltzman:

SUBJECT: RESPONSE TO THE U.S. DEPARTMENT OF ENERGY'S (DOE's) REQUEST FOR
COMMENTS ON DRAFT PUBLIC INVOLVEMENT POLICY

As you requested in your letter of December 17, 1993, we reviewed DOE's draft description of a new public involvement policy and have the following comments:

- We support the very worthwhile goal of the new policy, to increase public involvement in DOE decision-making on civilian high-level radioactive waste management activities.
- We view the new policy as consistent with the existing NRC/DOE procedural agreement and the agreement's related objectives of adequate information flow between NRC and DOE, timely NRC involvement in DOE's activities of a regulatory interest, early identification of potential licensing issues, and participation in NRC/DOE prelicensing consultations by states, Indian Tribes, affected units of local government and the public. Such involvement is and will continue to be an essential element of the ongoing NRC/DOE technical interchange process.
- As in the past, we encourage immediate steps by DOE to implement the data base described in Critical Policy Element 5, to make real-time information available through telephone and computer access points.

We appreciate the opportunity to review the draft public involvement policy. Should you have follow-up questions or comments, please contact Bill Reamer of my staff (301-504-3391).

Sincerely,

A handwritten signature in black ink, reading "Robert M. Bernero".

Robert M. Bernero, Director
Office of Nuclear Material Safety
and Safeguards

cc: Mr. Allen Benson

ADR FAX >>>>>

Alan Benson

29

=====January 10, 1994

FAX TO: JEROME SALZMAN

FAX PHONE NO. 1-202-586-7259 (ALAN BENSON)
TOTAL PAGES: 1

FROM: A. DAVID ROSSIN
24129 HILLVIEW DRIVE
LOS ALTOS HILLS, CA 94024
(415) 948-7939 FAX (415) 941-7849

DEAR JERRY,

I GOT A COPY OF YOUR DEC. 17 LETTER ON PUBLIC INVOLVEMENT. THESE COMMENTS ARE MY OWN. THERE MAY HAVE BEEN AN OMISSION IN DRAFTING THE POLICY AND THE MEMO OF THE SECRETARY WITH RESPECT TO THE FOLLOWING POINT:

NOWHERE IN EITHER DRAFT DOCUMENT CAN I FIND ANY REFERENCE TO THE NEED FOR THE DEPARTMENT OF ENERGY TO FULFILL ITS OBLIGATIONS TO THE NATION AND ITS PEOPLE. FOR EXAMPLE, THE PURPOSE STATEMENT SHOULD BE AMENDED TO READ:

... trust between the Department and the public it serves in order that it may more effectively carry out its responsibilities to the nation and its people.

IN ADDITION:

IN THE BACKGROUND SECTION, THERE SHOULD BE MENTION OF THE FACT THAT OBVIOUS EXCEPTIONS TO THE RATHER SOUR RECITATION OF THE HISTORY OF PUBLIC INVOLVEMENT ARE THE CIVILIAN WASTE MANAGEMENT PROGRAM AND THE LOW-LEVEL WASTE MANAGEMENT PROGRAM.

UNDER DEFINITION, THERE IS NO MENTION OF THE RESPONSIBLE PARTIES WITH WHICH THE DEPARTMENT MUST ALSO DEAL: STATES, MUNICIPALITIES, CORPORATIONS, CONTRACTORS, ETC.

I WOULD ALSO SUGGEST THAT IN THE SECRETARY'S MEMO, THAT PARAGRAPH 5 THAT DISCUSSES RISK SHOULD EXPLICITLY POINT TO THE RISKS OF FAILURE OF THE DEPARTMENT TO MEET ITS OBLIGATIONS, (AND TO DO SO IN A TIMELY MANNER), BY ADDING THE WORDS:

... consensus, including the risks to the nation and its people of failure of the Department carry out its obligations and meet its objectives.

I BELIEVE THAT THE INTENT OF BOTH THE POLICY STATEMENT AND MEMO IS EXCELLENT. AS YOU MAY RECALL, I FOUGHT HARD FOR PUBLIC INFORMATION AND INVOLVEMENT DURING MY BRIEF TENURE AT DOE, AND DURING MY CAREER BEFORE AND SINCE.

PUBLIC PARTICIPATION IN DECISIONMAKING HAS BECOME INSTITUTIONALIZED AS PART OF OUR DEMOCRATIC PROCESS. PROVIDING INFORMATION TO THE PUBLIC IS AN OBLIGATION OF GOVERNMENT, BECAUSE WITHOUT ACCURATE AND COMPLETE INFORMATION, PUBLIC INPUT IS NOT AS VALUABLE. PUBLIC INFORMATION IS ONE SUBJECT; PARTICIPATION AND INVOLVEMENT ANOTHER, AND THE TWO ARE CONFUSINGLY INTERTWINED IN BOTH THE DRAFT POLICY STATEMENT AND THE MEMO.

THE DEPARTMENT IS RIGHT TO PROVIDE INFORMATION AND TO SEEK AND FACILITATE PUBLIC INPUT. BUT IT IS IMPORTANT TO KEEP IN MIND THAT EVEN THE CONGRESS NEVER CONFUSED THE RIGHT TO BE HEARD WITH THE OBLIGATION TO BE OBEYED. IT IS THE DEPARTMENT, NOT THE STAKEHOLDERS, THAT MUST MAKE DECISIONS AND SET POLICY.

HOWEVER, THESE DRAFTS, WITHOUT THE KIND OF AMENDMENTS NOTED ABOVE, SHOW A SERIOUS LACK OF RECOGNITION OF RESPONSIBILITY ON THE PART OF DCE. THIS WILL BE OBVIOUS TO ALL THE PARTIES, BOTH WITHIN AND OUTSIDE OF GOVERNMENT, INCLUDING THE MEDIA, WITH WHOM THE DEPARTMENT DEALS.

WITHOUT RECOGNIZING THAT THE TAXPAYERS OF THIS NATION EXPECT ITS CABINET-LEVEL AGENCIES TO DO THEIR JOBS, THE POLICY STATEMENT AND THE MANAGEMENT MEMORANDUM WOULD SIMPLY SEEM TO BE HOLLOW.

SINCERELY,

A handwritten signature in black ink, appearing to read "A. David Rossin". The signature is fluid and cursive, with a long horizontal stroke at the end.

A. DAVID ROSSIN

CONSULTING • COMMUNITY ASSISTANCE • GRANT MANAGEMENT • PUBLIC INVOLVEMENT

617 Terrace Street, Carson City, Nevada 89703 (702) 882-0296 FAX (702) 883-0226

January 10, 1994

Allen Benson
Director of Program Relations
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
Washington, DC 20585

RE: Draft public involvement policy

Dear Mr. Benson:

I am a nuclear waste consultant with Eureka County, Nevada, specializing in public involvement. The following comments on the Department of Energy's (DOE) draft public involvement policy are submitted on behalf of the Eureka County Board of Commissioners.

We appreciate your granting us an extension on the deadline to comment on the policy. Four business days to comment on a draft policy is an inadequate amount of time, and is an unfortunate way to initiate public review of the DOE's public involvement policy. The draft did not address the issue of providing adequate scheduling and time for public involvement. In light of the problem with this deadline, we suggest that the draft policy include language requiring fully adequate opportunities and lengths of time for public review and participation.

Will these public involvement policies also apply to official public review processes such as environmental impact statements and environmental assessments? If so, this should be stated explicitly in the policy.

The draft policy is encouraging, as it indicates that the DOE is beginning to acknowledge the importance of public involvement or the need to appear to be more sensitive to the issue of public involvement. One area where the policy seems to be deficient is in implementation. While DOE managers are instructed to incorporate public involvement into their activities, the policy does not provide guidance or direction on doing more than listening and responding. If public involvement truly is "a means for Americans to influence their government", as defined in the policy, then the policy should provide some direction on how DOE managers can incorporate input from the public. Without such directions, DOE is at risk of being accused of going through the motions.

We were unsure of the meaning of "risk-taking". It is not defined within the document, and should be, so that the public and DOE employees will be clear about when risk taking is rewarded and when it is not. For example, DOE-scheduled briefings to coincide with a nuclear utility ad campaign in Nevada might be considered as positive risk-taking action by DOE while meeting with the families of contaminated workers might be received very differently by DOE.

In the memo from the Secretary to "Headquarters Elements Managers", it is stated that all levels of DOE will operate as an integrated team in planning public involvement activities. In the past it has been difficult for all DOE levels to work as a team. Is this a new directive? What special steps will be taken so that this effort is successful?

Further on it states that headquarters will develop clearance procedures for public information materials. What kind of clearance? How long will it take? Does this mean that field staff, who better understand local needs, could be hindered from releasing information to the public in a timely manner by headquarters procedures and personnel? While consistency is important, the policy should also permit discretion and flexibility at the local level.

Eureka County appreciates the opportunity to comment on the draft policy. For future mailings, please send correspondence to me at the above address and to the Eureka County Yucca Mountain Information Office, P. O. Box 714, Eureka, NV 89316.

Sincerely,

A handwritten signature in cursive script, appearing to read "Abigail C. Johnson".

Abigail C. Johnson
Nuclear Waste Consultant to Eureka County



Post Office Box [REDACTED] 779
Carson City, Nevada 89702

January 10, 1994

Allen Benson
Director of Program Relations Division
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
Washington, DC 20585

Dear Mr. Bensen:

The League of Women Voters of Nevada is pleased to provide comments to the Department of Energy (DOE) on the DOE's draft public involvement policy. We appreciate the extension deadline to January 14. The original comment deadline of January 4 was not practical; we did not receive the document until December 27, which afforded us only four business days to comment.

Overall, the draft public involvement policy is going in the right direction. The League at all levels is a strong supporter of public involvement, and it is heartening that the DOE is recognizing the valuable role that citizens can play when they are informed and are afforded opportunities for involvement.

We have the following comments and questions.

1. Nowhere in the draft documents did we find mention of the need for allowing the public enough time to comment or participate. Since the draft policy itself was subject to that problem, and itself does not address the issue, we believe it is an inadequacy in the draft. The public involvement policy should include explicit language about giving the public adequate notice and sufficient time to participate.
2. The definition of public involvement in the draft is, "Public involvement provides a means for Americans to influence decisions made by their government." (underlining added for emphasis). While the implementation of the draft policy may lead to improved public participation, it does not address what DOE should do with the public's input other than respond. If Americans are to influence decisions, the policy

should detail how this will occur - listening isn't enough. How will the information and ideas gleaned from public involvement be incorporated into the decisions and policies of the DOE? This draft policy does not tell us that, and without that information, the policy lacks substance.

3. The policy should also define what is meant by "risk-taking". Risk taking is encouraged and should be rewarded, but what is it? For example, is it releasing a draft document between Christmas and New Year's, allowing less than a week for the public to comment, or is an employee taking a risk by allowing enough time, even if schedules are not met, to allow real participation? What are the risks involved? Who's taking the risk? How will it be interpreted? One person's courageous risk is another's foolhardy gamble. Depending on your point of view, risky actions could be interpreted very differently. And what is the reward for risk-taking, and of what type?

4. Page 2 of the Secretary's draft memo states that all levels will operate as an integrated team in planning public involvement activities, combining resources, sharing information and coordinating schedules. This is a very optimistic goal which will need to be spelled out in extreme detail. As it is, these levels have a hard time coordinating - they will need some special incentives and guidelines in order to make this work.

We appreciate the opportunity to comment. Please continue to send us information on public involvement at the address shown above.

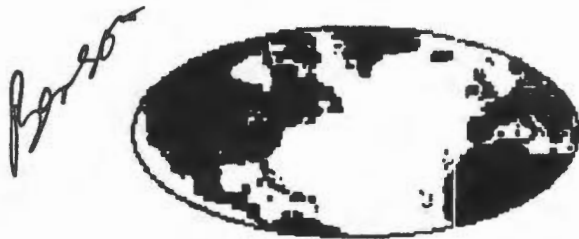
Sincerely,

A handwritten signature in cursive script that reads "Nancy Wall".

Nancy Wall, President

To <u>Allen Benson</u>	From <u>John Graham</u>
Co.	Co.
Dept.	Phone #
Fax #	Fax #

32



John Graham

TO: Allen Benson FAX # 202-586-7259Director of Program Relations DivisionFROM: John Graham DATE: January 11, 199414675 Crabapple Rd TIME: 4:49 PM(US.MT)Golden, CO 80401 USANumber of pages (including cover sheet): 2**Draft DOE Public Involvement Policy**

Dear Mr. Benson,

I have had a chance to review the draft of the Department of Energy's new public involvement policy and take this opportunity of providing some comments prior to your review date of January 12, 1993.

1. The problem addressed is a long standing problem which has given the Department of Energy a reputation for arrogance and incompetence from which it will be difficult to recover. This draft is an admirable start to correcting the problem.
2. The policy lacks specificity in many respects -- it appears to depend on the "public" and stakeholders coming forward; it lacks any effort on behalf of the Department to approach stakeholders on anything other than a formal basis. For example, will the Department be encouraged to join local Chambers of Commerce to seek input on programmatic directions before "pre-decisional access points" are reached? In many cases the *Implementing Actions* appear to gather only stakeholder concurrence for programs already engaged.
3. The American Indian tribes are mentioned in passing in a couple of places as being an inclusive group within "the public". They are not. The Department of Energy's declared policy is to treat the Indian Tribes on a Government-to-Government basis and, therefore, consultancy is required on a Government-to-Government basis not merely in obtaining a stakeholder's interest and comments.
4. How will the Department of Energy's new policy affect program "conferences"? For example, the annual Environmental Conference (e.g. ER'93 in Atlanta, GA) is not peer reviewed and is government controlled; the annual Yucca Mountain show-case of government policies and programs admits to no objective peer review and is also

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strictly controlled by the Department. Neither have the objectivity of being organized by a scientific society and the public have every right to believe that they are merely established to show-case government programs and confirmatory analysis. This new draft policy has as one of its core values -- *scientific credibility*. Are we therefore to assume that these meetings will be abandoned or put into the hands of an objective organization which does not accept DOE funding for the job?

5. The draft policy is a good start but it is nowhere near to being ready to establish in final form. Implementation plans do not deal with information channels, publications, public reading rooms, speaking programs, school programs, etc. etc.

I would be very pleased to review and comment on the next draft in full. It is difficult to comment in detail on the present policy without rewriting many sections in more specific terms. Thank you for your time.



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AGENCY FOR NUCLEAR PROJECTS
NUCLEAR WASTE PROJECT OFFICE

Capitol Complex
Carson City, Nevada 89710
Telephone: (702) 687-3744
Fax: (702) 687-5277

January 12, 1994

Mr. Allen Benson, Director
Program Relations Division
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Mr. Benson:

Enclosed are the State of Nevada's comments on the Department of Energy's draft Public Involvement Policy. It is encouraging that DOE is taking steps to institutionalize public involvement throughout the organization and in all of its activities. The draft policy is certainly a good beginning, although, as we have pointed out in the attached comments, this is not the first attempt to bring public participation into the high-level radioactive waste program.

One formidable - perhaps insurmountable - problem DOE faces with respect to the Yucca Mountain program is the fact that a public involvement policy is being superimposed on a program where the major decisions have already been made, most of the time over the strenuous objections of the State of Nevada and its citizens. In this respect, DOE's Yucca Mountain effort differs from the Department's Environmental Restoration and Waste Management Program, where public input can still influence key decisions.

Secretary O'Leary has certainly set an encouraging tone with her new policy on openness with respect to the release of information about past AEC, ERDA and DOE environmental contamination and radiation experimentation. In the context of this new atmosphere, the draft Public Involvement Policy holds promise for realizing the goal of transforming the Department into an agency that values public participation in its decision-making. It is to be hoped that the new spirit of openness and integrity will extend to the current Yucca Mountain program, and set the

stage for a truly independent and comprehensive review of DOE's high-level radioactive waste management activities and policy.

Thank you for the opportunity to comment on the draft Policy document. Should you have questions concerning any of the attached comments or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert R. Loux", with a large, stylized flourish at the end.

Robert R. Loux
Executive Director

RRL/cs
Enclosure

STATE OF NEVADA COMMENTS ON THE U.S. DEPARTMENT OF ENERGY'S DRAFT PUBLIC INVOLVEMENT POLICY

A Brief Comment on Context and History

In reviewing the Department of Energy's draft public involvement policy, it is instructive to put this initiative into some sort of historical context. The Nuclear Waste Policy Act of 1982 (PL 97-425) attempted to create a repository site selection and development process wherein public participation played an important role. The Act contained language stipulating that:

"Congress finds that State and public participation in planning and development of a repository is essential in order to promote public confidence in the safety of disposal of such wastes and spent fuel."¹

DOE's original Mission Plan for the Civilian Radioactive Waste Management Program in 1985 contained specific commitments to public involvement and participation. In Chapter 4 (Institutional Plans and Activities), DOE committed to "follow the letter and spirit of the law to assure a full and timely flow of information about the program to all affected parties and to provide frequent opportunities, both formal and informal, for the fullest possible participation in the program. The achievement of this goal depends on developing and maintaining information and interaction programs that meet the needs and address the concerns of States and affected Indian tribes, local governments, affected citizens, the general public, and other interested parties" (emphasis added).² The Mission Plan went on to specify that DOE would:

- "1. Conduct activities in an open environment.
2. Listen to and understand the concerns of interested parties.
3. Actively involve affected parties in the program.
4. Execute faithfully the intent of Congress as expressed through the Act.
5. Provide equitable treatment for all parties affected by the implementation of the Act."³

The goals and objectives for outreach and participation contained in the 1985 Mission Plan speak to identifying and addressing the "concerns and interests of all affected parties" in a cooperative manner. The same section of the Mission Plan called for the development of "facility-specific outreach-and-participation programs based on input received from interested parties." In the Plan, DOE also committed to hold discussions with affected parties, respond to informational requests, hold briefings, meetings and workshops, carry out educational programs, establish Community Information Offices, hold formal hearings, and

provide financial assistance to facilitate participation.⁴

In the 1987 Mission Plan Amendment, DOE reiterated its commitment to extensive public participation. In responses to comments received on the draft Amendment, DOE stipulated that it "is developing the facility-specific outreach-and-participation plans specified in the Mission Plan. Moreover, DOE has been holding informal discussions with States, Indian Tribes, and local parties to gain an understanding of major program issues, information needs, and desired opportunities for input into program decisions."⁵

Again in 1991, DOE incorporated extensive discussion of public involvement and participation in decision-making in its second Mission Plan Amendment. Stressing the need to improve trust and confidence in DOE and the waste program, the '91 draft Mission Plan Amendment speaks to "initiating an institutional strategy aimed at expanding and improving our interaction and ... communication with affected governments, interested parties and the general public" with a focus on "effective, two-way communication."⁶ Later in the same document reference is made to "substantive and early involvement in our decisionmaking process by affected governments, interested parties, and the public ..." before decisions are made.⁷

The 1991 Draft Amendment also called for the issuance of a five-year communications plan that would "detail the specific initiatives we will pursue to improve our communication products and processes and the criteria we will use to evaluate our progress towards earning public trust and confidence."⁸

This somewhat lengthy discussion of past efforts by DOE to implement public involvement programs and processes serves to illustrate that the current Secretarial initiative, while commendable, is not something new. Historically, well-meaning individuals and administrations have sought to promote change in the DOE "culture" and open decision-making to public input and influence. The notion that public participation could be internalized in a major federal program was, in fact, an important and innovative element in the legislation which created the Office of Civilian Radioactive Waste Management.

It is important to recognize that the current draft Public Involvement Policy arrives within the historical context of numerous disingenuous promises, programs and policies promising public participation and pre-decisional involvement in the high-level radioactive waste management program. It will be difficult to convince a skeptical public that, this time, DOE really means it.

Comments Specific to the Draft
Public Involvement Policy Document

1. The only new concept in the current draft policy is that public involvement "must be a *routine component* in program operations and planning activities" (emphasis added). The document lays out the process by which DOE hopes to implement the concept of "routine," which seems to be encapsulated in Goal II - "a clearly defined, coherent internal decision-making process with known access points for public involvement...". What seems to be missing from the "Responsibilities" section is how a decision-making process is defined and access points are established. This is the same shortcoming seen in the 1985, 1987, and 1991 Mission Plan documents. It could well prove to be the basic flaw in successfully implementing the current draft policy.
2. The "Definition" section of the draft Policy states that public involvement "requires routine, substantive two-way communication between the Department of Energy and other governmental entities, organized groups, individuals, and the general public interested in and/or affected by the Department's decisions and activities." While two-way communication is an important and essential element in actualizing real public involvement, there is much more to the concept than is stated or implied by the draft Policy.

To be more than just an exercise, two-way communication must provide the opportunity for the public to actually influence decisions. All the two-way communication in the world will not enhance trust and credibility if decisions that are important to the public are not able to be informed and affected by the public's input. Meaningful public involvement processes must, of necessity, have an element of empowerment built in. This means that DOE will have to be willing to share decision-making power to some extent. One of the principal reasons why past DOE protestations about the desirability of public participation were never taken seriously is the fact that there was (and is) a disconnect between the public interaction process and the decision-making process. The current draft Policy does not appear to do anything to assure that the public will, in fact, be able to influence DOE decisions.

3. The draft Policy would be strengthened if it contained specific directives designed to break down the wall between public input and DOE decision-making. For example, the Policy might specify an administrative appeals process available to the public for recourse when decisions are seen as contrary to the public's interest or when they are not consistent with the public's input.

4. The draft Policy may be inadequate to bring about the fundamental changes needed in the DOE bureaucracy. Without real teeth in the form of sanctions and systematic follow-up, there is nothing to keep the bureaucracy from turning the initiative into a public relations program by giving lip service to public involvement in decision-making while implementing activities that look good from a public relations standpoint.

In Nevada, past DOE public participation initiatives have usually meant selling the repository project to the public, lobbying and attempting to influence legislators and public officials, and seeking out - or in some instances creating - "friendly" groups/entities and attempting to increase their influence.

Real change, and real public involvement, will only come about as a result of a long-term, sustained effort which carefully scrutinizes public participation activities being implemented and has built in rewards and sanctions. Even then, the inertia of an entrenched bureaucracy is a difficult force to overcome.

5. Goal III of the draft Policy specifies that "[t]he public is informed about and empowered to *participate* in Departmental decision-making" (emphasis added). While a worthy goal, unless the term "participate" is defined in such a way as to afford real ability to influence decisions, this statement carries little real meaning. Nevadans have been "participating" intensively in DOE's high-level radioactive waste program for over 10 years, but no one would claim to have had any real participation in decision-making.
6. The "Responsibilities" section of the draft Policy places significant emphasis on "the Principal Secretarial Officer and Senior Department Managers" to ensure that "public involvement principles, values and processes are fully understood and practiced within their programs and that necessary training and resources ... are provided." The Policy presumes a hierarchical structure of organization, where policy directives flow readily from one level to the next.

As noted above, in a bureaucracy implementation of policy is rarely as smooth as in the organizational chart. The Principal Secretarial Office and Senior Department Managers, as the actors at the top of the policy pyramid, will need not only the direction and authority to see the policy implemented at all levels, but they will also need training themselves on the fundamentals of public involvement. Real public participation is a messy affair: it is time consuming, difficult and frustrating. It constrains what managers and policy makers can or should do on their own. Having senior

staff at the top of the policy hierarchy who are committed to public involvement and well versed in its practice will be essential for successful implementation at the bottom.

7. The "Responsibilities" section of the draft policy also specifies that DOE's Director of Public and Consumer Affairs will "establish a point of contact and mechanisms to coordinate public involvement activities Department-wide ...". While the specific role of Headquarters Public and Consumer Affairs remains undefined, having DOE public relations staff coordinating public involvement activities raises the specter of the initiative devolving into a slick public relations campaign aims at selling DOE programs to uninformed consumers.

A Comparison of the Draft Public Involvement Policy and the Yucca Mountain Project Office Public Participation Plan

Last October, DOE's Yucca Mountain Project Office (YMP) issued a draft of a public participation plan for comment.⁹ Examining the YMP plan in relation to the draft Department-wide Public Involvement Policy allows certain insights into the differing perspectives among various entities within the Department.

The first draft of the YMP public participation plan, which is the only draft we have reviewed, is more restrictive in its view of public participation. The YMP draft states that "[p]ublic participation activities will predominantly focus on the affected counties (Nye, the situs jurisdiction, and the nine contiguous counties) and the State of Nevada."¹⁰ Likewise, the YMP plan would determine issues for public participation based on the level of perceived interest the public has in those issues. The draft YMP plan states, "If public interest is high, public involvement is probably appropriate; conversely, if interest is low or non-existent, it is unlikely that public involvement is necessary."¹¹ This narrower focus seems to conflict with the broad definition of public involvement contained in the draft Policy document.

Public Involvement in the Context of the Current Yucca Mountain Program

Realizing the goal of public involvement in an agency that is mission driven and burdened by over 40 years of culturally ingrained and reinforced proclivities for secrecy and heavy-handed decision making will not be an easy task. Compounding this, the very nature of the Yucca Mountain project, with its reliance on a forced siting approach and historical dependence on congressional mandates, makes any public participation effort suspect.

At a minimum, the DOE's public involvement policy should explicitly acknowledge the fact that public participation is being sought in a program where the key decisions (i.e. selection of Yucca Mountain as the only site, the size and configuration of the

"exploratory" facility, and other such decisions) have already been made - over the strong objections of the State and its citizens.

If DOE is serious about involving the Nevada "public" in decision-making, a key goal of the plan should be to make DOE decision-makers more open to the need to abandon forced siting as the driving force behind the current repository program. Given the present state of affairs, it is difficult to envision a public participation program that can be much more than window dressing for an agency that has already made - or contributed to the making of - most important decisions.

BUILDING TRUST AND CONFIDENCE

An important goal of the proposed public involvement policy is to enhance the trust and confidence people have in the Department of Energy and its programs. Certainly, simply establishing a department-wide public involvement policy is, itself, an important step in accomplishing this goal.

State of Nevada sponsored research into the dimensions of public trust and the role trust plays in risk perception may hold some insights for DOE in terms of what is needed, besides instituting a public involvement policy, to improve trust and confidence in the Department..

Attached is a summary of the State's research work on trust and the nuclear waste issue. It is instructive to note that State finding have consistently shown public trust with respect to the nuclear waste program to have several important dimensions, some of which can be addressed through improved public participation and shared decision-making and other which likely will not be.

The first dimension is the perceived capability of the agency (DOE) to competently manage the a program or facility in a safe manner. The second component of trust which is found to consistently and strongly predict risk perceptions is the perceived fairness in the process used by government in selecting the proposed site for the repository. While other components of trust, such as perceived honesty of the government, are important in understanding some citizen concerns and risk perceptions, *fairness* and *management competence* explain the greatest amount of variance across the dependent variables (opposition and risk perceptions).

Finally, there is a evidence that trust may be composed of such dimensions as competence, integrity, credibility, consistency, fairness, and openness. These different components may vary in their importance in determining how people view the trustworthiness of an institution, government or program. The importance of each of these trust dimensions in understanding risk perceptions may vary depending upon the nature of a proposed facility or program. Indeed, citizens' evaluations of the credibility of information or

the efficacy of a public involvement effort may, in large-part, reflect the trust configurations for the source of the information. In other words, DOE may have to significantly increase it's trustworthiness (as perceived by people outside the organization) before a public participation program is likely to be effective - or taken seriously.

REFERENCES

1. Public Law 97-425 (42 USC 10131), Sec 111.(a)(6).
- 2.U.S. Department of Energy, Office of Civilian Radioactive Waste Management. Mission Plan for the Civilian Radioactive Waste Management Program, June, 1985 (Page 129).
- 3.Ibid.
- 4.Ibid. Pages 130-131.
- 5.U.S. Department of Energy, Office of Civilian Radioactive Waste Management. OCRWM Mission Plan Amendment With Comments on the Draft Amendment and Responses to the Comments, June, 1987 (Page 139).
- 6.U.S. Department of Energy, Office of Civilian Radioactive Waste Management. Draft Mission Plan Amendment, September, 1991 (pages 21-22).
- 7.Ibid. Pages 124 -125.
- 8.Ibid. Pages 126 - 127.8.
- 9.U.S. Department of Energy, Yucca Mountain Site Characterization Project Office. Yucca Mountain Project Public Participation Program and Guidance (Draft), October 14, 1993.
- 10.Ibid. Page 2.
- 11.Ibid. Page 5.

**TRUST AND THE REPOSITORY PROGRAM:
FINDINGS OF THE STATE OF NEVADA
SOCIOECONOMIC STUDIES**

The question of trust in the federal government's ability to manage a HLNW repository must be considered within a wider social context of low or declining confidence in government, business, science, and other important institutions.¹ In addition, findings by the State of Nevada socioeconomic research team documented a high correlation between trust ratings and public risk perceptions of the repository program. Those people who had low trust ratings for federal agencies tended to perceive high risks associated with the repository program and, if they were Nevada residents, to oppose the Yucca Mountain project. Because this relationship between trust and risk perceptions held true for respondents in the national and regional surveys as well as in Nevada, there is reason to think that trust also may be important in understanding stigma effects.

Lack of trust is found to be the best predictor of citizens' risk perceptions and opposition to the repository siting. For example, measures of federal agency trust are strongly associated with various risk perceptions associated with the repository program including: transportation risk, repository accidents, health and safety risks, and the ability to mitigate the impacts of these risks. State of Nevada studies consistently found that the lower the level of public trust in the federal government and its administrative agencies, the higher the perceptions of risk and opposition to the program among residents.

Objectives

The studies of trust and confidence in government management of the repository program had the following objectives:

- To measure public trust in the performance of governmental agencies and officials with respect to the repository program. These measures would include ratings of trust for federal, state, and local entities.
- To obtain ratings from different geographical areas and conditions within Nevada (e.g., rural and urban; by distance from Yucca Mountain or potential transportation routes, gender, etc.).
- To obtain more information on the relationship between trust and risk perceptions, as well as trust and other variables (e.g., economic benefits and costs, positions on equity and

¹Lipset, S., and W. Schneider. (1987). *The Confidence Gap: Business, Labor, and Government in the Public Mind*. rev. ed. Baltimore, Maryland: Johns Hopkins University Press.

fairness issues, and opposition to or support for the repository program).

- To examine the stability of trust perceptions and how such evaluations might be altered. A number of suggestions have been proposed to increase trust, such as providing more and better information to the public, allowing direct involvement in program oversight by communities or states, and making structural changes in management agencies or their relationship with host areas.
- To understand and describe the dimensions of trust—those factors, singly or in combination, that constitute a sense of trust. The research should explicate the importance of such factors as integrity, fairness, consistency, competence, and other elements constituting trust.

Methods

In addition to an extensive literature review, two major data collection methods were used. Focus groups addressed the dimensions of trust and their applicability to the repository program, and survey research, undertaken at various times, collected data on trust ratings and on variables relating to trust issues, information evaluation, and conditions that could result in change to public trust.

A team of researchers at Arizona State University also conducted a series of studies examining the relationships between public trust, citizen risk perceptions and support/opposition for the high-level nuclear waste repository within the urban Las Vegas area population. These studies utilized a combination of face-to-face interviews and telephone surveys conducted in Nevada from 1987 to the present to explore the importance of public trust in governmental institutions and program in explaining the public's risk perceptions concerning the repository siting.

Annotated Bibliography of Selected Study Reports

Mushkatel, A., D. Pijawka, and M. Dantico. (1990). *Risk-Induced Social Impacts: Effects of the Proposed Nuclear Waste Repository on Residents of Las Vegas Metropolitan Area*. MRDB: RP0107.

The report focuses on data from two surveys: the 1988 Urban Risk Survey and the Clark County portion of the 1989 Nevada State Survey. An overview is presented for key findings related to public response and concerns about the repository program, including level of awareness, concern about harmful effects, benefits versus risks, and repository imagery. The report also addresses the role of

political trust in repository risk perceptions. Political trust and perceptions of management capabilities were examined for the major repository risk clusters and for transportation risks specifically.

Mushkatel, A., and D. Pijawka. (1992). *Institutional Trust, Information, and Risk Perceptions*.

This draft report summarizes the results of a 1992 Las Vegas metropolitan area survey. A sample of 701 respondents was interviewed regarding repository risk perceptions, governmental trust, belief in information, and other attitudinal dimensions. Longitudinal data were used to compare this survey with the 1988 Urban Risk Survey on key variables.

Data collection was underway at the time that a major earthquake occurred in southern Nevada near the Yucca Mountain site (June 29, 1992). By increasing the sample size, it was possible to obtain statistically significant responses for both the pre- and post-earthquake conditions. The data show differences caused by the intervention of a seismic event.

Mushkatel, A., D. Pijawka, P. Jones, and N. Ibitayo. (1992). *Governmental Trust and Risk Perceptions Related to the High-Level Nuclear Waste Repository: Analysis of Survey Results and Focus Groups*. MRDB: RP0135.

This report covers the basic literature on political trust and studies that address trust and the repository. The literature provides the backdrop for identifying issues dealt with in the findings from one survey and the focus groups. The report summarizes the trust findings from the 1988 Urban Risk Survey, focusing on the relationship between trust and risk perceptions.

The report describes two focus groups undertaken in Las Vegas on trust perceptions. The purpose of the focus groups was to aid in the development of a survey instrument on trust perceptions. The focus groups also address questions related to the dimensions of trust—integrity, competence, consistency, fairness, and other elements.

Major Findings

Among Nevada's citizens there is a high level of distrust for the federal governments's ability to manage the proposed high-level nuclear waste repository in a safe manner. The high level of distrust found has been consistent since the first survey in 1987. Only about 15%-18% of Nevada citizens in the urban Clark County area exhibit high trust in the key federal agencies' ability to protect their health and safety with respect to the repository. A 1992 survey found only 10% of these urban residents trusted the government to do what was right relative to the repository.

Analysis of 1992 survey data indicate that these low levels of trust can not be altered easily and are deeply rooted. Citizens were asked whether a variety of specific changes in the program, its management, or its institutional structure would result in altering their level of trust in the repository siting process. Results show that about 65% of the urban residents would not change their views of the program even if new risk information was provided by the Department of Energy. Three-fourths of the urban residents feel that DOE information consistently underestimates the risk of the repository. The publics' trust in the governmental institutions responsible for the program appears to have shaped by several factors; most importantly the negative perceptions of these agencies performance in the past, and the widespread perception that the Department of Energy has been dishonest with the public historically.

Multivariate analyses (regression and logit analysis) of the survey data confirms the importance of trust in explaining both risk perceptions and opposition to the repository program. By using several different items and constructing scales which measure different dimensions of trust, the most important facets of trust in explaining risk perceptions of the repository can be isolated. These analyses identified two key dimensions of the trust construct as being critical to risk perceptions among Nevada's urban citizens.

The first dimension is the perceived capability of the agency to competently manage the facility in a safe manner. The second component of trust which is found to consistently strongly predict risk perceptions is the perceived fairness in the process used by government in selecting the proposed site for the repository. While other components of trust, such as perceived honesty of the government, are important in understanding some citizen concerns and risk perceptions, *fairness* and *management competence* explain the greatest amount of variance across the dependent variables (opposition and risk perceptions).

Finally, there is a strong likelihood that the construct of trust consists of several different dimensions. Trust may be composed of such dimensions as competence, integrity, credibility,

consistency, fairness, and openness. These different components may vary in their importance in determining how people view the trustworthiness of an institution, government or program. The importance of each of these trust dimensions in understanding risk perceptions may vary depending upon the nature of a proposed facility or program. Indeed, citizens' evaluations of the credibility of information may, in large-part, reflect the trust configurations for the source of the information.

Specific findings of the research to date include the following:

- Public trust in the federal government to manage the repository program is highly correlated with risk perception. The relationship is inverse—those who perceive high risks show little trust in the government while those who perceive low risks demonstrate high trust. In turn, both trust and risk perceptions are highly correlated with support or opposition to the repository program. (See chapter 13, especially MRDB: RP0123, Flynn, et al., *A Structural Model Analysis of Public Opposition to a High-Level Radioactive Waste Facility*.)
- Nevadans report the lowest levels of trust in federal agencies (DOE, NRC, and EPA) and in Congress. Significantly higher trust ratings are given to state and local officials and public institutions. Trust in DOE has declined since 1989, while ratings for state and local entities have increased.
- Las Vegas metropolitan area residents report little confidence in the ability of the federal government to design and operate an "acceptably safe" transportation program for HLNW, or to provide adequate response to accidents. There is a general lack of confidence in the efficiency of governmental response to nuclear accidents.
- A majority of Nevada residents do not think that DOE will provide prompt and full disclosure on serious problems with the repository program.
- A contributing factor to the lack of trust in the DOE repository program is the public's belief in Nevada that the decision process that resulted in the selection of Yucca Mountain was not fair or equitable.
- The preliminary examination of information indicates that the most important dimensions of trust in the DOE repository program are integrity (history of trust), competence (the ability and application of correct knowledge and action), and credibility (confidence in the scientific process for decisions and unbiased information).
- The public appears to respond more quickly and strongly to

information about greater risk or stories encouraging distrust than to information about safety or improved risk-management plans. The case studies described in chapter 11 provide support for this finding from other locations and facilities.

- Once trust is lost it is very difficult to regain. A distrusted entity encounters a suspicious examination of actions, statements, and motives especially in an adversarial process where evidence to support distrust is more likely to be accepted than evidence to regain trust. Substantial improvement in DOE's trust ratings might be possible if major changes were made in the structure of the agency and the procedures it uses, so as to provide greater access to program decisions and greater state, local, and public control.
- If the source of information is mistrusted, the public response to its messages tends to be disbelief and further distrust.

Implications for Future Work

The findings described above are based on preliminary results from the focus groups, a review of the literature on trust, and the analysis of statistics from surveys.

- The relationship between trust in the management of nuclear hazards and perceptions of risk deserves further examination. The causal direction from trust to risk perceptions (demonstrated with the 1989 Nevada State survey data) should be studied with alternative databases, especially with data collected over time to examine the possible recursive nature of the relationship between these variables. The effect of policy changes on trust should also be addressed.
- Researchers should go forward with multivariate analyses to determine the strength of key trust relationships, especially the association between trust and risk perceptions and sociodemographic influences.
- There is a need to assess the independent contribution of trust in hazards management, controlling for factors such as faith in nuclear technology.
- Further research and analysis should be conducted on the role of the dimensions of trust and their variability.
 - Continued work in trust research should concentrate on understanding the way in which events or mishaps amplify trust perceptions.
- Finally, much more work needs to be done on the potential for regaining institutional trust. Work on hypothetical scenarios and the explication of successful cases might be useful.

**Selected Publications of the Research Team
relating to the Trust Issue**

- Flynn, J. (1992). Public trust and the future of nuclear power. *Energy Studies Review*, 4, 268-277.
- Flynn, J., Burns, W., Mertz, C. K., & Slovic, P. (1992, September). Trust as a determinant of opposition to a high-level radioactive waste repository: Analysis of a structural model. *Risk Analysis*, pp. 417-430.
- Flynn, J., Burns, W., Slovic, P., & Mertz, C. K. (1991). Development of a structural model to analyze public opinion on a high-level radioactive waste facility. In *High level radioactive waste management: Proceedings of the Second Annual International Conference* (Vol. 1, pp. 773-779). New York: The American Society of Civil Engineers and the American Nuclear Society, Inc.
- Flynn, J., & Slovic, P. (In press). Nuclear wastes and public trust. *Forum for Applied Research and Public Policy*.
- Kasperson, R. E., Golding, D., & Tuler, S. (1992). Social distrust as a factor in siting hazardous facilities and communicating risks. *Journal of Social Issues*, 48(4), 161-187.
- Kunreuther, H., Desvousges, W. H., & Slovic, P. (1988). Nevada's predicament: Public perceptions of risk from the proposed nuclear waste repository. *Environment*, 30(8), 16-20, 30-33.
- Mushkatel, A. H., & Dantico, M. K. (1991). Governors and nuclear waste: Show-down in the Rockies. In E. B. Herzik, & B. Brown, et al. (Eds.), *Gubernatorial leadership in state policy* (pp. 173-189). Greenwood.
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- Mushkatel, A. H., & Herzik, E. (1993, forthcoming). *Nuclear waste policy*. Greenwood.
- Mushkatel, A. H., Nigg, J., & Pijawka, D. (1988). Risk perception and intended behavior: The effects of the proposed high-level nuclear waste repository on Las Vegas residents. In *Proceedings of the Conference on Nuclear Waste Management* (pp. 103-109). Tucson, AZ: Society of Nuclear Engineers and U.S. Department of Energy.
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survey research. In *Proceedings of the International High-Level Nuclear Waste Management Conference*. New York: American Society of Nuclear Engineers.

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Mushkatel, A. H., & Pijawka, D. (1991, April 30). Political trust's role in explaining Nevada urban residents' perceptions of the proposed Yucca Mountain repository. In *Proceedings of the High-Level Nuclear Waste Conference*. Washington, DC: U.S. Department of Energy.

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Mushkatel, A. H., & Pijawka, D. (1992, February). [Review of Gerald Jacob's *Site unseen: The politics of siting a nuclear waste repository*.] *Land Economics*, pp. 123-126.

Mushkatel, A. H., Pijawka, D., & Glickman, T. (In press). The perceived risks of transporting hazardous materials and nuclear waste: A case study. In *Proceedings of the International Consensus Conference on the Transportation of Hazardous Materials*. Waterloo, Ontario: University of Waterloo.

Mushkatel, A. H., Pijawka, D., & Nigg, J. (1988). Measuring environmental, developmental and property value: Impacts of solid waste facilities. In *The forum 1988*.

Pijawka, D., & Mushkatel, A. H. (1992, Winter). Editors introduction. *Policy Studies Review on Nuclear Waste Policy*, pp. 88-90.

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- Slovic, P., Layman, M., & Flynn, J. (In press). Risk perception, trust, and nuclear waste: Lessons from Yucca Mountain. In R. E. Dunlap, M. E. Kraft, & E. A. Rosa (Eds.), *Public reactions to nuclear waste: Citizens' views of repository siting*. Durham, NC: Duke University.

January 18, 1994

Mr. Allen Benson
Director of Program Relations Division
Office of Civilian Radioactive Waste Management
US Department of Energy
1000 Independence Ave SW
Washington, DC 20585

Dear Allen,

Thank you for the opportunity to provide comments on the draft DOE public involvement policy. I realize that the deadline is past, but I felt that this issue is important and will be around long enough that comments would be useful for your future activities.

My reaction to the draft policy is that it is an important first step toward a more challenging goal of "Total Credibility Management" (TCM). The concept of TCM would go far beyond passive stakeholder participation afforded by "listening" and "access points" outlined in the current draft policy to a fundamental restructuring of how department activities that lead up to a decision making process are conducted. Development of a TCM policy would acknowledge that by whom and how work is done is as important as what is done when the objective is "building mutual trust".

Public health and safety evaluations of potential actions are an example of an activity that could benefit from direct involvement of technically qualified stakeholders under a TCM policy. The draft public participation policy, by its' silence on the matter, endorses a continuation of contractors doing the work, public comment and a response. This approach taken in combination with peer reviews being "encouraged" rather than required leaves me with little confidence that the "core values" of scientific credibility, openness and peer review will be achieved.

I would be interested in commenting on future documents on this subject. Please contact me if you would like to discuss this matter further.

Sincerely



W. B. Andrews, PE
Deputy Director



Harry Reid Center for Environmental Studies
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January 21, 1994

PRESIDENT

E.D. Fuller

TENERA

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Mr. Jerome Saltzman, Director
Office of External Relations
US Department of Energy
Washington, DC 20585

Dear Mr. Saltzman:

The undersigned, as officers of the American Nuclear Society (ANS), have reviewed your December 17 memorandum and draft policy statement on public involvement, we respectfully provide the following comments, which have been approved by the officers under the procedure specified in the ANS Bylaws, and are therefore submitted as a statement of the President on behalf of the Society.

1. The statement of purpose could be strengthened by noting the commitment of DOE to fulfill its obligations to the nation and its people. It could be amended to read:

"...trust between the Department and the public it serves in order that it may more effectively carry out its responsibilities to the nation and its people."

2. In the background section, it would add perspective to mention that notable exceptions to the poor history of public involvement include the Civilian Waste Management program and the Low-Level Waste Management program.
3. Under definitions, it would be helpful to include the responsible parties with which DOE must also deal: states, municipalities, corporations, contractors, etc.
4. In the Secretary's memo, paragraph 5 (which discusses risk) could be made complete by mentioning that there are risks associated with DOE being unable to meet its obligations to the nation. It could be amended to read:

".. consensus, including the risks to the nation and its people if the Department fails to carry out its obligations and meet its objectives in a timely fashion."

We have several general observations after reviewing this material. The overall intent of the policy statement and the letter is highly appropriate, but certain areas are left philosophically unclear.

Post-It[™] Fax Note

7671

Date	1-21-94	# of pages	2
To	Allen Benson		
From	Edward D. Fuller		
Co./Dept.	ANS		
Phone #	708-579-8200		
Fax #	708-579-8295		

January 21, 1994

Page 2

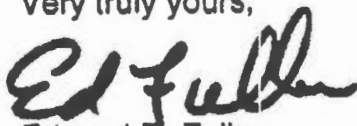
Public participation in decision making has become institutionalized as part of our democratic process. However, without accurate and complete information, public input would not be well founded and could in principle be manipulated. These two important public rights under our government (information and participation) are interdependent, but nevertheless conceptually and practically distinct. The memorandum and policy statement could be improved by recognizing this distinction.

On a different facet of the same general subject, the memorandum and policy statement could be significantly strengthened by explicitly acknowledging that DOE is prepared to do the *complete* job that US citizens expect their cabinet-level agencies to do. Part of that job is providing information and facilitating public input, which the policy appropriately supports. But another part is making decisions and providing accountability. With its focus on public involvement, the policy has left this responsibility somewhat vague.

It is very important to clarify that DOE, not stakeholders, will ultimately make decisions and set policy. More broadly, it is our government, not any special interest (even ourselves), that is ultimately accountable to the American people for such actions. Even Congress never confuses the right to be heard with the obligation to be obeyed!

If you would like clarification on any of these items, please contact any of us directly. We appreciate the opportunity to be of service to DOE.

Very truly yours,



Edward D. Fuller

xc: ANS Board of Directors
 ANS Executive Committee
 PWMurphy

December 31, 1993

Mr. Allen Benson
Program Relations Division
Office of Civilian Radioactive
Waste Management
Department of Energy
Washington, D.C. 20585

RE: Comments to Draft Policy On Public Involvement/In Consultation
With Esmeralda, Lincoln, and White Pine Counties.

Dear Mr. Benson:

Pursuant to the request contained within Mr. Jerome Saltzman's letter of December 17, 1993, the following comments to the Department of Energy draft policy on public involvement are provided. Because many facets of the nations' HLW program which may ultimately impact upon Nevada occur outside the State and beyond the programmatic lines which define DOE's Yucca Mountain Project Office, it is imperative that OCRWM at the headquarters level have in place an effective public involvement process. In this regard, DOE is to be commended for striving to put in place a policy which addresses local needs for public involvement at the national level.

Based upon a review of the draft policy on public involvement, the following comments are offered:

Policy: The concept that DOE public involvement needs to be routine suggests that it may be unimaginative, unable to accommodate evolving stakeholder needs, untimely, and potentially ineffective. Rather, than programmatic routine, DOE should strive to create and operate a civilian radioactive waste management program which is entirely transparent and fully open to affected and other interested party scrutiny and input. An effective public involvement process will permit public participation when and to what degree various publics determine appropriate to their needs.

Purpose: The statement of purpose aptly recognizes the value that early public involvement can add to deriving optimal decisions. The purpose statement might note that the policy is intended to ensure that effective public involvement occurs and that DOE decisions are not made without the benefit of important public perspectives. As this paragraph now stands, the purpose of public involvement is articulated, yet the purpose of the policy on public involvement is not described. In order for the policy to be adopted and subscribed to, it would seem important to indicate its purpose.

Background: The background statement effectively conveys the legacy from which DOE must regain public trust and confidence. Perhaps missing though, is the important recognition that historically, because of its primarily defense oriented mission, DOE staff have assumed an "us and them" approach to dealing with the public. This mentality can be readily observed today in public meetings between OCRWM headquarters and project office staff and various affected and otherwise interested parties. The effective management of radioactive waste is a problem shared by all Americans and DOE staff are the public servants vested with responsibility for managing its management. DOE culture must emerge from it's defensive shell to one of cooperation in the spirit of "we" as waste management is all our responsibility.

Definition: Again, the concept of demand driven public involvement rather than institution of routine may be more appropriate. Rather than simply providing a means for Americans to influence DOE decisions, an effective public involvement initiative should be the means through which DOE decisions are reached. This definition might also be restated to reflect less emphasis upon inducing greater public involvement and greater focus at improving ways in which DOE can enhance and better use input the public has demonstrated a propensity to be willing to offer.

Goals I: Perhaps the fact that public involvement has, to a certain extent, already been routinized, is in part to blame for the low levels of public trust and confidence placed in the Department. While this is supposed to be a goal, one senses that DOE may consider that it has already achieved this. One wonders to what extent if at all, DOE employees would regularly consider themselves responsible for practicing and improving public involvement. More than likely, most employees consider the vast majority of their daily routines to be of non-interest or irrelevant to the public. There may in fact be countless actions taken every day by DOE and contractor employees which individually and/or collectively would be and are of significance to the public. Unfortunately, the public is largely unaware of these actions. Hence the need for Departmental transparency (ie. Why is it that program budget meetings which follow open Technical Project Officer meetings at the YMP need to be closed? Are not the DOE and its contractors spending public monies on a non-classified program in which all Americans have a responsibility?)

Goal I needs to be restated to incorporate contractor staff as having an equal responsibility to effect public involvement.

Goals II: Internal decision-making should be reserved for those actions for which the Department has little or no discretion. In areas where much latitude has been given to DOE in implementing the Nuclear Waste Policy Act, as amended, an open decision-making process should be devised. In all likelihood, the vast majority of DOE programmatic

decisions are purely discretionary and could support external participation.

Goals III: This goal might be restated as, "The public is informed in a timely manner about and empowered to participate in all Departmental decision-making activities of a discretionary nature."

Core Values: Other guiding principles might include: transparency, early involvement, health risk-minimization, benefit-maximization, procedural equity, and distributional equity.

Responsibilities: If public involvement is to be a discrete performance element, how will performance be measured? Who will decide to what extent the stated goals of the policy have been met? Should not the public be responsible for evaluating the performance of senior departmental and program managers with respect to fulfillment of public involvement goals?

The desire for consistency noted in the second paragraph of this section may be insensitive to differences between DOE programs which are by nature adversarial (ie. facility siting) and those which may be much more cooperative (ie. energy conservation). Each programmatic office (ie. fossil fuels, solar, conservation, civilian radioactive waste management) should be encouraged to develop unique public involvement initiatives which are responsive to the particular needs of affected and other interested parties. The difference between Program and Staff Offices is not clear. Are there offices within DOE which have staff but no programmatic responsibility? What does the term coordinate imply? Will Office of Public and Consumer Affairs approval be required by field offices to respond to local stakeholder needs? Will this layering of administration in the name of consistency and efficiency perhaps result in bureaucratic paralysis? The function of the Office of Public and Consumer Affairs (Consumer Affairs? What is it that the Department of Energy sells? Are not members of the public also consumers? Are there consumers who are not members of the public?) is unclear and not justified with regard to effective public involvement. Perhaps the Office of Public and Consumers Affairs should act more like an ombudsman to whom the public can go if they feel local public involvement is inadequate and program managers are being non-responsive.

Given the various levels of DOE staff with public involvement responsibility, it would be helpful to provide an organizational chart as well as an indication of those actions for which each position has authority and those for which approval from a higher authority would be required.

Page 4
Mr. Allen Benson
December 31, 1993

COMMENTS TO GUIDANCE ON IMPLEMENTATIONS OF THE DEPARTMENTS PUBLIC INVOLVEMENT POLICY

1st Paragraph, 1st sentence - Again, DOE is encouraged to reconsider the routine nature of its public involvement policy. Perhaps the term integral might be more appropriate.

1st Paragraph, 3rd sentence - Does the phrase "open to the full view and input" mean that if the public becomes aware of a DOE meeting that the public will be entitled to participate therein? Are all DOE meetings to become "open" meetings (ie. the aforementioned budgeting meetings held by YMPO following TPO meetings)? Does this imply there will no longer be internal meetings? The terms "open", "full view", and "Input" need to be defined so as to make explicit the Secretary's intent.

Critical Policy Elements

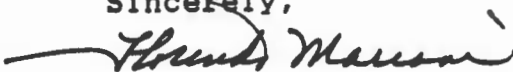
#1.

Implementing actions: Affected and other interested parties should be vested with the responsibility to regularly review and report to the Secretary departmental performance in meeting agency involvement goals.

#3 - The integrated team must include affected and other interested parties in all public involvement planning activities. The third bullet item, refers to public information materials. It is important that DOE not confuse public involvement and public information/education initiatives. The former is driven largely by demands of affected and other interested parties. The latter can be driven by stated needs of such parties may also be motivated by Department needs to inform the public, despite the publics' having not requested such information.

White Pine, Esmeralda, and Lincoln Counties hope that these comments on public involvement will be reviewed.

Sincerely,



Florindo Mariani
White Pine County
Nuclear Waste Project
Coordinator

D. Burns
 Sr. Communications Specialist
 (702) 794-1926

Comments 12/1/93 Draft of Department of Energy Public
 Involvement Policy

Policy on Public Involvement

Generally, the Draft Policy on Public Involvement is an admirable and attainable effort to promote open government. While many of the concepts and directives outlined in the Draft are new to the Department of Energy, these same concepts and directives are not unlike the typical Mission Statement or Mission Plan from any service-oriented business in the private sector.

Particularly salient are certain recommendations suggesting greater jurisdictional leeway for local DOE Offices in dealings with issues, concerns, and involvement of local citizens.

COMMENTS:

Policy on Public Involvement

Page 1, Paragraph 5, Definition Section: (COMMENT) Public Involvement should also include "substantive two-way communication" with employees (internal audience). The value of the interpersonal communications employees have in any given community is sizeable, often overlooked, and integral to communication on a local level

Page 1, Paragraph 5, Definition Section: (COMMENT) In the interest of clarity, examination of the use of the terms "public" and "stakeholder" might be helpful. Some consider stakeholders as part of the public, but do not consider the public (ie. mainstream citizens) as stakeholders.

Goals

Page 1, Paragraphs 7 and 8, Goals Section, Parts II & III (COMMENT) Additional language could be added to clarify whether public involvement will be sought on all Department decisions. Also, language could be added to clarify as a goal of the Department to communicate the decision-making access points and accessibility of the Department's decision-making processes to the public.

Core Values

Page 2, Top of Page, (COMMENT) "Accessibility" should be added to the list of 11 Core Values. A Core Value should state the Department's commitment to be accessible to the public. A core value of accessibility is necessary and appropriate with the other values of openness, sincerity, and honesty.

Responsibilities

Page 2, Paragraph 4, Program Managers Section:(COMMENT) Effective public communication/involvement training for Department personnel is crucial to improving the Department's effectiveness, credibility, and public accessibility. The responsibility of communication/involvement training is listed as a responsibility of Program Managers but is later listed as an Implementing Action for the Director of Public and Consumer Affairs. The Director of Public and Consumer Affairs may be better suited for decisions regarding communication/involvement issues because that position likely has more frequent public interactions.

Page 2, Paragraph 5, The Director of Public and Consumer Affairs Section: (COMMENT) As mentioned in an earlier comment, the development and implementation of communications/public involvement strategies for employees (internal audience) is very important.

Page 2, Paragraph 6, Managers of Field Organizations Section: (COMMENT) The action of "assuring that public involvement activities at their respective facilities and sites meet local needs" could prove a difficult task without an innovative (and allowable) method of accurately assessing the local needs. This assessment must be from the perspective of the local citizenry, rather than the Department's perception of the needs of local citizens. Effective assessment of public needs may include various types of public opinion research (polls, focus groups, etc.).

DRAFT MEMORANDUM

Critical Policy Elements

Page 2, Item 3. "Site managers and local program officials will routinely advise headquarters on local stakeholder needs/concerns and on the appropriateness/adequacy of public information/involvement efforts in their areas." (COMMENT) To promote more accurate reporting of public perceptions/needs/concerns and to accurately report the effectiveness of public information/involvement efforts, a system of community research to gauge public response to Department efforts might be effective and appropriate. Reliance on the creation of "public response" reports with input from "official stakeholder groups" may not provide an accurate representation of "public perception."

Page 3, Item 5. "The Department will work to establish, announce, and manage a data base of real-time information available to the public through telephone and computer access points." (COMMENT) This implementing action is meant to "foster candid information exchanges directed at reaching a common understanding of options and risks and developing consensus." Further implementing actions should be examined that would transmit accurate and timely information to large segments of the public. Development of communication programs using mediums the public is already using (Television and radio announcements) might be effective to reach this goal. This, together with a program of appropriate means for public response would create the foundation for a Department/Public dialogue that would require little of the public's time or effort to be effectively involved in.

P.E. Seidler

Comments 12/1/93 Draft of Department of Energy Public Involvement Policy

o Like the 10/12/93 Draft Policy the 12/1/93 revised Policy is excellent. The participatory philosophy defined by the Department is both pragmatic and progressive.

o The Office of Public and Consumer Affairs was very responsive to YMP comments on the 10/12/93 Draft Policy.

o The Policy document lacks a numbering system. Numbering is necessary to aide stakeholders who will review and comment on the document. At the very least the pages should be numbered.

o While the Policy correctly leaves implementation as the responsibility of each program office it has a potentially burdensome and counterproductive coordination requirement (page 2, paragraph 2). The requirement to "assure a consistent approach throughout the agency and with its contractors and to avoid unreasonable demands on site personnel or the public's time, Program and Staff Offices will coordinate their public involvement activities through the Office of Public and Consumer Affairs... This coordination role in no way limits or dilutes program manager's responsibility...". This Policy requirement has a number of shortcomings:

- A consistent "approach" to public involvement is neither feasible nor desirable. The approach of each site will be determined by the political environment of that locality and the issues being addressed.

- A more appropriate objective is a consistent "understanding" of the Department's public involvement "philosophy" and a commitment to implement it. This does not require an on-going coordination function. Cultural change will not come through coordination. Good leadership and an effective incentive structure will produce the desired cultural change.

- Unfortunately the historical reality in the Department has been that "coordination" is usually synonymous with control, bureaucratic bumbling, resource waste and delay. Without substantial improvements to the broader management and decision making culture of the Department "coordination" could, sadly, be counterproductive.



Department of Energy
Washington, DC 20585

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January 21, 1994

NOTE TO: Betty Nolan

SUBJECT: Comments on *Draft Public Involvement Policy*

Please find attached comments from members of the Environmental Management Advisory Committee regarding the Department's *Draft Public Involvement Policy*. Comments received via phone conversations were recorded and are attached as well as written comments received.

If you have any questions or if I can be of any further assistance with respect to the plan, please give me a call at (202) 586-4400.

A handwritten signature in dark ink, appearing to read "James T. Melillo", is positioned above the printed name.

James T. Melillo
Executive Secretary
Environmental Management Advisory Committee

5 Attachments

1. List of phone comments
2. Vicky Dastillung Comments
3. Shira Flax Comments
4. Russell Jim Comments
5. Tom Winston Comments

Comments Received Via Phone Conversation

1. Mr. Al Alm
Science Applications International Corporation
1710 Goodridge Drive
McLean, VA 22102
(703) 821-4530

Comments: A good plan.

2. Jerry Christean
Mid-Atlantic Public Service
District Council of Laborers
10521-C Braddock Road
Fairfax, VA 22032
703-425-3643

Comments: A good plan.

3. Mr. Tad McCall
BDM Federal
1501 BDM Way
McLean, VA 22102
703-848-6274

Comments: Very good plan. Maybe we can send it over to DOD and EPA! What is the purpose of the core values section? It seems to "just sit there."

4. Mr. Ron Ross
Western Governors' Association
600 17th Street, Suite 1705
Denver, CO 80202
(303) 623-9378

Comments: A very good plan.

COMMENTS ON THE DRAFT PUBLIC INVOLVEMENT POLICY (DEC. 1, 1993)

Submitted by
Vicky Dastillung
(513) 738-5535

The Public Involvement Policy and its Guidance on Implementation puts in print what the public has been asking for for many years. If DOE can turn this policy into reality, it will be a big step forward for all of us.

There are a couple of areas that might be stumbling blocks to full and efficient implementation of this policy:

Having traveled to various EM facilities with EMAC, there are often questions that the public has or information that people would like to access. However, they have often been frustrated in their efforts to learn more. It would be useful if DOE would clarify who is in charge of what public involvement activities at each site or set up one person who could then refer the public to the proper person and procedure (if there is one) in order to have their needs addressed. With changing job titles and the rapid changes in personnel filling these jobs, it is hard for the public to know where to go to ask the questions. Also, how will this policy impact the contractors that run many of the sites. Will they also be required to adopt this? Often the public does not distinguish between DOE people and contractor people. In the eyes of the public they are all just "people from the site". If the public has a good or bad experience with the DOE or its contractors, it is often viewed as a good or bad experience "with people at the site" regardless of who they actually work for. This factor needs to be considered as DOE works to implement this policy.

Inevitably, there will come a time when someone in the public will feel that DOE is not living up to its public involvement policy. Who would they go to with any complaints? Will DOE make this person (and phone # and address) clear to the public, so they will know the proper place to get such concerns resolved?

How will DOE evaluate how well this policy is actually being implemented? Self-evaluation is essential, but it should not be the only method of evaluation. The public should be included somehow too.

1/6/94

COMMENTS ON DRAFT PUBLIC INVOLVEMENT POLICY

UNITED STATES DEPARTMENT OF ENERGY

I want to thank the staff from DOE's Advisory Committee to the Assistant Secretary for Environmental Restoration and Waste Management (EMAC) with making it possible for EMAC members to comment on the draft public involvement policy.

I found the policy to the point, well written and well thought out. I have simply a few questions:

- Why does the chain of responsibility stop with the Field Public Affairs/External Relations Directors. Have they been the traditional contact points with the community?

I associate Public Affairs/External Relations staff with press relations, briefing tasks.

Does the Department of Energy intent to draw upon the talents of staff that have the skills of managing a program that allows the public to 'influence decisions made by their government.' Does DOE have staff available that can identify the training and support their colleagues need to begin 'routine substantive two-way communication..'

- How are the 'Critical Policy Elements' integrated in performance evaluations (one tool that could ensure that the implementing actions are, in fact, implemented).

- Complements to the policy author for including 'staff involvement' as part of community involvement; and focussing on 'appropriate pre-decisional access points...'

I hope the above comments are helpful. And thanks for the opportunity to comment.


Shira A. Flax



Confederated Tribes and Bands
of the Yakima Indian Nation

Established by the
Treaty of June 9, 1855

January 4, 1994

James T. Melillo
Executive Secretary
Environmental Management Advisory Committee
U.S. Department of Energy
1000 Independence Ave. SW
Washington, D.C. 20585
c/o Kelly Rippeto
Fax: 202-586-0590

Dear James:

Here are some comments on the Draft Public Involvement Policy;

I hope there will be training for managers on implications of Treaty rights of Indigenous people. It usually emerges as an afterthought and becomes a rude awakening.

I would recommend the policy discuss notice, what issues, who gets it and when. For instance, the Yakima Nation considers its status as a sovereign, and does not wish to be lumped in with general public notices, as has been the norm. I am sure other Tribal governments feel the same.

If you have any questions please call me at (509) 452-2502.

Sincerely,

Russell Jim



State of Ohio Environmental Protection Agency

Southwest District Office

40 South Main Street
Dayton, Ohio 45402-2086
(513) 285-6367
FAX (513) 285-6404

43

George V. Voinevich
Governor

January 7, 1994

Catherine Volk
EM-14
Fors-1H-031
Department of Energy
Washington, D.C. 20585

Dear Ms. Volk,

Several of us at Ohio EPA have reviewed the draft DOE policy on Public Involvement. I shared it with all of our site coordinators for the DOE sites as well as Jennifer Tiell, our Deputy Director for Programs.

Basically, we feel that the policy represents a good effort to further "open up" the Department of Energy. Specific comments on this policy are listed below.

1. General Comment: To develop a successful public involvement program at each site, requires a long term committment from top management (DOE site manager and president of the main operating contractor or ERMC). It is extremely important that the public have a chance to interact at this level. It is also just as important for top DOE staff and contractors to understand that this is a critical factor in selecting contractors and key staff.

2. Page 2, under responsibilities: It is important to note that training employees is not enough. DOE needs to evaluate effectiveness; devise improvements; create incentives; and discourage sanctions for inept, ill-advised, but well intentioned communication.

3. Page 5, #4: Education of the public is as essential as that of DOE staff if "common understanding" is the goal. The public can help you identify education needs and design programs to meet those needs.

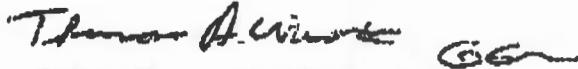
As you know, I have stated on numerous occasions that DOE must work very aggressively to "even" the quality of public involvement across the complex. There are definite success stories, but there are also sites who lag behind. Clear expectations from top DOE management will help to bring about improvement from in those lagging areas.



Catherine Volk
January 10, 1994
Page 2

Thanks for the opportunity to comment. Please let me know if you have any questions.

Sincerely,



Thomas A. Winston, P.E./
Chief, Southwest District Office

cc: Jennifer Tiell, Deputy Director
Graham Mitchell, SWDO

January 24, 1994

To: Betty Nolan
DOE-HQ

From: Connie Nash, DOE-ID *cm*
Public Participation Coordinator
DOE-ID Communications Division

Subject: Comments on HQ Public Participation Policy

Attached are the comments from the Idaho Operations Office, from both internal reviewers and external stakeholders. The greatest response came from external parties, while most internal managers chose to not respond or respond with "no comment."

My impressions, from both these written transmissions and informal conversations, are that the policy was well-received. This time of transition in DOE's level of disclosure can be somewhat difficult to manage, and the resultant discomfort is understandable. I hope that as greater information is dispersed, both externally as to the nature of DOE operations and internally as to the nature of DOE expectations in the way of public involvement, this discomfort will subside. We have directed the Department toward a better way of doing business; the fact that some individuals may fear the path should not deter us from the destination.

I hope these comments are well-received and may be incorporated into the final policy statement. If there is anything else you need from me, please don't hesitate to call.

Attachment: ID Comments

Post-It™ brand fax transmittal memo 7671		# of pages • 5
To <i>Betty Nolan</i>	From <i>Connie Nash</i>	
Co. <i>DOE-HQ</i>	Co. <i>DOE-ID</i>	
Dept.	Phone # <i>(202) 586-5922</i>	
Fax # <i>(202) 586-0539</i>	Fax #	

**Comments on the DOE Public Participation Policy
from the DOE-Idaho Operations Office
and Representative Stakeholders**

Overview

In general, the policy was very well received and people greatly appreciated the opportunity to comment prior to finalization. Stakeholders who received the document viewed the attempt to include their input as a reflection of the Department's efforts to increase stakeholder awareness and involvement in tandem with greater openness on the part of DOE. We have divided our comments into five categories:

- the tone and language of the policy;
- the format and structure of the document;
- implementation of the policy;
- relationship of this document to other public participation efforts and guidance; and
- other comments.

In an effort to minimize "filtration," we have provided the input in the commentor's own words wherever possible. Each comment is provided with its source, to aid in understanding that person's perspective.

Tone and Language of the Policy

After reviewing the memorandum regarding guidance on implementation of the Department's Public Involvement Policy from the Secretary, I strongly agree that the process must be tailored to specific stakeholder's needs and that the policy only be used as a guide based upon the diversity of stakeholders. - Brett Hayball, Shoshone-Bannock Tribal/DOE Coordinator and Project Director

I've read through the proposed public participation policy document and find it to be well stated, though perhaps too non-specific in the area of identifying stakeholders. I hope that the Department's commitment to two-way communication with "other governmental entities [will] include local (city and county) as well as state and tribal officials. - Linda Milam, Mayor of Idaho Falls

The document is well thought out and written. If embraced by Department managers, it will produce positive results. - Candis J Webb, DOE-ID

Overall, the draft is very good. The key truly is establishing public involvement as an institutional way of life, rather than a goal to give lipservice to. To that end, holding officials accountable and rewarding risk-taking is a step in the right direction. - Terry Smith, Public Information Officer, State INEL Oversight Program

I have reviewed the draft statement on public involvement and find it consistent with other statements of this type. It is very wordy and to me states the obvious. I expect truthful answers. I expect to be able to express concerns about public matters. - *Ellie Hamilton, Private Citizen/Retired R. N.*

I would summarize the policy as follows:

Be honest in all answers;

Encourage questions within the Department and from the Public; and

Share the concerns of everyone at all levels.

- *Ellie Hamilton, Private
Citizen/Retired R. N.*

Format and Structure of the Document

The Secretary may want to consider issuing separate short letter to all Departmental employees to emphasize culture shift and positive aspects of goals. - *Candis J Webb, DOE-ID*

I assume this policy is related to the DOE mission statement and is a part of core value 1, "We are customer-oriented. A copy of that mission statement along with the draft on public involvement would have been helpful to put the draft statement in proper perspective. - *Ellie Hamilton, Private Citizen/Retired R. N.*

In you section on "Program managers and staff communication training: Use resources already available. Emphasize the need for basic communication skills; reading, writing, and speaking to the public and private education at all levels. These skills begin at the elementary level. Critical thinking is necessary in all areas of life. Work may be necessary in the short-run but dont make it a permanent part of the DOE program. - *Ellie Hamilton, Private Citizen/Retired R. N.*

In your Core Values section: Include "accuracy. A statement may be consistent with previous statements. It may be credible. It may be an honest expression of your beliefs but is it accurate? - *Ellie Hamilton, Private Citizen/Retired R. N.*

Implementation of the Policy

These policies can be effective for the Tribes only if federal and state officials deliberately recognize our governmental sovereignty and that a trust responsibility derives from the historical relationship between the Federal government and Native American Tribes, as expressed in certain treaties and Federal Indian law. When undergoing any negotiations with states that may affect the Tribes, the Department of Energy must assure that Tribal rights and concerns are represented and considered before taking action, making decisions, or implementing programs, as this is the Tribes unique government-to-government relationship

with the United States of America. - Brett Hayball, Shoshone-Bannock Tribal/DOE Coordinator and Project Director

The policy should be implemented through the DOE Order system, rather than just issued as a policy letter. - Candis J Webb, DOE-ID

There will be some resource impacts at the Field Office level. Over the past several years, many Public Affairs offices have experienced reduced staffing. While the line organizations may absorb much of the support activity, there will be a correlative increase in PA workload. The requirements need to be analyzed and defined. - Candis J Webb, DOE-ID

Regarding the second implementing action under Section 2: "Site managers ... will advise on appropriate pre-decisional access points for public input and facilitate accommodation between local and national interests." That concept could and should be incorporated into each site's citizens advisory board responsibilities, or some other appropriate citizen group. Let the citizens advise the site manager first on which access points are most appropriate. - Terry Smith, Public Information Officer, State INEL Oversight Program

The final implementing action (Section 5) providing for the establishment of a data base of real-time information is wonderful in theory, but is it workable or feasible cost-wise? Is the information highway ever to be paved? - Terry Smith, Public Information Officer, State INEL Oversight Program

Relationship of Policy to other Efforts and Guidance

The Shoshone-Bannock Tribes and the Department of Energy Idaho Operations Office are currently operating under a Native American Policy which is a specialized living document that pertains specifically to some of our needs. That policy, in concert with our "Working Agreement" between the Shoshone-Bannock Tribes and the Department of Energy Idaho Operations Office, both of which can be updated as the need arises, create the premise on which we interface our public involvement with the Department. - Brett Hayball, Shoshone-Bannock Tribal/DOE Coordinator and Project Director

It is DOE's hope and the expressed desire of many [stakeholders] that the INEL Citizens Advisory Board would provide a level of public examination beyond the Environmental Restoration & Waste Management program. However, it was agreed that the relationship of the Citizens' Advisory Board with other existing mechanisms, including those defined in the [legally mandated] Community Relations Plan, needed to receive attention and resolution. - Brett Hayball, Shoshone-Bannock Tribal/DOE Coordinator and Project Director

Other comments

I would like to extend my appreciation to have the opportunity to offer my comments regarding the DOE Public Involvement Policy , as it does represent the Department's openness initiative towards stakeholder involvement. - Brett Hayball, Shoshone-Bannock Tribal/DOE Coordinator and Project Director

The Shoshone-Bannock Tribes will recognize the existing Native American Policy and the Working agreement before any other stakeholder policy, [until such a time that the INEL Citizens Advisory Board is in place and able to review such policy from a wider perspective]. - Brett Hayball, Shoshone-Bannock Tribal/DOE Coordinator and Project Director

I am certainly pleased to represent the City of Idaho Falls on the INEL Economic Development Working Group Team, and hope other opportunities will be identified. - Linda Milam, Mayor of Idaho Falls



Department of Energy

Washington, DC 20585

January 21, 1994

45

MEMORANDUM TO: Betty Nolan, PA-2

SUBJECT: Comments on Draft Public Involvement Policy Statement

The Office of Nuclear Energy, including the Office of Naval Reactors, has reviewed the draft DOE Public Involvement Policy Statement, as requested by Mike Gauldin in his memorandum of December 1, 1993. We have the following general comments, plus suggestions for modifying specific passages.

We believe that increased public involvement in DOE program activities is a worthwhile objective, and we support the Secretary's efforts to move the Department in this direction. However, the draft policy statement conveys the impression that the public can have daily and unrestricted access to the policy-making process and staff in all DOE program offices. This is not feasible, especially in the case of DOE program offices which have a national security mission.

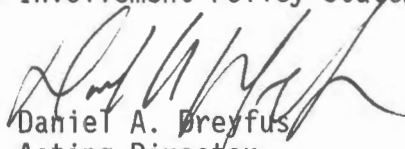
Also, in its decision and policy-making, the Department often uses certain information from private industry and other Government agencies that must remain classified, proprietary, or privileged. Any release of this information needs to be carefully coordinated and cleared with the groups that have given it to us. Language to that effect should be included in appropriate sections of the policy statement.

With this in mind, we have marked suggested wording changes and other comments directly on the draft document, which is attached. For certain changes, we have placed a number in the right-hand margin indicating our rationale for suggesting the change, as follows:

1. Inappropriate for a policy statement, since the statement could be around for years and would then refer to events in the distant past. Also, it puts the initiative in a negative context which is potentially counterproductive in its impact on those in the Department who may not agree with all the characterizations of past policy.
2. Intended as a clarification. The public cannot, practically be involved in daily "program operations".
3. The public provides input to the Department, which we use in making decisions. As written, this section implies that the public actually participates in the decisions themselves.

4. Need to clarify or delete. Certain matters should be cleared with PA, but it appears impractical to both increase the involvement of the public as described in the policy and clear everything with PA. This will tend to delay response to the public and convey the wrong impression re openness.

We look forward to the opportunity to review and comment upon further revisions of the draft Public Involvement Policy Statement.



Daniel A. Breyfus
Acting Director
Office of Nuclear Energy

DRAFT

①

DATE

POLICY ON PUBLIC INVOLVEMENT

should

POLICY: The policy of the Department of Energy (DOE) is that public involvement ~~must~~ be a routine component in program ~~operations and planning~~ activities, at headquarters and in the field.

more informed

PURPOSE: Public involvement brings a full range of diverse stakeholder viewpoints and values early into the Department's decision-making process, enabling the Department to make ~~better~~ decisions and building mutual understanding and trust between the Department and the public it serves.

to build

BACKGROUND: The Energy Department is relatively new at encouraging public involvement in its affairs. The Department grew largely out of the highly regimented Cold War culture of two of its predecessor agencies, the Atomic Energy Commission and the Energy Research and Development Administration. The focus was on national defense through nuclear deterrence; the priority, on design and production of nuclear weapons; and the emphasis on classified information and legally-required secrecy.

①

Changing this 50 year old culture from a closed, command-oriented hierarchy into an open, participatory culture that values diversity and innovation requires special attention and leadership from the top down. Such leadership and change are essential if the Department is to succeed in meeting the economic and environmental challenges of the next century.

DEFINITION: Public involvement provides a means for Americans to influence decisions made by their government. It requires routine, substantive two-way communication between the Department of Energy and other governmental entities, organized groups, individuals, and the general public interested in and/or affected by the Department's decisions and activities. This communication will vary widely in nature and scope, from informal conversations between individuals to scheduled meetings and workshops, to legally-required public meetings and hearings and federal-state-local-Tribal agreements. The Department will actively seek, incorporate, or otherwise respond to the views of its stakeholders.

GOALS: I. Credible, effective public involvement processes are routinely incorporated into the Department's ~~daily program operations and long-term planning~~ activities, at headquarters and in our laboratories, facilities, and field offices ~~with every employee sharing responsibility to practice and improve public involvement.~~

②

II. A clearly defined, coherent internal decision-making process with known access points for public involvement is routinely followed.

IN. The public is informed about and ~~empowered~~ to participate in Departmental decision-making.

③

encourage? policy? about opns?

DRAFT

CORE VALUES

Accountability
Fairness
Openness
Respect
Risk-taking
Sincerity

Consistency
Honesty
Peer Review
Responsiveness
Scientific Credibility

RESPONSIBILITIES:

Under this policy, public involvement will be a discrete performance element for senior departmental and program managers directly responsible for its effective implementation.

Not used in budget discussion

transist

To assure a consistent approach throughout the agency and with its contractors and to avoid unreasonable demands on site personnel or the public's time, Program and Staff Offices will coordinate their public involvement activities through the Office of Public and Consumer Affairs, at headquarters and in the field. This coordination role in no way limits or dilutes program managers' responsibility to plan, fund, and support appropriate levels of public involvement in their programs.

Define

Define

The Principal Secretarial Officer and Senior Departmental Managers will ensure that public involvement principles, values, and processes are fully understood and practiced within their programs and that necessary training and resources (human, information, systems, and financial) are provided.

appropriately

Program Managers are responsible for identifying, planning, budgeting, and implementing the appropriate level and scope of public involvement activities in their programs, and coordinating activities through the Office of Public and Consumer Affairs. Program managers will assure that their staff receive basic communication training and, where appropriate, advanced public involvement training.

The Director of Public and Consumer Affairs, headquarters, will establish a point of contact and mechanisms to coordinate public involvement activities Department-wide, and to assure that initiatives, as identified and implemented by secretarial officers and program managers, are carried out in a consistent, equitable, integrated manner. Public and Consumer Affairs will provide advice and support to program offices in developing and implementing effective communications/public involvement strategies and information materials for local communities, stakeholders, employees, and the media.

Managers of Field Organizations are responsible for assuring that public involvement activities at their respective facilities and sites meet local needs, are appropriately coordinated, and reflect Departmental principles and values. Field managers will regularly advise headquarters on public involvement issues/needs of regional or national importance and recommend appropriate courses of action.

DRAFT

③

Field Public Affairs/External Relations Directors will work with field managers to provide the same coordinating/integrating role for site public involvement activities as the Director of Public and Consumer Affairs provides department-wide.

DRAFT

DATE

MEMORANDUM FOR: HEADS OF HEADQUARTERS ELEMENTS
MANAGERS; DOE OPERATIONS OFFICES

FROM: THE SECRETARY

SUBJECT: GUIDANCE ON IMPLEMENTATION OF THE DEPARTMENT'S PUBLIC
INVOLVEMENT POLICY

consistent with
national security
requirements.

It is the policy of ^{of} the Department of Energy (DOE) that public involvement be a routine component ~~in program operations and planning activities~~ at headquarters and in the field. This policy marks a clear break with past practice by challenging the Department and its contractors to embrace a new culture of openness ~~and service~~. Henceforth, the business of the Department will be open to the full view and input of those whom it serves,

Revise.
①

While public involvement processes must be tailored to specific site and program needs, the following broad guidance is provided to assist headquarters and field managers in implementing this policy department-wide. Several critical policy elements and implementing actions are identified below. These should be viewed as a beginning point. They illustrate the comprehensive nature of public involvement as envisioned in this policy and the innovative leadership required to implement it. Using the following elements as a guide, you should consult with your stakeholders to develop public involvement plans and activities ~~appropriate to their needs and views~~.

CRITICAL POLICY ELEMENTS

1. The Department recognizes that honesty, forthrightness in dealing with external parties, and consistent, credible, quality performance are the bases on which to build public understanding and trust.

Implementing actions:

- Officials representing the Department will be empowered and accountable for the honesty and accuracy of their public statements and for assuring diligent follow-up and timely results from the commitments they make.

Departmental officials will routinely and consistently listen and respond to public input.

X The ~~new~~ benchmark for excellence will be leadership/performance.

Risk-taking will be rewarded.

- Peer review will be encouraged.

Not clear
what kind
of risk

is already

2. Departmental program development, planning, and decision processes must be clearly defined, with regular, well-known access points for public input.

Implementing actions:

- Principal Secretarial Officer and other senior departmental managers will ensure that other affected program officials, site managers, and stakeholders are appropriately integrated into their planning and decision-making processes.
- Site managers, as those closest to affected communities and interested parties, will advise on appropriate pre-decisional access points for public input and facilitate accommodation between local and national interests.

3. Headquarters, laboratories, facilities, and field offices will operate as an integrated team in planning public involvement activities, combining resources, sharing information, and coordinating schedules.

How about their PA programs?

- Cooperation will be rewarded.
- Site managers and local program officials will routinely advise headquarters on local stakeholder needs/concerns and on the appropriateness/adequacy of public information/involvement efforts in their areas.

- X -- The Director of Public and Consumer Affairs, working with the Programmatic Assistant Secretaries, will develop consistent formats and clearance procedures for public information materials.

(4)

Won't work if everything goes through PA

4. The Department must establish and support training/education programs to meet evolving public involvement needs, both internal and external.

Implementing actions:

including procedures for handling proprietary or other Government agency info.

- The Director of Public and Consumer Affairs will assess on an annual basis the effectiveness of the Department's communications efforts and recommend improvements.
- The Director of Public and Consumer Affairs and the Assistant Secretary for Human Resources and Administration, working with the Programmatic Assistant Secretaries, will identify and coordinate communication/public involvement training on a priority basis until all appropriate headquarters and site personnel are trained.

5. The Department must foster candid information exchanges directed at reaching a common understanding of options and risks and developing consensus.

Implementing actions:

-- Whether formal or informal, all public involvement activities will be conducted in a spirit of openness, respect for different perspectives, and a genuine quest for information and ideas.

? | -- The Department will work to establish, announce, and manage a data base of real-time information available to the public through telephone and computer access points.

Need to clarify



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

46

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217-782-6761

January 18, 1994

Ms. Betty Nolan
Office of Public Affairs
8H-073
U.S. Department of Energy
1000 Independence Avenue, S.E.
Washington, D.C. 20585

RE: Comments on DOE Public Involvement Policy

Dear Ms. Nolan:

Attached you will find comments on the DOE "Draft Public Involvement Policy" dated December 1, 1993. It has been a pleasure reviewing and commenting on this document and I trust the IEPA comments will be of use to you. Please note the following:

GENERAL COMMENTS:

For the most part the draft policy is a fair attempt at establishing a protocol for involving the public in DOE decision making. It should be noted however that DOE should not stop at just drafting this policy. In order for DOE to be effective at community involvement, a guidance document or handbook must first be drafted to expand on the newly generated policy. A document that may be useful for DOE to review prior to drafting a guidance document would be USEPA document "Community Relations in Superfund: A Handbook" EPA/540/R-92/009 January 1992.

It would also be useful for DOE to investigate the community involvement requirements of the specific program or law that it intends to comply with when conducting environmental remediation (ie. RCRA or CERCLA). Many environmental regulatory programs presently have very defined community relations guidelines in place that should be followed when these laws are determined to be applicable, relevant or appropriate to the planned remedial activity.

The purpose, core values, and goals, as outlined in this draft policy, contain many elements that are proven to be essential for an effective public involvement program. This draft policy would appear to provide the design for a good foundation for DOE's public involvement program. The effectiveness of this public involvement program, as like similar programs, will in large part hinge upon

two other key components-- the quality of staff interpersonal skills, and the level of support from upper management.

SPECIFIC COMMENTS

1. Definition:

- A. The definition calls for two-way communication between DOE and those "interested in an/or affected by the Department's decisions and activities." This definition should include two other groups: 1) those living or working in the immediate vicinity of a DOE facility who are potentially affected, and 2) those who are not affected by perceive that they are affected. These two groups have been able to delay projects at various sites throughout the Nation when not included in a public involvement program.
- B. The term "stakeholders" should be changed to reflect something a bit more personal or relative to the public.

2. Responsibilities:

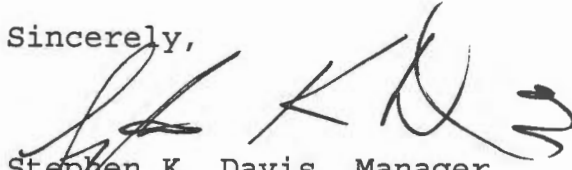
- A. "Public involvement will be a discrete performance element for senior departmental and program managers..." Does this statement mean that these managers will be responsible for public involvement activities, that this responsibility will be measured on their annual performance evaluation, both or something else?
- B. Who will be responsible for responding to news media inquiries?
- C. Who should the IEPA and other government officials contact at DOE about news media inquiries? Issuance of news releases? Approval of quotes from upper management on joint news releases?
- D. Will IEPA and other government agencies have the opportunity to review and comment on news releases affecting their particular state? Public involvement plans?
- E. Why are senior level departmental and program managers only responsible for the policy's effective implementation? Should this concept be carried out through the DOE ranks to be implemented?

3. Goals:

- A. How is the public informed about and empowered to participate in Departmental decision-making?

Again, thank you for the opportunity to review and comment on this draft policy. If you have any questions or comments concerning any of the above mentioned comments, please do not hesitate to contact me.

Sincerely,



Stephen K. Davis, Manager
Federal Facilities Sub-Unit
Remedial Projects Management Section
Bureau of Land

memorandum

DATE: **JAN 21 1994**

REPLY TO:
ATTN OF: **Department of Energy Oakland Operations Office, Office of Public Affairs**

SUBJECT: **Public Involvement Policy Comments**

TO: **Betty Nolan, Director
Consumer and Public Liason Division**

We are providing the following comments from the Oakland Operations Office and its Laboratories on the Draft Public Involvement Policy. We are summarizing the comments and providing a multi-page full response.

1. The policy should stress proactive public involvement activities by DOE rather than reactive actions.
2. Public involvement should be balanced against delays in activities caused by time needed for consultation. In some cases, it may be better for DOE to consider stakeholders' opinions without going through a formal process.
3. **POLICY:**
 - Definition: (fourth and fifth lines) "individuals" and "general public" are redundant.
 - Responsibilities: Commitment of resources should be made explicit.
 - Goals I: (fourth line) change "field" to "operations."
 - Goal II: delete "internal," change "known" to "pre-specified" or "established."
 - Goals III: Items such as personnel records and classified data that will not be made public should be listed.
 - Purpose: Replace "better" decisions with "more-informed" or a similar phrase.
4. **GUIDANCE: Critical elements - (Implementing actions)**
 - "The new benchmark for excellence will be leadership/performance" Excellence of what?" (e.g. Public Affairs).
 - Risk taking should be better defined.
 - "Peer review" Of what?

5. There should be more direct connection between the policy goals and implementing actions to achieve those goals.
6. The commitment to provide training and resources to achieve goals should be made explicit. The only non-staff resource mentioned in the draft guidance is a data base.
7. "Risk-taking" should be clearly defined.
8. "Public participation" is favored over "public involvement" as more descriptive and accurate.
9. The issue of assuring a "balanced" or "representative" public is not addressed. The term "public" is used too often and too broadly without additional definition.
10. The role of public participation seems to vary between the draft policy and guidance. The policy says the the public is "empowered to participate in Departmental decision making." The second says the policy is for the public to be involved with the Department in "developing consensus."
11. The policy and guidance should be flexible to meet the different needs of different communities and not place unreasonable demands on site personnel or the public.
12. The policy is too broad. It is hard to determine which activities should be coordinated with the public. It also should address who should determine which activities the public should be involved in.
13. Public involvement policy should be coordinated with customer advocate policies and activities to assure consistency.
14. The policy should tell the Operations Offices "what" rather than "how" (through the Office of Public and Consumer Affairs at headquarters and in the field) as it does on Page 2.
15. Reference is made to empowering the public to participate in Departmental decision making. Both the Department and the public need to have a clearly defined understanding of what role public participation will play in Department decision making.
16. Will public input be taken under consideration or will it substantially influence decisions, and if so, to what extent. How much weight will public opinion really carry in a decision, particularly if it is contrary to the prevailing Departmental position?



John Belluardo
Acting Director
Office of Public Affairs



January 7, 1994

Mr. Paul Thrash
Department of Energy
1301 Clay Street
Oakland, Ca. 94612

RE: Review of Draft Public Involvement Policy

Dear Mr. Thrash:

Thank you for the opportunity to review and comment on DOE's Draft Public Involvement Policy.

The goals of this draft policy are praiseworthy and laudable; I support openness and truthfulness in dealing with stakeholders and I encourage DOE's efforts to change the culture within the DOE complex. For DOE to build understanding and trust with its stakeholders and to openly and honestly respond to stakeholder questions and concerns is fully appropriate. However, I am concerned about the degree and extent to which this policy will be implemented and I question the usefulness of actively seeking stakeholder involvement in all aspects of the Laboratory's business. This policy could potentially provide an open door to extremist or environmental groups to "shut down the Laboratory." The process of inviting full public involvement in all Laboratory activities will seriously hinder the rapid accomplishment of the Laboratory's missions because of the increased number of people who will have to be consulted in the decision-making process. Implementation of this Public Involvement Policy will run counter to DOE's attempt to be more responsive to the competitive needs of U.S. industry.

The recent history of the LLNL Environmental Restoration Division's interactions with stakeholders on LLNL's two Superfund sites clearly demonstrates the delays that result from such interactions with questionably improved decisions being made. After being named to EPA's Superfund list, progress on environmental cleanup at both sites was set back by at least two years as a result of having to consult and work with regulatory agencies, environmental groups, and local citizens, all key members of the stakeholders. Progress since then has been slower than it otherwise would have been without stakeholder involvement.

TO: Paul Thrash
FROM: Harry Galles
January 7, 1994
Page 2

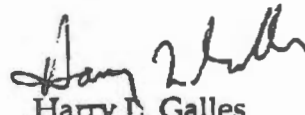
Should this policy be implemented as presented here, all Laboratory schedules will have to be revised and costs will rise accordingly. Does DOE really intend for all its Programs to interact daily with the stakeholders, as suggested in the second line of Goal I? ERD interacts with environmental stakeholders by conducting monthly or more frequent face to face technical meetings; having numerous telephone conversations each week; writing monthly, annual, and topical reports; having stakeholders review and comment on those reports; and conducting formal public meetings. This is a tremendous drain on the resources of the Laboratory. Because of the highly technical nature of the work conducted at the Laboratory, I see little added value to be gained by conducting such an intensive participatory process with stakeholders.

I prefer an approach in which DOE and the Laboratory are fully responsive to and take full consideration of questions, comments, concerns and opinions volunteered by stakeholders, without instituting a formal process to solicit that input. This would still allow those individual stakeholders with strong opinions to "be heard," without diluting the efforts of the entire laboratory in a formal process that would have little technical value.

A specific issue not addressed in this draft is how this policy would apply to classified work performed at the Laboratory. Certainly the Weapons Program will not submit its documents to a group of interested community members for review, as ERD now does under Superfund.

In short, this policy would seriously delay progress in accomplishing DOE's missions and increase costs for marginal benefit.

Sincerely,



Harry D. Galles
Department Head
Environmental Protection Department

HLG:ALL:jco
cc:
A. Copeland
D. Fisher
A. Lamarre
W. McConachie

STANFORD UNIVERSITY

49

STANFORD LINEAR ACCELERATOR CENTER

Mail Address

Bin 77

SLAC, P.O. Box 4349

Stanford, California 94309

(415) 926-3801

FAX (415) 926-3175

January 4, 1994

Paul Thrash
ERWM Division
U.S. Department of Energy
1301 Clay Street
Oakland, CA 94612

Subject: Review Comments on (1) Draft Policy on Public Involvement and (2) Draft Guidance on Implementation of the Department's Public Involvement Policy

Dear Mr. Thrash:

The following are my comments on the subject documents, in response to the December 17, 1993 memo of Henry M. DeGraca requesting comments by January 5, 1994.

As a general comment, there should be more direct correspondence between the goals of the policy and the implementing actions to achieve those goals. In particular, since both training and resources are to be provided, commitment of specific resources at the appropriate level needs to be addressed more explicitly along with training actions. The only non-staff resource mentioned in the draft guidance is a data base, listed in the last implementing action.

Some of the terminology used should be explained or placed in context, as noted below. In particular, however, "risk-taking" (cited in both documents) should be clearly defined. Although its apparent intent here is to describe proactive, resourceful, and responsive actions, it could be misinterpreted by members of the public as (e.g.) jeopardizing health and safety to meet a given objective.

The remaining comments are listed by document and in order of decreasing priority, as requested:

Draft Policy on Public Involvement

RESPONSIBILITIES: Providing training and resources is pivotal to the success of such a program. In particular, commitment of resources should be addressed more explicitly.

GOAL II: Delete "internal", which should be implicit, and change "known" to "pre-specified" or "established". The wording in the draft implies a lingering air of secrecy.

PURPOSE: The term "better decisions" is unnecessarily vague. "Better" should be replaced with "more informed", "more conscientious", "more thoughtful", or the like.

DEFINITIONS: The term "Americans" should be replaced by "United States citizens" or "United States residents", as it may be considered by some to ignore the peoples of North, Central and South America who live outside the United States. Political correctness aside, a public involvement policy in particular should strive to avoid any unnecessary slights or confusing terms.

RESPONSIBILITIES: For planning and scheduling purposes, it will be important to know what type of document review process will be involved in coordination of activities at the various levels.

Throughout this document, "assure" and "assuring" should be replaced by "ensure" and "ensuring". The latter term is used only once under RESPONSIBILITIES.

Draft Guidance on Implementation of the Department's Public Involvement Policy

CRITICAL POLICY ELEMENTS:

#5 - A "real-time" data base is inappropriate for public use, since it raises major concerns regarding quality assurance/quality control, and conflicts with the "clearance procedures for public information materials" listed in Item 3. Replace "real-time" with "timely" or define the intended application in more detail.

#4 - Address commitment of resources, either combined with training or as a separate item.

#2 - "Well-known" seems vague here; replace with "well-defined" or "well-established".

If you have any questions regarding these comments or require further information, please contact me at (415) 926-3801.

Sincerely,



Kirk Stoddard
Environmental Scientist
Environmental Protection and
Waste Management Department

KMS/kms

cc: John Muhlestein, SLAC Site Office
Lois Marik, DOE/SF

Sandia National Laboratories

50

Albuquerque, New Mexico 87185-5800
Livermore, California 94551-0969

date: January 21, 1994

to: Betty Nolan DOE/PA-2



from: Steve Baca, 12650

Post-It™ brand fax transmittal memo 7671		# of pages >
To Betty Nolan	From Steve Baca	
Co. Sierra Bldg.	Co. SNL/FIO	
Dept. Williams	Phone # 505-883-3475	
Fax # 202-586-5373	Fax # 505-883-3481	

586-0539

subject: Comments on Draft Public Involvement Policy

On behalf of Sandia National laboratories, I want to thank you for the opportunity to comment on DOE's draft public involvement policy.

As part of our Environmental Restoration Program at Sandia National Laboratories we have been doing public involvement to establish genuine and lasting relationships with customers and stakeholders based on mutual trust and respect. We are committed to the Public Involvement Process and believe in the value of the decisions that result. Public Involvement will be a new way of doing business for the rest of our program operations and planning activities. As stated in the draft policy such an enormous cultural change "requires special attention and leadership from the top down."

With that background the following is offered for your consideration.

We have learned that public involvement is a labor intensive activity. It requires significant resources and the efforts of dedicated people to build and maintain the trust and respect necessary to realize the critical policy elements described in the draft implementation guidance. On the other hand, the price of not improving how we are perceived by the public is an environment of mistrust that results in constantly reacting to public challenges and questions. Therefore, the cost of public involvement should be an integral part of each programmatic effort. To achieve different results requires different processes than we have used in the past. Therefore, I recommend that each program manager commit that program's public involvement dollars in the field and at the laboratories, in a way that is both effective and accountable. Unlike the past, Public Affairs and External Affairs Offices should, per this implementation guidance, receive funding directly from the program managers and should be accountable to the program managers. As we are experiencing at Sandia, through our involvement in a cross-cutting Community Relations (CoRe) Team, this is a coordinated approach that produces the desired results.

Further, one could infer from the draft policy that "public involvement must be a routine component" in everything that we do. If that is the intent it should be so stated in a section on Scope. The implications for implementing such a policy will obviously be far greater than a policy of more restricted scope, such as soliciting and receiving advice on new programs. I believe that some individuals will interpret this draft as meaning that they will actually help make the decisions as opposed to others who will read it as providing advise.

There is no mention of balance in the public involvement. One of our biggest problems is assuring that our public involvement is balanced and includes the full range of community views and opinions.

A critical component of public involvement is that it be productive. The process must always move forward and should be based on consensus. Since there is no one public but rather many publics, consider the addition of "Commitment to progress in solving each problem through consensus" as an addition to the CORE VALUES.

An overall comment made by several individuals reading the draft is that it is vague and as such could result in a variety of interpretations. What will be the process for continuously improving the policy and implementation guidance as well as measuring their effectiveness?

One minor item is the omission of the phrase "Implementation actions:" in the third CRITICAL POLICY ELEMENT of the Implementation Guidance.

Finally, I am personally encouraged that the Department is taking the approach of developing a cross-cutting policy. Those of us involved in this work see it as an opportunity to present to our stakeholders (and some would say employers) a consistent and strategic approach based on quality principles.

As always it's a pleasure working with you. I look forward to working with you to define this policy, its implementation guidance, and through them taking action to realize an improved relationship with the public, based on the quality of our future decisions. Thank you.

I can be reached at (505)-883-3475.

Copy to:

Kathy Carlson DOE/KAO
0001 Yolanda Moreno
7000 Lynn Jones
7200 Jim Baremore
7500 Tom Blejwas
11110 Harold Folley
12120 Shanna Lindeman
12600 Jerry Langheim

12650 Mike DeWitte
12650 Steve Baca
Members of the Community Relati
Team

Members of Sandia's Line-
Implementation Working Group
(LIWG)



Department of Energy

Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439

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January 21, 1994

Betty Nolan
Office of Public and Consumer Affairs

SUBJECT: COMMENTS ON THE DRAFT DOE PUBLIC INVOLVEMENT POLICY

As requested by Mike Gauldin in his December 1, 1993, memorandum, the Chicago Operations Office has reviewed the Draft Public Involvement Policy and shared it with our internal and external stakeholders. External stakeholders were asked to reply to you directly. Following are CH comments on the draft policy:

- 1.) The phrase "...risk-taking will be rewarded..." needs clarification. This could be perceived by some readers as referring to "technical risk" that puts program accomplishment ahead of public, worker or environmental safety.
- 2.) The policy needs to provide more guidance on how it will be implemented and coordinated with other departmental initiatives, such as on-going EM public involvement activities and the Communications and Trust Strategic Plan. The document should also be codified as a DOE Directive to establish the policy in formal way.
- 3.) References to DOE and contractor-operated organizations needs to be clarified and made more consistent. Operations, Site, Area, Project and Field offices should be referred to as "DOE." Laboratories, production plants and other facilities should be identified as "contractor-operated."
- 4.) Regarding Critical Policy Element 4, which calls for an annual assessment by the Director of Public and Consumer Affairs of the Department's communications efforts, the development of performance measures will be critical to the success of this assessment process. The Director of Public and Consumer Affairs should participate in all departmental planning for these activities and the identification of suitable performance measures.

5.) Section 3, Critical Policy Elements, last paragraph: add the word "prompt" before the phrase "clearance procedures for public information materials." Timeliness in such reviews is critical.

We hope you find these comments helpful.


Gary L. Pitchford, Director
Office of Communications




Department of Energy

Washington, DC 20585

January 11, 1994

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MEMORANDUM TO MICHAEL GAULDIN
 DIRECTOR, PUBLIC AND CONSUMER AFFAIRS

FROM: ARCHER L. DURHAM 
 ASSISTANT SECRETARY FOR HUMAN
 RESOURCES AND ADMINISTRATION

SUBJECT: DRAFT PUBLIC INVOLVEMENT POLICY

In response to your December 1, 1993, request to review the draft public involvement policy, Human Resources and Administration offers the following comments:

- o The broad manner in which the draft policy is written makes it very adaptable to local situations, but also leaves it open to inconsistent interpretations. For example, it is not clear if any internal administrative processes and decisions are subject to the policy or if these would never be considered "program operations and planning activities." A general statement of what is excluded from coverage would be helpful.
- o Along the same lines, we do not interpret the program managers' responsibilities to include coordinating procurement rulemakings with your office, as we are interested in streamlining the rulemaking process.
- o Another area of concern is the requirement that "...public involvement will be a discrete performance element for senior departmental and program managers directly responsible for its effective implementation." This definition is not clear as to what levels are considered "senior" or what constitutes direct responsibility.

- o Our final comment deals with the portion of the draft policy which states that "...public involvement will be a routine component of the organization..." and "...managers will provide the necessary training and resources required...." Our concern is that organizations will request additional resources (FTEs and funding) to meet this requirement. Our recommendation is that a statement needs to be included either within the actual policy or the Secretary's cover memorandum which states that the incorporation of this responsibility will be accomplished with existing resources.

If you have any questions about our comments, please contact Greg Bettwy on 586-8024. We thank you for the opportunity to comment on this draft policy.

cc:

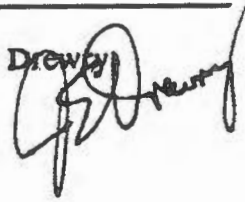
T. Dirks
H. Raiken
G. Allen

ORISE

OAK RIDGE INSTITUTE FOR SCIENCE AND EDUCATION

To: Michael Gauldin
DOE-Washington, DC
Director, Public and Consumer
Affairs

From: James E. Drew



Date: January 7, 1994

Copies To: Don Hagengruber
File

Subject: DRAFT PUBLIC INVOLVEMENT POLICY

After sharing the above referenced draft policy with the ORISE internal management team, the following is the only comment we wish to submit.

This draft public involvement policy needs to address the one item that is only briefly noted in your cover memo, i.e., that public involvement activities may impact upon legal requirements and duties set forth in the Administrative Procedures Act in Title 5 of the U.S. Code. An example would include whether or not notice in the FEDERAL REGISTER would be required if public involvement were sought on a Departmental initiative.

JED:dlh

94MEMOS94MMIM02.JD



Department of Energy
Washington, DC 20585

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December 1, 1993

MEMORANDUM TO MANAGERS: DOE OPERATIONS OFFICES
DOE LABORATORIES

FROM: Michael Gauldin *Gauldin*
Director, Public and Consumer Affairs

Subject: Draft Public Involvement Policy

Attached is a draft policy requiring that public involvement be a routine component in program operations and planning activities. The draft was developed and revised over several months by a crosscutting management team which included field representatives.

You are asked to share this draft policy with your internal management team and external stakeholders and return comments to us by Friday, January 7, 1994. If you can consolidate and prioritize your comments, it would be helpful. Comments and any questions you have concerning the draft should be directed to Betty Nolan at 202/586-5373 (fax: 202/586-0539).

Also, General Counsel has asked us to remind you that, as you pursue specific public involvement activities, you may trigger legal requirements. If you have any questions or concerns, you should seek advice of counsel, either on-site or at headquarters. Additionally, the whole issue of advisory committee requirements is under review here at headquarters, and summary information is available.

Attachment

cc: Heads of Headquarters Elements
Chief of Staff
Deputy Chief of Staff
Executive Assistant to the Deputy Secretary



DATE

POLICY ON PUBLIC INVOLVEMENT

POLICY: The policy of the Department of Energy (DOE) is that public involvement must be a routine component in program operations and planning activities, at headquarters and in the field.

PURPOSE: Public involvement brings a full range of diverse stakeholder viewpoints and values early into the Department's decision-making process, enabling the Department to make better decisions and building mutual understanding and trust between the Department and the public it serves.

BACKGROUND: The Energy Department is relatively new at encouraging public involvement in its affairs. The Department grew largely out of the highly regimented Cold War culture of two of its predecessor agencies, the Atomic Energy Commission and the Energy Research and Development Administration. The focus was on national defense through nuclear deterrence; the priority, on design and production of nuclear weapons; and the emphasis on classified information and legally-required secrecy.

Changing this 50 year old culture from a closed, command-oriented hierarchy into an open, participatory culture that values diversity and innovation requires special attention and leadership from the top down. Such leadership and change are essential if the Department is to succeed in meeting the economic and environmental challenges of the next century.

DEFINITION: Public involvement provides a means for Americans to influence decisions made by their government. It requires routine, substantive two-way communication between the Department of Energy and other governmental entities, organized groups, individuals, and the general public interested in and/or affected by the Department's decisions and activities. This communication will vary widely in nature and scope, from informal conversations between individuals to scheduled meetings and workshops, to legally-required public meetings and hearings and federal-state-local-Tribal agreements. The Department will actively seek, incorporate, or otherwise respond to the views of its stakeholders.

- GOALS:**
- I. Credible, effective public involvement processes are routinely incorporated into the Department's daily program operations and long-term planning activities, at headquarters and in our laboratories, facilities, and field offices, with every employee sharing responsibility to practice and improve public involvement.
 - II. A clearly defined, coherent internal decision-making process with known access points for public involvement is routinely followed.
 - III. The public is informed about and empowered to participate in Departmental decision-making.

DRAFT

CORE VALUES

Accountability
Fairness
Openness
Respect
Risk-taking
Sincerity

Consistency
Honesty
Peer Review
Responsiveness
Scientific Credibility

RESPONSIBILITIES:

Under this policy, public involvement will be a discrete performance element for senior departmental and program managers directly responsible for its effective implementation.

To assure a consistent approach throughout the agency and with its contractors and to avoid unreasonable demands on site personnel or the public's time, Program and Staff Offices will coordinate their public involvement activities through the Office of Public and Consumer Affairs, at headquarters and in the field. This coordination role in no way limits or dilutes program managers' responsibility to plan, fund, and support appropriate levels of public involvement in their programs.

The Principal Secretarial Officer and Senior Departmental Managers will ensure that public involvement principles, values, and processes are fully understood and practiced within their programs and that necessary training and resources (human, information, systems, and financial) are provided.

Program Managers are responsible for identifying, planning, budgeting, and implementing the appropriate level and scope of public involvement activities in their programs, and routinely coordinating activities through the Office of Public and Consumer Affairs. Program managers will assure that their staff receive basic communication training and, where appropriate, advanced public involvement training.

The Director of Public and Consumer Affairs, headquarters, will establish a point of contact and mechanisms to coordinate public involvement activities Department-wide, and to assure that initiatives, as identified and implemented by secretarial officers and program managers, are carried out in a consistent, equitable, integrated manner. Public and Consumer Affairs will provide advice and support to program offices in developing and implementing effective communications/public involvement strategies and information materials for local communities, stakeholders, employees, and the media.

Managers of Field Organizations are responsible for assuring that public involvement activities at their respective facilities and sites meet local needs, are appropriately coordinated, and reflect Departmental principles and values. Field managers will regularly advise headquarters on public involvement issues/needs of regional or national importance and recommend appropriate courses of action.

DRAFT

Field Public Affairs/External Relations Directors will work with field managers to provide the same coordinating/integrating role for site public involvement activities as the Director of Public and Consumer Affairs provides department-wide.

DRAFT

DATE

MEMORANDUM FOR: HEADS OF HEADQUARTERS ELEMENTS
MANAGERS, DOE OPERATIONS OFFICES

FROM: THE SECRETARY

SUBJECT: GUIDANCE ON IMPLEMENTATION OF THE DEPARTMENT'S PUBLIC
INVOLVEMENT POLICY

It is the policy of the Department of Energy (DOE) that public involvement be a routine component in program operations and planning activities, at headquarters and in the field. This policy marks a clear break with past practice by challenging the Department and its contractors to embrace a new culture of openness and service. Henceforth, the business of the Department will be open to the full view and input of those whom it serves.

While public involvement processes must be tailored to specific site and program needs, the following broad guidance is provided to assist headquarters and field managers in implementing this policy department-wide. Several critical policy elements and implementing actions are identified below. These should be viewed as a beginning point. They illustrate the comprehensive nature of public involvement as envisioned in this policy and the innovative leadership required to implement it. Using the following elements as a guide, you should consult with your stakeholders to develop public involvement plans and activities appropriate to their needs and views.

CRITICAL POLICY ELEMENTS

1. The Department recognizes that honesty, forthrightness in dealing with external parties, and consistent, credible, quality performance are the bases on which to build public understanding and trust.

Implementing actions:

Officials representing the Department will be empowered and accountable for the honesty and accuracy of their public statements and for assuring diligent follow-up and timely results from the commitments they make.

Departmental officials will routinely and consistently listen and respond to public input.

The new benchmark for excellence will be leadership/performance.

- Risk-taking will be rewarded.
- Peer review will be encouraged.

2. Departmental program development, planning, and decision processes must be clearly defined, with regular, well-known access points for public input.

Implementing actions:

- Principal Secretarial Officer and other senior departmental managers will ensure that other affected program officials, site managers, and stakeholders are appropriately integrated into their planning and decision-making processes.
- Site managers, as those closest to affected communities and interested parties, will advise on appropriate pre-decisional access points for public input and facilitate accommodation between local and national interests.

3. Headquarters, laboratories, facilities, and field offices will operate as an integrated team in planning public involvement activities, combining resources, sharing information, and coordinating schedules.

- Cooperation will be rewarded.
- Site managers and local program officials will routinely advise headquarters on local stakeholder needs/concerns and on the appropriateness/adequacy of public information/involvement efforts in their areas.
- The Director of Public and Consumer Affairs, working with the Programmatic Assistant Secretaries, will develop consistent formats and clearance procedures for public information materials.

4. The Department must establish and support training/education programs to meet evolving public involvement needs, both internal and external.

Implementing actions:

- The Director of Public and Consumer Affairs will assess on an annual basis the effectiveness of the Department's communications efforts and recommend improvements.
- The Director of Public and Consumer Affairs and the Assistant Secretary for Human Resources and Administration, working with the Programmatic Assistant Secretaries, will identify and coordinate communication/public involvement training on a priority basis until all appropriate headquarters and site personnel are trained.

5. The Department must foster candid information exchanges directed at reaching a common understanding of options and risks and developing consensus.

Implementing actions:

- Whether formal or informal, all public involvement activities will be conducted in a spirit of openness, respect for different perspectives, and a genuine quest for information and ideas.
- The Department will work to establish, announce, and manage a data base of real-time information available to the public through telephone and computer access points.

January 7, 1994

Frances Close Hart
Board Chairwoman

Theodore K. Harris
President

Ms. Betty Nolan
Office of Public and Consumer Affairs
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Re: Draft Public Involvement Policy and Implementation Guidance

Dear Ms. Nolan,

We appreciate the opportunity to comment on the Department of Energy's (DOE) draft public involvement policy and implementation guidance. The drafts are refreshing statements of principles. They accurately identify the problem (see "Background", p. 1) and, at least in broad terms, commit DOE management to seeking solutions.

We have only a few comments. First, there is little mention of any system by which DOE can determine whether the goals are being accomplished. As well intentioned as the goals and expressed commitments are, DOE should add a pledge to measuring its accessibility and responsiveness to meaningful public involvement. The implementation guidance gives the Director of Public and Consumer Affairs responsibility for annually assessing the effectiveness of DOE's communication efforts. Perhaps this person would also be the appropriate one to evaluate the effectiveness of the overall public involvement policy.

Second, the draft policy and implementation guidance beg the question of what citizens should do when they have grievances about the effectiveness or responsiveness of DOE's public involvement policy. There is, for example, no mention of identifying an ombudsman as a visible and central point of contact for such grievances (though establishing an Office of Ombudsman has been recommended to DOE in the past).

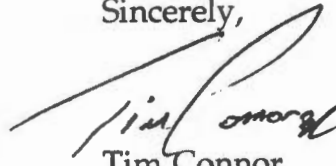
Third, DOE is in the process of establishing nearly a dozen site-specific advisory boards. These boards may quickly become a central element in many of the Department's public involvement activities. Perhaps the policy and implementation guidance should indicate how these boards will mesh with other elements of DOE's public involvement program. Also, the policy might

indicate points of contact for these boards.

Finally, the policy and guidance should contain more details on how officials who are progressive and successful in implementing meaningful public participation will be rewarded. For example, the guidance might direct that performance on public participation issues be considered in personnel performance evaluations.

We hope these comments are helpful and look forward to receiving copies of the completed documents. If you have any questions about our comments, please contact me at 509/838-4580. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Connor", written over a horizontal line.

Tim Connor
Associate Director



NEIGHBORS IN NEED
124 Chestnut St., #210
Englewood, OH 45322
January 5, 1994

Michael Gauldin
Director, Public and Consumer Affairs
U. S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Mr. Gauldin:

This letter is a stakeholder response to the "Draft Public Involvement Policy" of December 1, 1993.

I am pleased to read that sincere efforts are underway to advance from a secretive operations culture of the past to an open participatory culture which includes stakeholders being able to influence decisions and activities.

My one question about the "Draft" concerns the parameters of public involvement -- are public involvement plans being designed solely for clean-up and health study activities at Department of Energy weapons sites, or do plans include the programs which concern future energy needs as well?

As a stakeholder, I should like to be able to participate in the structuring of agendas for public meetings and the educational activities of these meetings. In all past meeting which I have attended, the agendas have been imposed, and any questions I have asked, have been briefly or incompletely answered.

The "Draft Policy" appears to be a genuine approach for change from past practices. I heartily encourage this public involvement policy change.

Sincerely,

Velma M. Shearer

Rev. Dr. Velma M. Shearer
Staff Minister



January 7, 1994

Mr. Michael Gauldin
Director, Public and Consumer Affairs
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, DC 20585

Dear Mr. Gauldin:

SUBJECT: DRAFT PUBLIC INVOLVEMENT POLICY

Overall, we think the goal of changing the culture at DOE to one that is open and participatory rather than one that is "command and control" drive, due primarily to national security concerns, is highly commendable. This is a philosophy that we at NREL have fostered for some time, mainly because our unique, single-purpose and non-defense mission in support of DOE.

The following are recommended changes, additions, and clarifications that can help improve the document and its usefulness. Most of our comments are directed to the implementation guidance rather than the policy itself. We do not address editorial concerns.

Draft Policy Section

- In the "definition" paragraph, there should be a major focus or emphasis on interactions with the public and less emphasis on interactions with other government agencies. Interaction with other government agencies is also needed, but these interactions are much less central to the need being addressed by the policy.
- Goal one states that "every employee shares the responsibility to practice public involvement." This should be addressed in the "guidance" section (it currently is not), and some broad guidelines on employee responsibilities should be provided.
- The core values as presented in the draft statement are different from those published by DOE (e.g., Sue Tierney's presentation in December of 1993). Also, some consolidation in the list that is provided appears to be possible (e.g., integrity is one value that encompasses honesty, fairness, openness, sincerity, etc.).

Guidance on Implementation

- The term "triggering legal requirements" is ambiguous and may result in multiple (and probably inconsistent) interpretations by various DOE organizational units and supporting laboratories. More information on "triggering legal requirements" (cited in the cover memorandum) should be provided by the policy-setting body before providing implementation guidance, since the guidance itself must conform to legal requirements. See the next bullet for an example of a legal requirement.
- Though this is probably implicit, we suggest that an explicit statement be provided noting the need for protection of business-sensitive information, such as CRADA-protected information, proprietary data, and trade secrets. Protection of such data is required by law and is absolutely essential as we work more closely with industry and the public.
- In several places, statements such as "risk taking will be rewarded" are made. This is a very important concept in an "open" process, and a better description of what is really meant by "risk taking" and its boundaries should be included (e.g., what kind of risks are people to take, how will people be encouraged to do so, how will DOE assure that this will actually be carried out throughout DOE?).
- A definition of "program operations" and "planning activities" is needed, as well as guidance regarding the level at which we involve the public in our planning activities.
- Guidance outlining how public input will be used by the Department is lacking and should be provided.
- In Critical Policy Element 3 of the memorandum from the Secretary, it is stated "the Director of Public Consumer Affairs . . . will develop . . . clearance procedures for public information materials." This requirement has the potential to become quite onerous. We encourage simple, streamlined clearance procedures that do not overly inhibit the central goal of openness.
- In Critical Policy Element 4, the word "external" should not apply to training the public since DOE has a responsibility to help educate but not necessarily train the public.
- Regarding Critical Policy Element 5, an Internet connection to DOE may be useful for obtaining public input.

Very truly yours,



Duane N. Sunderman
Director

cc Betty Nolan
Lawrence Murphy



Battelle

Pacific Northwest Laboratories
Battelle Boulevard
P.O. Box 999
Richland, Washington 99352
Telephone (509) 375-3441

58

January 6, 1994

Mr. Michael Gauldin
Director
Public and Consumer Affairs
U.S. Department of Energy
Washington, DC 20585

Dear Mr. Gauldin:

DRAFT PUBLIC INVOLVEMENT POLICY

Ref: Your letter to the Director, PNL, dated December 1, 1993, subject as above.

The Department of Energy's draft policy on public involvement represents an important first step in institutionalizing an open and participatory culture and the Pacific Northwest Laboratory (PNL) is fully supportive of its intent. The policy, when implemented, should lead to greater public involvement coordination and integration across the Department and its field organizations and more effective public involvement efforts overall.

Specific comments on the draft "POLICY ON PUBLIC INVOLVEMENT" are as follows:

1. "GOALS" Section

- A fourth goal should be considered which would read; "The public is informed about how their input influenced Departmental decision-making."

This would spotlight the importance of accountability to the public involvement process which, in large measure, will determine both the credibility and effectiveness of the process.

2. "RESPONSIBILITIES" Section

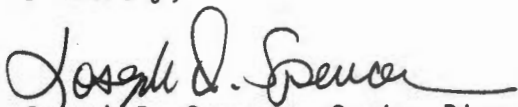
- Paragraphs Two and Four - Departmental program managers' responsibilities also should include "participating" in appropriate levels of public involvement in their programs. These paragraphs should explicitly state this expectation in addition to the identifying, planning, budgeting and implementing responsibilities already mentioned.

Mr. Michael Gauldin
January 6, 1994
Page 2

- Paragraph Four - Program managers need to receive "basic public involvement training", in addition to basic communication training. The basic public involvement training EM has offered over the past year, for example, emphasizes the responsibility of the manager to integrate public involvement in overall program planning. Early identification of public involvement needs in initial program planning helps to make such efforts more effective. All managers need to understand when and how to factor public involvement into their program decision-making processes.
 - Managers of Field Operations, similar to their Departmental counterparts, also need to be held responsible for "assuring that their staff receive necessary training and participate in appropriate levels of public involvement." These additional expectations should be explicitly stated.
3. Specific comments on the draft "GUIDANCE FOR IMPLEMENTATION" are as follows:
- Policy Element # 3 - Cooperation "and teamwork" should be rewarded. Teamwork with internal and external stakeholders forms the basis for credible and effective public involvement processes and should be recognized.
 - Policy Element # 4 - The Department's communication "and public involvement" efforts should be assessed for effectiveness annually. Criteria for public involvement effectiveness will need to be developed and, to assure that they are meaningful to the public, the criteria should be reviewed by external stakeholders.

PNL commends the Department of Energy for taking the initiative to develop an agency-wide policy on public involvement. We strongly endorse the Department's commitment to build public understanding and trust by involving the public in its decision-making processes and look forward to supporting the Department with the implementation of its policy.

Sincerely,



Joseph D. Spencer, Senior Director
Environmental Restoration
& Waste Management

WRW:ds

In triplicate

cc: GM McClure, RL

Continuous Electron Beam Accelerator Facility

12000 Jefferson Avenue
Newport News, Virginia 23606
(804) 249-7100

59

January 7, 1994

Ms. Betty Nolan
U. S. Department of Energy
Office of Public and Consumer Affairs
Washington, D.C. 20585

Dear Ms. Nolan:

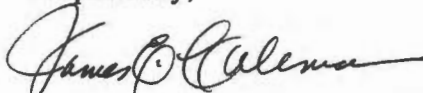
Thank you for the opportunity to comment on the Draft Public Involvement Policy (subject of Mr. Michael Gauldin's memorandum of December 1, 1993). Our comments follow:

- Much of the technology and science sponsored by DOE engenders fear in the lay public. If the public is to be included in planning, and if its participation is to be constructive, then the public needs to have a good understanding of risk concepts. Any focused effort by DOE to use public involvement in project conception, mission, and siting should be accompanied by useful, relevant explanation of potential hazards in terms that relate to common life experiences. (Good examples of risk communication can be found in the work of Peter Sandman, Professor of Environmental Journalism at Rutgers University.) This kind of approach should be used as a starting point for DOE public involvement initiatives.
- While the creation of an effective public involvement policy is critical to the foundation of DOE's new culture of participatory decision making, the actual implementation of this policy should be cautious of superseding sound business management decisions with more visible and favorable political choices. This delicate balancing of two strong forces can be achieved only in an environment that cultivates and encourages "win-win" decisions and allows responsible informed stakeholders to be effective team players.

We also request the summary information on the issue of advisory committee requirements referenced in your memorandum (last paragraph).

Again, my thanks for the opportunity to participate.

Respectfully,



James E. Coleman
Associate Director for Administration

cc: Hermann A. Grunder w/encl.
Dennis W. Barnes w/encl.



Department of Energy

Albuquerque Field Office
Amarillo Area Office
P. O. Box 30030
Amarillo, Texas 79120

60

January 12, 1994

MEMO TO: Ms. Betty Nolan, PA

FROM: Tom Williams, AAO

SUBJECT: Draft Public Involvement Policy

As a follow-up to my memo to you of Friday, January 7, 1994, I am forwarding to you additional comments provided to us by the Metal Trades Council of Amarillo (MTC), on the draft policy document on "Public Involvement." The MTC represents the "Trades" employees at the plant and we hope you give due consideration to their views.

If we can provide you with additional information, I can be reached at (806) 477-3121. My FAX number is (806) 477-5895.

Enclosures

cc: Leroy Apodaca

Post-It™ brand fax transmittal memo 7671		# of pages > 3
<i>Betty Nolan</i>		From <i>Tom Williams</i>
Co.		Co.
Dept.		Phone # <i>806 477-3121</i>
Fax # <i>806 586-0539</i>		Fax # <i>806 477-5895</i>



THE METAL TRADES COUNCIL
of
Amarillo, Texas and Vicinity
A.F. of L. - C.I.O
AMARILLO, TEXAS

61

January 8, 1994

Ms. Betty Nolan
Office of Public and Consumer Affairs
U. S. Department of Energy
Washington, D. C. 20585

Subject: Policy on Public Involvement (DRAFT ISSUE)

Dear Ms. Nolan:

After reviewing the above referenced document, the Metal Trades Council has a few concerns and ideas we would like to share.

Policy: We have no problem with the public being involved in giving their views on certain issues, but when an overwhelming majority of the public express a viewpoint and a very small minority is allowed to hold up a process, this is a concern to us and we feel the DOE should look at this type situation more closely.

Definition: We feel no one is more affected by the Department's decisions and activities than the employees of the Plant. As far as involvement in decision making goes, the most logical group to be involved is the plant employees as we know more about every operation at Pantex than any outside group or individual.

Goals: Our only concern here is number III. Our concern is the word "empowered". How would the public be empowered and to what extent? It has been suggested by some of the outside "stakeholder groups" that they be involved in decisions that directly relate to how we do our jobs, mainly dismantlement and production operations. We certainly hope they never receive the power to get involved to that degree.

In closing I would reference the Openness Press Conference Fact Sheets, December 7, 1993. This document refers to the declassification of Plutonium Inventory at a number of sites within the complex. At the end of each section the question is asked "Who are the key Stakeholders?" The answers given are:

1. The general public
2. Environmentalists
3. Freedom of Information Act requestors
4. Health Researchers
5. Regulators
6. Environmental, Safety and Health interests

It is our opinion that the employees at the DOE sites are being left out of a very important loop by not being recognized as a separate stakeholder group when it comes to decision making input.

Thank you for your cooperation and attention to these concerns and ideas.

Sincerely,



Ronnie Payne, President Chief/Steward
Metal Trades Council of Amarillo, Texas
and Vicinity, AFL-CIO
2915 S. Birmingham
Amarillo, Texas 79103

cc: Tom Williams, DOE/AAO
MTC File



Office for Planning & Development
(510) 486-4361

January 5, 1994

Betty Nolan
U.S. Department of Energy
1000 Independence Avenue
Office of Public and Consumer Affairs
Washington, DC 20585

Dear Ms. Nolan:

We have reviewed the Draft Public Involvement Policy and find the policy to be satisfactory. We have no comments.

Sincerely,

Michael Chartock
Acting Head

cc: P. Oddone
R. Edwards
S. Fennessey

Oregon

DEPARTMENT OF
ENERGY

Date: January 7, 1994

To: Catherine Volk

From: Ken Niles *KN*

Subject: Comments on USDOE Draft Public Involvement Policy

Michael Grainey, the State of Oregon's representative on the State and Tribal Government Working group (STGWG), asked me to review USDOE's Draft Public Information Policy, which was sent to STGWG members for review.

I believe the draft policy, if adopted and followed, will result in meaningful involvement for those who have a legitimate stake in DOE programs.

There are, however, a few key elements which I believe would strengthen this document:

Reference should be made to the Administration's commitment to streamline and simplify the Freedom of Information Act process, and to declassify historical documents. Both of these are reminders that the Administration supports an open process and that DOE should assist in both of these areas.

This document may not be the appropriate place to discuss reducing the number of documents that are classified, but it is worth mentioning. Although there may be such an effort underway, I am not aware of any concerted effort to reduce the number of documents that become classified as/after they are created. This will only result in having to declassify these documents at some future date, when perhaps there is no compelling reason to classify them in the first place.

If you have any questions about these comments, please call me at 503-378-4906.

Barbara Roberts
Governor



625 Marion Street NE
Salem, OR 97310
(503) 378-4040
FAX (503) 373-7806
Toll-Free 1 800-221-8035

ROUTING AND TRANSMITTAL SLIP		DATE January 5, 1994	
1.	Andy Lawrence, EH-221	INITIALS AL	DATE 1/5
2.	Randy Kaltreider, EH-22	RR	1/5
3.	Betty Nolan, PA-2		
	ACTION	APPROVAL	CONCURRENCE
x	COMMENT	FOR YOUR INFORMATION	SIGNATURE

SUBJECT: DRAFT PUBLIC INVOLVEMENT POLICY

EH-22 has reviewed the subject document.

The draft policy appears to be comprehensive and inclusive addressing the Secretary's new culture of openness.

Upon finalization of the draft, a graphic depiction of the lines of internal DOE coordination would be a useful adjunct to understanding the various responsibilities and lines of authority for the DOE levels described.

FROM:	ROOM # - BLDG.
Lea A. Ekman, EH-221 <i>LAE</i>	3G-089, Forrestal
	PHONE #
	6-0298

[540] From: David Perotti 12/22/93 1:27PM (1014 bytes: 17 ln)
To: Bobbie Smith
Subject: Public Involvement Policy

----- Message Contents -----

Bobbie:

EM-42 did not raise any issues with the specific Public Involvement Policy implementation guidelines or responsibilities. EM-42 does, however, suggest that the policy reflect the significant effort expended to date to achieve a public supported program. As the policy is presently written, it places undue emphasis on "changing the old culture."

- DOE, under both Watkins and now O'Leary, has made significant strides in initiating and encouraging public involvement.
- The policy should acknowledge this and provide the basis for improving the ongoing incorporation of stakeholder concerns.

Dave

INFORMAL NOTE

December 22, 1993

To: M. Lathrop, EM-40

From: Bobbie Smith, EM-433 MS

Subject: Comments on Draft Public Involvement Policy

As requested, the Office of Program Support (EM-43) has reviewed the Draft Public Involvement Policy developed by the Department of Energy's (DOE) Office of Public and Consumer Affairs. In general, we believe this policy is not inconsistent with the Office of Environmental Restoration and Waste Management's (EM) public participation policy, the Office of Environmental Safety and Health's (EH) public participation guidance, and the public participation requirements embodied in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the National Contingency Plan (NCP).

However, the policy is simplistic and provides few details on how these objectives will be met and the roles and responsibilities for ensuring public participation is embraced by all DOE program participants as an integral component of their jobs. Moreover, this policy is filled with "feel-good" jargon that may not be well-received by the various stakeholder communities.

More specifically:

- The terms "public involvement," "public participation," and "public outreach" seem to be used interchangeably within the Department. Unfortunately, these three terms have different connotations in the stakeholder community. In addition, there a difference between involving and communicating. It may be more palatable to DOE's stakeholders to use the term "public participation" consistently in all DOE documentation. "Participation" implies a more active, two-way approach.
- Under Core Values, it may be more helpful to provide value statements rather than a list of words. The words are filled with good intentions, but do not mean much out of the context of real milestones and activities. How is Headquarters and the Field supposed to apply these core values?
- DOE should not continue to punish itself for the secrecy of the past. It may be too negative to use terms such as "clear break with the past" and "a new culture of openness and service." DOE, and the EM program particularly, ~~has been pursuing meaningful public participation for several years.~~ In fact, EM has surpassed EPA's programs in their proactive approach to stakeholder involvement.

- The policy is filled with buzz words that are trendy and show that the Department can talk the talk (e.g., access points, benchmark for excellence, empowerment). As a strictly internal document this approach may be appropriate. However, to outside stakeholder groups these terms lack substance and may appear to be too boilerplate or cookbook.

cc:

W. Wisenbaker, EM-43

G. Turi, EM-43

S. Meador, EM-433



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shorr, Director

DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176 Jefferson City, MO 65102-0176

December 28, 1993

Betty Nolan, EM-14
Department of Energy
FORS-1H-D31
Washington, DC 20585

SUBJECT: Draft Public Involvement Policy

Dear Ms. Nolan:

With reference to the FAX copy of the subject draft, this office fully supports the goals and apparent intent of the proposed policy. As the final document is developed and specific refinements are established, we welcome the opportunity to review and participate in addressing the issues.

We recognize that your office has not had enough time to develop lists of other stakeholders that may want to provide input. For future documents, we would like to suggest several individuals and organized groups here in Missouri that have provided comments and shown interest in various governmental activities, specifically in the area of environmental management.

If you need additional information or have questions, please feel free to contact me at (314) 751-3176.

Sincerely,

HAZARDOUS WASTE PROGRAM

A handwritten signature in cursive script that reads "Robert Geller".

Robert Geller, Chief
Federal Facilities Section

RG:lea

Guyon H. Saunders
Member Parliament 2000 - Pastor 2002

December 29, 1993

Mr. Gerry Johnson
 Amarillo Area Office
 U.S. Department of Energy
 P.O. Box 30030
 Amarillo, Texas 79120

Fax 477-5895

Dear Gerry,

Thank you for inviting me to comment on the "Public Involvement Policy" the Department is considering implementing across its many program operations and planning activities. I have read the DRAFT policy and can, unfortunately, find little in it that I am able to agree with.

The Department is already strangling on public involvement. More is not going to help. It is a most unwise to think that involving the public is going to solve the technical or even public relations problems facing our nation and the DoE. You have a tough job reconfiguring the nuclear weapons complex and the many other areas in which you are responsible. But having said that, it is time to get on with the process.

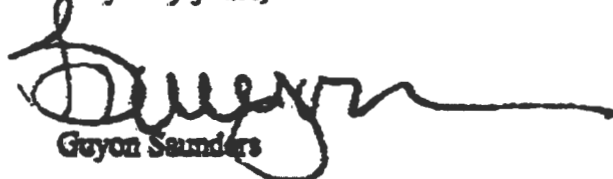
DoE has come a long way. That fact is noted and appreciated by anyone interested enough to examine the record. It is no longer necessary to apologize for your ancestry—Atomic Energy Commission and the Energy Research and Development Administration. If we all had a choice in not doing the last war, you can bet the vote would be overwhelming.

Gerry, your public involvement (information thus far) program has been excellent. No doubt there are other area offices that do not come up to your standard. There is, however, no imperative that the "public" have a warm, friendly feeling about DoE. It is not going to happen and probably shouldn't even if it does. I would much rather have the Department respected for its technical skills, management effectiveness, and execution of a rational plan for getting the job done.

If I have been spoiled by my association with the Albuquerque Field Office and am truly not aware of the "real" DoE, then you may temper my reaction slightly. Please remember. Getting the job done right is a whole lot more important than trying to make all of us feel good about how you want about it. If you are playing to the audience that feels they must be "involved" before the right things are done you will completely miss the huge majority of stakeholders who pay the bills and keep this country going.

In closing, if you want some public involvement in the proposed Policy on Public Involvement—I will be happy to become involved.

Very truly yours,


 Guyon Saunders



the Peace Farm
HCR 2 Box 25
Panhandle, Texas 79068
806-335-1715

69

January 6, 1994

Tom Williams
Program Manager
Department of Energy
Amarillo Area Office
P.O. 30030
Amarillo, Texas 79120

Dear Tom,

Thank you for the opportunity to comment on the "Public Involvement Policy." I apologize for not having time to do this more formally, but I'm enclosing some informal thoughts, both on the draft policy and on the memorandum on guidance on implementation. I will fax a copy directly to Ms. Nolan, at the number indicated in your letter.

DRAFT: Policy on Public Involvement

In the paragraph on definition, I suggest changing the word "Americans" to U.S. citizens/residents.

In the section on core values, I'm unable to come up with a single word, but I think there should be some commitment to providing context for decisions. Because of the DOE's history of secrecy and classification, I believe this is more important for DOE than it might be for some other government agencies.

In addition to site-based public involvement, the policy should include the same broad-based review of DOE materials designed for use in schools and other educational programs or institutions.

DRAFT: Guidance for implementation

2. -- Because site managers are seen by those in the affected communities as being their most direct access to DOE, headquarters and field offices will be responsible for seeing that plant managers are fully included in communications, and have at the earliest moment the information they need to respond to inquiries or initiate public comment. When site managers are put in the position of appearing "outside the loop," of having no information or misinformation, the credibility of DOE as a whole is damaged.

5. -- Although documents are available in public reading rooms, photocopy costs are high and hours of availability limited. The DOE should consider making technical and other appropriate

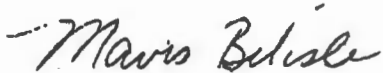
page 2--comments on "Policy on Public Involvement"

documents available on a loan basis. As documents become available on computer disks, these should also be available in the public reading rooms, with capability for printout whenever possible, if printout costs are lower than photocopy costs.

-- All regulatory permits or permit amendments should be available in the public reading rooms at the same time they are submitted to the state and/or federal regulators.

Again, thank you for the opportunity to review these drafts.

Sincerely,

A handwritten signature in cursive script that reads "Mavis Belisle".

Mavis Belisle
Director

W. H. O'Brien

December 29, 1993

TO: Thomas F. Williams and Ms. Betty Nolan

SUBJECT: Public involvement policy

We all welcome a policy that seeks to booster relations between DOE and the public. I believe it is important to differentiate between public relations and effective communications. It is my feeling that the success of your public involvement policy will not rest with this policy, but will depend on good sound overall public policy in DOE on the issues the public is interested in tracking.

I have noticed that often weak policy decisions are accompanied with strong public relations efforts. Some recent examples are:

- ▶ The flawed decision to do an EA instead of the EIS required under NEPA on the storage of pits at Pantex. This was followed with a full scale public relations campaign to garner public support. True public support would be earned if the Department explained their problem to the public, told them why they were needing to continue dismantlement, and then sought a legal means for accomplishing this objective.
- ▶ The PEIS will decide the reconfiguration of the weapons plants. It will be impossible to make a sound decision until broader public policy issues have been decided, such as the determination as to whether excess plutonium is waste or a resource. A public relations effort will not overcome this fact.
- ▶ High risks operations should be identified as such. Efforts to persuade the public that certain operations are not high risk should be avoided. Operations should be grouped into different categories according to the level of risk so full disclosure will allow all parties full knowledge of their exposure.

Communications are a two way street. Input can only have a meaningful

W.H. O'Brien
Page 2
December 29, 1993

impact with output. We would welcome honest appraisals from DOE of where you are and where you want to go with these various projects. Subjecting your operations to outside regulators would be a positive step. We will look forward to working with DOE in a new trusting relationship.

Yours truly,

W.H. O'Brien



Department of Energy
Washington, DC 20585

71

44. 1. 7. 94

December 1, 1993

MEMORANDUM TO MANAGERS: DOE OPERATIONS OFFICES
DOE LABORATORIES

FROM: Michael Gauldin *Gauldin*
Director, Public and Consumer Affairs

Subject: Draft Public Involvement Policy

Attached is a draft policy requiring that public involvement be a routine component in program operations and planning activities. The draft was developed and revised over several months by a crosscutting management team which included field representatives.

You are asked to share this draft policy with your internal management team and external stakeholders and return comments to us by Friday, January 7, 1994. If you can consolidate and prioritize your comments, it would be helpful. Comments and any questions you have concerning the draft should be directed to Betty Nolan at 202/586-5373 (fax: 202/586-0539).

Also, General Counsel has asked us to remind you that, as you pursue specific public involvement activities, you may trigger legal requirements. If you have any questions or concerns, you should seek advice of counsel, either on-site or at headquarters. Additionally, the whole issue of advisory committee requirements is under review here at headquarters, and summary information is available.

Attachment

cc: Heads of Headquarters Elements
Chief of Staff
Deputy Chief of Staff
Executive Assistant to the Deputy Secretary

5 Jan 94
Betty -
This is a good thing.
It will mean more effort on the
admin. side & probably an
FTE increase by 1. But most
new DOB requirements do.
John Eckert
Director - Administration
AMES Lab
AMES, Iowa

Military Production Network

72

A national alliance of organizations working to address
issues of nuclear weapons production and waste clean-up

FROM: Stephen Schwartz, Washington, D.C. Representative

TO: Betty Nolan

FAX #: 586-0539

DATE: January 5

Number of pages, including this sheet: 1

MESSAGE:

Thank you for allowing us the opportunity to review the draft policy on public involvement.

While we applaud the Secretary's recent and continuing openness initiatives, we continue to have concerns over the focus of these efforts--principally on the problems of the past. We are hopeful, however, that with the implementation of the public involvement policy the focus can begin to shift to the more important arena of current and future DOE programs and decisions.

The draft policy itself is a fine document which clearly and succinctly lays out the need for a new way of doing business. Indeed, much of the rhetoric closely matches what we have been saying for years.

At this point we have three basic concerns:

1) **WHO** -- How will officials, especially regional officials and contractor employees, be held accountable for implementing the new policy. And what measures will be taken if employees do not follow the policy? Rewarding "cooperation" and "risk-taking" is a good and necessary step, but how will a lack of cooperation be dealt with and to whom can a stakeholder turn when the inevitable personnel or procedural roadblocks are encountered?

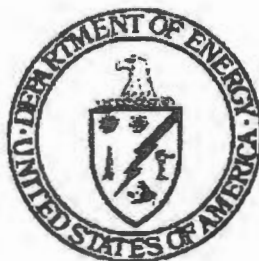
2) **HOW** -- How does DOE plan to measure progress in implementing this policy? What factors will you be assessing and how will we know when "success"--on your terms--has been achieved? In TQM lingo, what are your metrics?

3) **WHEN** -- What funding mechanisms are envisioned for FY95 and beyond to help implement this proposal? In particular, what additional resources will be allocated to FOI officers, both at HQ and the regions, to ease the enormous case backlog? And when can we expect to be able to access a DOE database to obtain draft orders, budget documents, reports, speeches, etc...?

Answers to these questions will assist us in helping the DOE to become a more trustworthy and accountable federal agency.

FAX

73



**U.S. DEPARTMENT OF ENERGY
WASHINGTON, D.C.
OFFICE OF DEFENSE PROGRAMS**

This **FAX** consists of the following **1** page(s), plus cover.

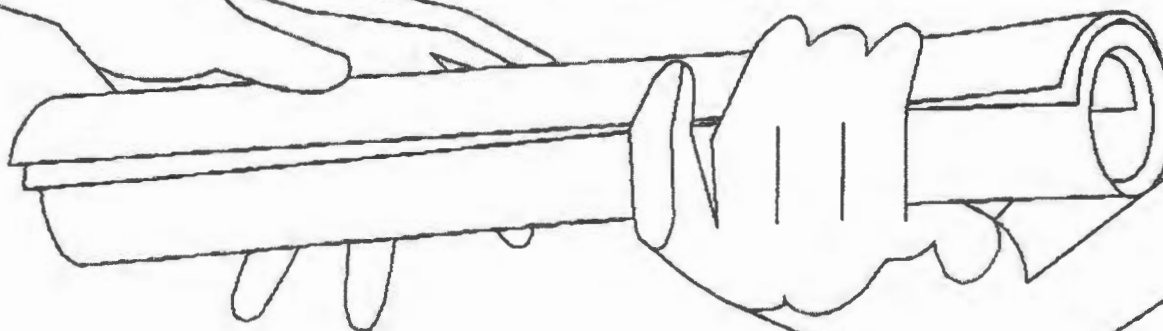
TO: BETTY NOLAN

FROM: **Greg Rudy, DP-3**

DATE: DECEMBER 14, 1993

MESSAGE: BETTY, HERE ARE MY SUGGESTED CHANGES. REASONING FOR THE CHANGE
IS PROVIDED IN THE MARGINS. YOUR CALL. LET ME KNOW IF YOU
NEED TO DISCUSS. GREG

Please confirm receipt by telephone:
Verification (202) 586-8284
Secretary (202) 586-2177
FAX (202) 586-1567





Department of Energy
Washington, DC 20585

December 1, 1993

MEMORANDUM TO MANAGERS: DOE OPERATIONS OFFICES
DOE LABORATORIES

FROM: Michael Gauldin **Gauldin**
Director, Public and Consumer Affairs

Subject: Draft Public Involvement Policy

Attached is a draft policy requiring that public involvement be a routine component in program operations and planning activities. The draft was developed and revised over several months by a crosscutting management team which included field representatives.

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Also, General Counsel has asked us to remind you that, as you pursue specific public involvement activities, you may trigger legal requirements. If you have any questions or concerns, you should seek advice of counsel, either on-site or at headquarters. Additionally, the whole issue of advisory committee requirements is under review here at headquarters, and summary information is available.

Attachment

cc: Heads of Headquarters Elements
Chief of Staff
Deputy Chief of Staff
Executive Assistant to the Deputy Secretary



DRAFT

DATE

POLICY ON PUBLIC INVOLVEMENT

POLICY: The policy of the Department of Energy (DOE) is that public involvement must be a routine component in program operations and planning activities, at headquarters and in the field.

PURPOSE: Public involvement brings a full range of diverse stakeholder viewpoints and values early into the Department's decision-making process, enabling the Department to make better decisions and building mutual understanding and trust between the Department and the public it serves.

BACKGROUND: The Energy Department is relatively new at encouraging public involvement in its affairs. The Department grew largely out of the highly regimented Cold War culture of two of its predecessor agencies, the Atomic Energy Commission and the Energy Research and Development Administration. The focus was on national defense through nuclear deterrence; the priority, on design and production of nuclear weapons; and the emphasis on classified information and legally-required secrecy.

Changing this 50 year old culture from a closed, command-oriented hierarchy into an open, participatory culture that values diversity and innovation requires special attention and leadership from the top down. Such leadership and change are essential if the Department is to succeed in meeting the economic and environmental challenges of the next century.

DEFINITION: Public involvement provides a means for ^{AMONG} Americans to influence decisions made by their government. It requires routine, substantive two-way communication ~~between~~ the Department of Energy and other governmental entities, organized groups, individuals, and the general public interested in and/or affected by the Department's decisions and activities. This communication will vary widely in nature and scope, from informal conversations between individuals to scheduled meetings and workshops, to legally-required public meetings and hearings and federal-state-local-Tribal agreements. The Department will actively seek, ^{Consider} ~~incorporate, or otherwise~~ respond to the views of its stakeholders. ^{and} ^{generally/soon}

- GOALS:**
- I. Credible, effective public involvement processes are routinely incorporated into the Department's daily program operations and long-term planning activities, at headquarters and in our laboratories, facilities, and field offices, with every employee sharing responsibility to practice and improve public involvement.
 - II. A clearly defined, coherent internal decision-making process with known access points for public involvement is routinely followed.
 - III. The public is informed about and ~~empowered to~~ participate in Departmental decision-making.

this is the goal →

DRAFT

CORE VALUES

Accountability
Fairness
Openness
Respect
Risk-taking
Sincerity

Consistency
Honesty
Peer Review
Responsiveness
Scientific Credibility

RESPONSIBILITIES:

Under this policy, public involvement will be a discrete performance element for senior departmental and program managers ~~directly responsible for its effective implementation.~~

To assure a consistent approach throughout the agency and with its contractors and to avoid unreasonable demands on site personnel or the public's time, Program and Staff Offices will coordinate their public involvement activities through the Office of Public and Consumer Affairs, at headquarters and in the field. This coordination role in no way limits or dilutes program managers' responsibility to plan, fund, and support appropriate levels of public involvement in their programs.

The Principal Secretarial Officer and Senior Departmental Managers will ensure that public involvement principles, values, and processes are fully understood and practiced within their programs and that necessary training and resources (human, information, systems, and financial) are provided.

Program Managers are responsible for identifying, planning, budgeting, and implementing the ~~appropriate level and scope of~~ public involvement activities in their programs, and routinely coordinating activities through the Office of Public and Consumer Affairs. Program managers will assure that their staff receive ~~basic~~ communication ~~training~~ and, ~~where appropriate, advanced~~ public involvement training.

The Director of Public and Consumer Affairs, headquarters, will establish a point of contact and mechanisms to coordinate public involvement activities Department-wide, and to assure that initiatives, as identified and implemented by secretarial officers and program managers, are carried out in a consistent, equitable, integrated manner. Public and Consumer Affairs will provide advice and support to program offices in developing and implementing effective communications/public involvement strategies and information materials for local communities, stakeholders, employees, and the media.

Managers of Field Organizations are responsible for assuring that public involvement activities at their respective facilities and sites meet local needs, are appropriately coordinated, and reflect Departmental principles and values. Field managers will regularly advise the Director of headquarters on public involvement issues/needs of regional or national importance and recommend appropriate courses of action.

Public & Consumer Affairs and Appropriate Secretarial Officer

Field Public Affairs/External Relations Directors will work with field managers to provide the same coordinating/integrating role for site public involvement activities as the Director of Public and Consumer Affairs provides department-wide.

DRAFT

DATE

MEMORANDUM FOR: HEADS OF HEADQUARTERS ELEMENTS
MANAGERS, DOE OPERATIONS OFFICES

FROM: THE SECRETARY

SUBJECT: GUIDANCE ON IMPLEMENTATION OF THE DEPARTMENT'S PUBLIC INVOLVEMENT POLICY

It is the policy of the Department of Energy (DOE) that public involvement be a routine component in program operations and planning activities, at headquarters and in the field. This policy marks a clear break with past practice by challenging the Department and its contractors to embrace a new culture of openness and service. ~~the business of the Department~~ will be open to the full view and input of those whom it serves.

While public involvement processes must be tailored to specific site, ~~and~~ program needs, the following broad guidance is provided to assist headquarters and field managers in implementing this policy department-wide. Several critical policy elements and implementing actions are identified below. These should be viewed as a beginning point. They illustrate the comprehensive nature of public involvement as envisioned in this policy and the innovative leadership required to implement it. Using the following elements as a guide, you should consult with your stakeholders to develop public involvement plans and activities appropriate to their needs. ~~and~~ *and improve*

ad layered to,

CRITICAL POLICY ELEMENTS

1. The Department recognizes that honesty, forthrightness in dealing with external parties, and consistent, credible, quality performance are the bases on which to build public understanding and trust.

Implementing actions:

- Officials representing the Department will be empowered and accountable for the honesty and accuracy of their public statements and for assuring diligent follow-up and timely results from the commitments they make.
- Departmental officials will routinely and consistently listen and respond to public input.
- The new benchmark for excellence will be leadership/performance.
 - Risk-taking will be rewarded.
 - Peer review will be encouraged.

Need to have a process to ensure a good result

DRAFT

2. Departmental program development, planning, and decision processes must be clearly defined, with regular, well-known access points for public input.

Implementing actions:

- Principal Secretarial Officer and other senior departmental managers will ensure that other affected program officials, site managers, and stakeholders are appropriately integrated into their planning and decision-making processes.
- Site managers, as those closest to affected communities and interested parties, will ^{assure} ~~advise on~~ appropriate pre-decisional access points for public input and facilitate accommodation between local and national interests.

*Needs to reflect
Engagement and
Action*

3. Headquarters, laboratories, facilities, and field offices will operate as an integrated team in planning public involvement activities, combining resources, sharing information, and coordinating schedules.

- Cooperation will be rewarded.
- Site managers and local program officials will routinely advise headquarters on local stakeholder needs/concerns and on the appropriateness/adequacy of public information/involvement efforts in their areas.

*Sounds like a
check point of
"elementary running"
need to be
positive - discuss
the goal*

The Director of Public and Consumer Affairs, working with the Programmatic Assistant Secretaries, will develop consistent formats and ~~elaborate~~ ^{facilitate} procedures for public ~~access to~~ ^{information materials}.

The Department must establish and support training/education programs to meet evolving public involvement needs, both internal and external.

Implementing actions:

- The Director of Public and Consumer Affairs will assess on an annual basis the effectiveness of the Department's communications efforts and recommend improvements.
- The Director of Public and Consumer Affairs and the Assistant Secretary for Human Resources and Administration, working with the Programmatic Assistant Secretaries, will identify and coordinate communication/public involvement training on a priority basis until all appropriate headquarters and site personnel are trained.

- 5.. The Department must foster candid information exchanges directed at reaching a common understanding of options and risks and developing consensus.

Implementing actions:

- Whether formal or informal, all public involvement activities will be conducted in a spirit of openness, respect for different perspectives, and a genuine quest for information and ideas.
- The Department will work to establish, announce, and manage a data base of real-time information available to the public through telephone and computer access points.



Deputy Chief of Staff
and Counselor

November 9, 1993

to Betty

*GOOD
JOB.*

To: Mike Gauldin

From: Dan Reicher

This is well done.



Printed with soy ink on recycled paper



Department of Energy
Washington, DC 20585

December 1, 1993

MEMORANDUM TO MANAGERS: DOE OPERATIONS OFFICES
DOE LABORATORIES

FROM: Michael Gauldin **GAULDIN..**
Director, Public and Consumer Affairs

Subject: Draft Public Involvement Policy

Attached is a draft policy requiring that public involvement be a routine component in program operations and planning activities. The draft was developed and revised over several months by a crosscutting management team which included field representatives.

You are asked to share this draft policy with your internal management team and external stakeholders and return comments to us by Friday, January 7, 1994. If you can consolidate and prioritize your comments, it would be helpful. Comments and any questions you have concerning the draft should be directed to Betty Nolan at 202/586-5373 (fax: 202/586-0539).

Also, General Counsel has asked us to remind you that, as you pursue specific public involvement activities, you may trigger legal requirements. If you have any questions or concerns, you should seek advice of counsel, either on-site or at headquarters. Additionally, the whole issue of advisory committee requirements is under review here at headquarters, and summary information is available.

Attachment

cc: Heads of Headquarters Elements
Chief of Staff
Deputy Chief of Staff
Executive Assistant to the Deputy Secretary

12/8

74

Mike:
This is well done.
Dan R.



CITY OF OAK RIDGE



EDMUND A. NEPHEW
MAYOR

POST OFFICE BOX 1 • OAK RIDGE, TENNESSEE 37831-0001

February 9, 1994

Mr. Frank Juan
Public Information Office
U.S. Department of Energy
Oak Ridge Field Office
P. O. Box 2001
Oak Ridge, TN 37831-8502

Dear Mr. Juan:

Thank you for the opportunity to comment on the draft Public Involvement Policy issued by DOE headquarters. The fact that DOE recognizes the need to improve its public involvement program is a positive step toward developing public trust and confidence in decisions made by the agency. I do, however, have several comments to make about the draft.

Understanding that this document represents a broad policy rather than a detailed plan, I get the impression that state and local governments are considered to be merely two of the many "stakeholders" with which the DOE must deal. The Tennessee Oversight and Federal Facilities Agreements established a relationship between the Tennessee Department of Environment and Conservation, the Local Oversight Committee, and the DOE that is more formal than just a "policy" between the DOE and the general public. A more explicit statement that distinguishes public input from intergovernmental contractual agreements is appropriate. In fact, because of the confusion among the public (and DOE employees as well), as to what constitutes a "stakeholder," it may be best to simply avoid the use of the term in your national policy document.

Second, because elected and appointed officials are legal representatives of the public, it is more accurate to state, "Public involvement provides a means for Americans to **more directly** influence decisions made by their government." Citizens have, and continue to have, the means to influence government decisions by exercising their right to vote. If I were a DOE employee, I would not understand what you meant by your definition of "public involvement."

Finally, the DOE should receive training on public involvement from experts in that field, rather than relying on public relations contractors. Since the DOE is "relatively new at encouraging public involvement in its affairs," moving forward at full speed without adequate training for management and staff could actually worsen the agency's image with the public. Many DOE and contractor personnel have little or no experience in dealing with the general public.

- 2-

Again, thank you for contacting me, and I look forward to seeing the final document.

Sincerely,

Edmund A. Nephew

Edmund A. Nephew
Mayor

jb

United States Government

Department of Energy

memorandum

76

DATE: February 7, 1994

REPLY TO
ATTN OF: EM-5

SUBJECT: Draft Public Involvement Policy

TO: B. Nolan, PA-2

Attached are the Office of Waste Management's comments on the draft policy requiring that public involvement be a routine component in program operations and planning. The comments focus on the policy's consistency with the Office of Environmental Management's public participation guidance and implementation plans.

If you have any questions, please call Denise Lenz, EM-5, at 6-5689.

Cindy
Cynthia C. Kelly
Director
Office of Public Accountability

Attachment

cc: D. Blaney, EM-33
K. Donovan, EM-333

OFFICE OF WASTE MANAGEMENT
COMMENTS ON 12/1/93 DRAFT
DOE POLICY ON PUBLIC INVOLVEMENT

General Comments:

The format of the policy is very bureaucratic; suggest that the headers be less abrupt (i.e., Policy Statement, Purpose of the Policy, Definition of Public Involvement, etc.)

An editorial review would improve the consistency of both the policy and the implementing guidance, as they currently reflect many different writing styles and sentence structures.

Purpose Section:

The primary purpose of public involvement is working with the public to reach consensus on how to solve problems in a more publicly acceptable way. This idea, which goes beyond "building mutual understanding and trust" should be incorporated into the statement of why we are pursuing public involvement.

Background Section:

The second sentence should be deleted. The third sentence should be changed to read "The focus of DOE's efforts during the Cold War was on national defense through nuclear deterrence; the priority, on design ..."
'' Insert this after the sentence "This focus resulted in an operating culture that allowed for limited public interaction only."

The second paragraph could be improved by deleting "from a closed, command-oriented hierarchy".

In addition, in the last sentence delete "such leadership and change are essential: and insert "This new culture is essential if ...". Although leadership and change are essential, the change in culture is what can help the Department succeed in meeting its challenges.

Definition Section:

Suggest rewording the lead-in sentence to "Public involvement is participation by interested members of the public in the activities and decision processes of the Department, and provides a means for members of the public to influence these decisions."

The last sentence should be reworded as follows: "The Department will actively seek and consider public input, and will incorporate or otherwise respond to the views of its stakeholders in making its decisions." It would also be helpful to add a sentence regarding the need to build

relationships with the stakeholders and to strive to reach consensus regarding DOE decisions. This provides a better feeling of ongoing relationships and partnerships rather than the input-output feeling of the "seek and respond" phrase.

Goals:

Need to add a lead in sentence and reword the goals to clarify the meaning:

The goals of the Department's public involvement policy are:

- a) To assure that credible and effective public involvement processes are a part of the Department's daily operations and long-term planning activities;
- b) To assure DOE has a clearly defined and coherent internal decision-making process with access points for public involvement; and
- c) To assure that the public is informed about Departmental issues and decision-making processes and is thus empowered to participate at formative stages of specific projects.

Core Values Section:

Add the following sentence to open the section: "In order to develop a successful public involvement program for its activities and programs, the Department should consider and incorporate the following values:". Also need to add a short statement to each core value to clarify the meaning and intent of each value. Examples would also be very useful, especially in regard to Risk-taking, a phrase that could be interpreted to mean taking risks with health and safety.

Responsibilities Section:

It would be helpful to clarify what is meant by each of the responsible groups. For example, who are the Principal Secretarial Officers and Senior Departmental Officers? Does this include what the Office of Waste Management refers to as Office Directors?

In the second paragraph, it is stated that "...Program and Staff Offices will coordinate their public involvement activities through the Office of Public and Consumer Affairs, at headquarters and in the field." What does this coordination consist of? It would be helpful if this could be further defined to let the Program and Staff Offices know what they are expected to do. Is this advisory only or will the Office of Public and Consumer Affairs be actively involved? This must be an efficient and streamlined process, as many public involvement activities must be undertaken promptly in order to be responsive to an issue or concern. Perhaps this could be clarified in the guidance.

It seems that we may need to add another responsibilities section regarding the responsibilities of Deputy Assistant Secretaries and Office Directors to oversee their program managers and ensure that they are including public involvement in their projects as early as possible. These managers are also responsible for providing resources to support public involvement activities. It would be highly unusual for Principal Secretarial Officers and Senior Departmental Managers to have direct interaction with Program Managers; the managers in between these two levels also have responsibilities.

Within the Director of Public and Consumer Affairs, delete "to" immediately prior to "...assure that initiatives, as identified...".

IMPLEMENTATION MEMORANDUM

Paragraph 1, suggest rewording to: "It is the policy of the Department of Energy (DOE) that public involvement should be a routine component in program operations and planning activities, both at Headquarters and in the field. The business of the Department is to be open to the full view and input of those whom it serves, consistent with other laws. This policy marks a departure with past practices; in doing so, it challenges the Department and its contractors to perform to a new standard of service and openness."

The last sentence in the second paragraph should be revised to reflect that public involvement plans and activities should be appropriate to the needs of both the program and the stakeholders. It is not appropriate to involve the stakeholders in everything, nor are they interested in being involved in everything. DOE must be very clear in defining what it needs from the public involvement process in terms of recommendations, alternatives and priorities, etc.; the process must serve DOE as well as the public.

The introduction to the Implementation memorandum should contain a paragraph that discusses very directly the different Departmental elements (Waste Management, Defense Programs, Nuclear Energy, etc.) and reinforces the need for these elements to work cooperatively in public involvement efforts both at the sites and at headquarters. The memorandum now states the coordinating role of Public and Consumer Affairs, but does not clearly state that the reason for coordination is the need to be **consistent and accurate** in public involvement efforts, and to afford the public an opportunity to focus their involvement efforts as they see appropriate.

Critical Policy Element #1

Suggest rewording first bullet under Implementing Actions to clarify what officials will be empowered to do. Possible rewrite could be: "Officials representing the Department will be open, honest, and accurate in their public statements, and will assure diligent follow-up and timely results from the commitments they make."

Second bullet: Change to read "...routinely solicit public input, consider it in making their decisions, and provide timely responses to the public. Responsiveness to public input is critical in building credibility."

Third bullet: This is not an action, either delete or incorporate into the introductory paragraphs.

Critical Policy Element #2

Replace "well known access points" with "clearly identified access points".

Second bullet under Implementing Actions: insert "...will consult with Project Managers to identify appropriate pre-decisional...". Also, need to clarify what is intended by "facilitate accommodation between local and national interests".

Critical Policy Element #3

First bullet begs for some clarification or expansion-cooperation should be given in any organization and should not necessarily be "rewarded". If these bullets are to be Implementing Actions (header is missing), it may be better to state this as an action "A system will be developed to evaluate and recognize examples of innovative, efficient or cooperative team efforts in public involvement activities." Specific guidance will be necessary to make this work.

Critical Policy Element #4

It would be more logical to switch the sequence of the Implementing Action bullets to first list training, then evaluation.

Critical Policy Element #5

This is the first time developing consensus has been mentioned in the policy or the implementation memorandum. This should be a greater emphasis in the policy. Effective public involvement activities will seek to build consensus and understand public values, not just exchange information.

Second bullet: Will this be one database? Suggest changing to "...manage appropriate (or topical) databases of real-time information..."

STANFORD UNIVERSITY

Stanford Linear Accelerator Center
Business Services Division, MS 80

2575 Sand Hill Road
Menlo Park, CA 94025
(415) 926-2601 (phone)
(415) 926-4550 (fax)

January 3, 1994

Mr. Michael G. Gauldin, Director & Press Secretary
Public & Consumer Affairs 7A-145
U.S. Department of Energy
Forrestal Building
1000 Independence Avenue S.W.
Washington, D.C. 20585

Subject: Draft Public Involvement Policy

Dear Michael:

Thank you very much for the opportunity to review and comment on the draft of the proposed DOE Public Involvement Policy. We, at the Stanford Linear Accelerator Center, (SLAC) see a great deal of value in public involvement as a routine component in major program operations and planning activities and feel that the Department's move from "a closed, command-oriented hierarchy into an open, participatory culture" will, in the long-term, have many beneficial effects. SLAC is a research center performing only non-classified research and has routinely sought public involvement on major projects and ES&H activities. This has been extremely valuable in maintaining community awareness and support for the programs carried out at the Laboratory.

In developing department-wide programs which will assure a consistent approach throughout the agency, it is important to keep in mind that each laboratory and community is different and that local needs may vary widely from site to site. Those closest to the community should have as much flexibility as necessary in order to meet the local needs. In addition, as noted in the draft policy, in implementing this policy it is important to avoid unreasonable demands on site personnel or the public's time. Keeping this principle in mind, we would hope that the implementation of the policy will not result in a requirement to hold a public meeting or seek public comment for every planned minor Accelerator Improvement or General Plant Project or for every NEPA document issued by the Laboratory. In our opinion, an appropriate level of public involvement is one in which the public's viewpoints are sought on all major projects and periodically on the Laboratory's directions and programs. This periodic input could be obtained at an annual "town hall" meeting held to discuss the Laboratory's upcoming programs and future directions.

Michael G. Gauldin
U.S. Department of Energy

- 2 -

January 3, 1994

In summary, we think public involvement is a necessary and helpful element of the Department's decision-making process and look forward to doing our part to further the Department's goals in this area.

Sincerely,

A handwritten signature in dark ink, appearing to read "Burton", with a long horizontal flourish extending to the right.

Burton Richter
Director

BR:laj

United States Government

Department of Energy

memorandum

Albuquerque Field Office

DATE: JAN 22 1994
REPLY TO: OIEA
ATTN OF:
SUBJECT: Comments on Draft Public Involvement Policy

78.
88. K. O. L. 79. L. M. 85.
90. L. M. 92.
USSE 92.

TO: Michael Gauldin, Director, Office of Public and Consumer Affairs, PA-1, HQ

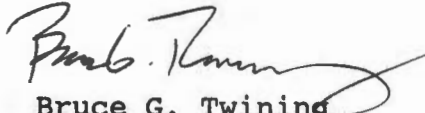
Attached are comments received from the Department of Energy (DOE) Albuquerque Operations Office (AL) organizations and stakeholders.

Following is a summary of the comments:

- o In general, most who commented felt that this was a major step in the right direction, but that the policy could be more comprehensive.
- o There were some negative reactions on the short amount of time allowed for review and comment.
- o Comments ranged from none to extensive.
- o The largest number of comments came from activist groups in northern New Mexico.
- o One major comment was the limitation of citizen involvement caused by the refusal of DOE to release classified information, even under the openness policy.
- o "Values" were listed as a major point of controversy that needs to be addressed.

It is clear that this policy is perceived by DOE, contractor and public stakeholders as important, if properly implemented.

Please call David G. Jackson of the AL Office of Intergovernmental and External Affairs at (505) 845-5699 if you have any questions concerning this submission.


Bruce G. Twining
Manager

Attachment

To: Patricia Trujillo-Oviedo 1-665-4411

From: Mary Riseley

This draft policy on public involvement looks great. Bravo!

I have a few questions:

① Under DEFINITION — are you only going to conduct "legally-required" meetings? I suggest omitting "the meetings" as hopefully you will hold other public meetings as well.

② Under RESPONSIBILITIES — the second paragraph. This is unclear and sounds cumbersome. An expectation of consistency and training and spot-checking, perhaps randomly, might be more workable. What does "Coordinate" mean here?

③ Under GUIDANCE ON IMPLEMENTATION — last sentence, just paragraph. This statement is patently overstated. "The business of DOE includes many matters that will never be open to full view — schedules of Pu shipments, plans for exact locations + amounts of weapons components storage, for example. I would hope for a more honest statement with qualifying phrases. Of course it is my fervent hope that soon there will be no weapons programs to protect with secrecy — but even in an era of stewardship there will be "dangerous knowledge" — this is one thing fundamentally wrong with all things nuclear — the price in loss of civil liberties and openness is not worth it, too high.

Frankie, Pat

♡ Mary

Comments on DOE Draft Policy on Public Involvement

I believe this new DOE policy on public involvement is so sweeping in its changes, so radical in its approach, that it amounts to nothing less than a fundamental *paradigm shift* for our society. Furthermore, if it can be implemented, I believe this policy shift will affect the policies of all other governmental agencies.

It is long overdue.

In my view this paradigm shift is a shift of fundamental attitudes. It is a shift from the fundamental attitude of *domination* to an attitude of *partnering*. It is an attitude shift that will affect our entire way of behaving. Shifting to an attitude of partnering will not be an easy shift. Nevertheless, I, as one citizen, applaud DOE leadership's courage in putting forth such a bold, clear, policy intent. Attitude changes always precede changes in behavior.

A word of caution. It may be too early to predict how resistance to this shift will manifest, but manifest it will. Because this attitude shift is so radical, our citizens will likely become aware of its full implications only gradually. In addition to resistance from what is typical for anything new, resistance to this paradigm shift will come from individual citizens and citizen groups who are *unconsciously* committed to attitudes of domination, be they religious, technical, social, whatever. Such people often *need* secrecy or to have an enemy. We should allow for the discomfort that inevitably accompanies any radical change. I hope that we as citizens, in and out of leadership positions, can prepare for compassionate encounters of those whose entire ways of thinking or feeling will feel threatened by this shift. We need schooling on being introspective. We need to take personal responsibility for what needs transforming within ourselves first before seeing it in others. In so doing, let us educate ourselves to look for the best in ourselves and each other, rather than focusing on what is worst.

This is not to ignore what is wrong. There is much obvious and not so obvious wrong that needs attention and transformation. That is a given. This awareness seems clearly behind the new policy. There will doubtless be significant programmatic pain in implementing this policy. Let us, however, be creative about implementing it and not succumb to recriminations, finger pointing, scapegoating. Let us give this new policy an honest chance. Perhaps, as one of my colleagues has suggested, we could declare a *national day of mourning* for past misdeeds as a way of getting through the paralysis of guilt. This could be followed by a *national resolve to be creative*.

Those with hierarchical attitudes will likely be among the first to feel the press of this shift and feel threatened. Also, those who value rational processes over feeling processes as the best, if not only, way to make decisions will also feel threatened by this shift. Reverse domination of emotion over reason is always a threat. It should not be either/or, but both. That is, reason *balanced* by appropriate emotionality.

And so, it is a time for *poets*. Poet industrialists. Industrial poets. Poet scientists. Scientist poets. Poets from all walks of life, professions, trades, and ways of being. Maya Angelou said it best. She set the tone for this change in her prophetic inaugural poem, *A rock, a river, and a tree*. May we citizens review it often. The government (read DOE) is now listening. After all, as another colleague said, newly inspired, "We don't have to fight City Hall any more!"

Eugene Kovalenko
January 13, 1994

Dear Dot & Chrs -

What is this?

a Jan 6 postmark

indicates you allow

less than one week

to travel, read &

respond to this request?

Surely you must be

joking!

you do

anyone to respond. Have

had a busy week and

believe 30-60-or 90

days notice is more in

line with NEPA & legitimate

review processes. Yours

(Bonnie) Yvonne Bonneau

Demanded Extension of Time

laboratory

17

Bonnie Bonneau

PO Box 351

El Prado NM 87529-0351

HSUS

CO 87545

Yvonne Benniara

P.O. Box 351

El Prado, NM 87524

87529

Obviously

not want

to respond. Have

had a busy week and

believe 30-60-or 90

days notice is more in

line with NEPA & legitimate

review processes. Yours

(Bonnie) Yvonne Bonneau

And 0.6 this review is illegitimate (illegal)!

Comments From

LANL 2000 SUBCOMMITTEE/TASK FORCE
ON POLICY FORMATION AND THE DATE

DRAFT
81

POLICY ON PUBLIC INVOLVEMENT NATIONAL ECONOMY

POLICY: The policy of the Department of Energy (DOE) is that public involvement must be a routine component in program operations and planning activities, at headquarters and in the field.

PURPOSE: Public involvement brings a full range of diverse stakeholder viewpoints and values early into the Department's decision-making process, enabling the Department to make better decisions and building mutual understanding and trust between the Department and the public it serves.

BACKGROUND: The Energy Department is relatively new at encouraging public involvement in its affairs. The Department grew largely out of the highly regimented Cold War culture of two of its predecessor agencies, the Atomic Energy Commission and the Energy Research and Development Administration. The focus was on national defense through nuclear deterrence; the priority, on design and production of nuclear weapons; and the emphasis on classified information and legally-required secrecy.

Changing this 50 year old culture from a closed, command-oriented hierarchy into an open, participatory culture that values diversity and innovation requires special attention and leadership from the top down. Such leadership and change are essential if the Department is to succeed in meeting the economic and environmental challenges of the next century. *and bottom up. More about employ in.*

DEFINITION: Public involvement provides a means for Americans to influence decisions made by their government. It requires routine, substantive two-way communication between the Department of Energy and other governmental entities, organized groups, individuals, and the general public interested in and/or affected by the Department's decisions and activities. This communication will vary widely in nature and scope, from informal conversations between individuals to scheduled meetings and workshops, to legally-required public meetings and hearings and federal-state-local-Tribal agreements. The Department will actively seek, incorporate, or otherwise respond to the views of its stakeholders.

Comment
What happens
to comments and we
never hear back
a response.
So add something
about timely
responses to
comments

GOALS: I. Credible, effective public involvement processes are routinely incorporated into the Department's daily program operations and long-term planning activities, at headquarters and in our laboratories, facilities, and field offices, with every employee sharing responsibility to practice and improve public involvement.

II. A clearly defined, coherent internal decision-making process with known access points for public involvement is routinely followed.

III. The public is informed about and empowered to participate in Departmental decision-making.

*Is public
involvement
restricted to
non classified material?
Will the public have access
to nuclear information so*

that they may comment on future of Nuclear work at LANL

*The
like this
but don't
believe the
comment*

more on item II & III
-Complex 21 was an example of supposed none class
info which contained information that
was classified and the public could not see it.

DRAFT

CORE VALUES

also, will
SSAB member have
access to ~~the~~
classified information
or will they
have to obtain
a Q?

Accountability
Fairness
Openness
Respect
Risk-taking
Sincerity

Consistency
Honesty
Peer Review
Responsiveness
Scientific Credibility

RESPONSIBILITIES:

Under this policy, public involvement will be a discrete performance element for senior departmental and program managers directly responsible for its effective implementation.

What about
role of
SIO's organization?

To assure a consistent approach throughout the agency and with its contractors and to avoid unreasonable demands on site personnel or the public's time, Program and Staff Offices will coordinate their public involvement activities through the Office of Public and Consumer Affairs, at headquarters and in the field. This coordination role in no way limits or dilutes program managers' responsibility to plan, fund, and support appropriate levels of public involvement in their programs.

The Principal Secretarial Officer and Senior Departmental Managers will ensure that public involvement principles, values, and processes are fully understood and practiced within their programs and that necessary training and resources (human, information, systems, and financial) are provided.

Program Managers are responsible for identifying, planning, budgeting, and implementing the appropriate level and scope of public involvement activities in their programs, and routinely coordinating activities through the Office of Public and Consumer Affairs. Program managers will assure that their staff receive basic communication training and, where appropriate, advanced public involvement training.

Sound
like a
place to
bottleneck
process

The Director of Public and Consumer Affairs, headquarters, will establish a point of contact and mechanisms to coordinate public involvement activities Department-wide, and to assure that initiatives, as identified and implemented by secretarial officers and program managers, are carried out in a consistent, equitable, integrated manner. Public and Consumer Affairs will provide advice and support to program offices in developing and implementing effective communications/public involvement strategies and information materials for local communities, stakeholders, employees, and the media.

Is this
approval
or
FYI?

Managers of Field Organizations are responsible for assuring that public involvement activities at their respective facilities and sites meet local needs, are appropriately coordinated, and reflect Departmental principles and values. Field managers will regularly advise headquarters on public involvement issues/needs of regional or national importance and recommend appropriate courses of action.

Field Public Affairs/External Relations Directors will work with field managers to provide the same coordinating/integrating role for site public involvement activities as the Director of Public and Consumer Affairs provides department-wide.

DRAFT

DATE

MEMORANDUM FOR: HEADS OF HEADQUARTERS ELEMENTS
MANAGERS, DOE OPERATIONS OFFICES

FROM: THE SECRETARY

SUBJECT: GUIDANCE ON IMPLEMENTATION OF THE DEPARTMENT'S PUBLIC
INVOLVEMENT POLICY

It is the policy of the Department of Energy (DOE) that public involvement be a routine component in program operations and planning activities, at headquarters and in the field. This policy marks a clear break with past practice by challenging the Department and its contractors to embrace a new culture of openness and service. Henceforth, the business of the Department will be open to the full view and input of those whom it serves. *with the public being to contribute*

While public involvement processes must be tailored to specific site and program needs, the following broad guidance is provided to assist headquarters and field managers in implementing this policy department-wide. Several critical policy elements and implementing actions are identified below. These should be viewed as a beginning point. They illustrate the comprehensive nature of public involvement as envisioned in this policy and the innovative leadership required to implement it. Using the following elements as a guide, you should consult with your stakeholders to develop public involvement plans and activities appropriate to their needs and views. *all Americans*

CRITICAL POLICY ELEMENTS

1. The Department recognizes that honesty, forthrightness in dealing with external parties, and consistent, credible, quality performance are the bases on which to build public understanding and trust. *trust*

Implementing actions:

Officials representing the Department will be empowered and accountable for the honesty and accuracy of their public statements and for assuring diligent follow-up and timely results from the commitments they make.

Departmental officials will routinely and consistently listen and respond to public input. *Good*

The new benchmark for excellence will be leadership performance. *6/5/04*

- Risk-taking will be rewarded.
- Peer review will be encouraged.

Add something on empowering the public

Please do this in layman's term. NO bureaucratic

DRAFT

2. Departmental program development, planning, and decision processes must be clearly defined, with regular, well-known access points for public input.

Implementing actions:

- Principal Secretarial Officer and other senior departmental managers will ensure that other affected program officials, site managers, and stakeholders are appropriately integrated into their planning and decision-making processes.
- Site managers, as those closest to affected communities and interested parties, will advise on appropriate pre-decisional access points for public input and facilitate accommodation between local and national interests.

Site partnership
w/ Public

3. Headquarters, laboratories, facilities, and field offices will operate as an integrated team in planning public involvement activities, combining resources, sharing information, and coordinating schedules.

- Cooperation will be ~~rewarded~~ ^{recognized}.

Now a
1-800
number

- Site managers and local program officials will routinely advise headquarters on local stakeholder needs/concerns and on the appropriateness/adequacy of public information/involvement efforts in their areas. ^{- could be done by public/local groups}

- The Director of Public and Consumer Affairs, working with the Programmatic Assistant Secretaries, will develop consistent formats and clearance procedures for public information materials. ^{to reduce risk}

↓ Bottleneck
or SBA

4. The Department must establish and support training/education programs to meet evolving public involvement needs, both internal and external.

Implementing actions: quarterly

- The Director of Public and Consumer Affairs will assess on an annual basis the effectiveness of the Department's communications efforts and recommend improvements. ^{Could be stakeholder monitored}
- The Director of Public and Consumer Affairs and the Assistant Secretary for Human Resources and Administration, working with the Programmatic Assistant Secretaries, will identify and coordinate communication/public involvement training on a priority basis until all appropriate headquarters and site personnel are trained.

May
hide truth
on what's
going on

↓ timing?
How long?

5. The Department must foster candid information exchanges directed at reaching a common understanding of options and risks and developing consensus.

Implementing actions:

- Whether formal or informal, all public involvement activities will be conducted in a spirit of openness, respect for different perspectives, and a genuine quest for information and ideas.
- The Department will work to establish, announce, and manage a data base of real-time information available to the public through telephone and computer access points.

*include and ^{try to} understand
Public viewpoint*

FAX TO 665 1718.

Rt 4 Box 57E
Santa Fe, NM 87501

January 12th. 1994

Christina Armijo, A316
Los Alamos Area Office
USDOE
Los Alamos, NM 87545

Dear Christina,

I have just seen the Draft Public Involvement Policy which is being circulated for comment. Thank you for the opportunity to give input on this draft. My comments are:

1. If the public is to have a meaningful interaction on policy and other issues, it is vital that more than all the relevant information is available. In some areas this will conflict with national security issues and classification. I did not see this addressed in the document. This particularly applies to members of the future SSAB.
2. In the guidance document, first paragraph, I would like the strategic plan to be particularly called out in the second line.
3. In the last line of the same paragraph, and with security issues in mind, add "of Americans" after "view"
4. Under Critical Policy Elements, item 1, first implementing action, add "completeness" after "honesty". In dealing with the lay public who are often not trained in legal and technical issues, one wants to ensure that this is not taken advantage of.
5. Under Critical Policy Elements, item 3 change "Cooperation will be rewarded" to "Cooperation will be recognized". This gives the DOE and contractor management more flexibility. The document is saying that acting as an integrated team is a new part of the job and the use of the word "reward" implies raises for doing the job when I believe that raises above cost of living should be for an exceptional job.
6. Under Critical Policy Elements, item 5, add "...and understanding values" after "information and ideas" I think that this better expresses the attitudes that are being promoted in the document.

As a general point, I do worry that the new policy is very broad and will come at a high cost. On the other hand, I think that public involvement at the right level will potentially help the DOE and laboratories like LANL with fresh outlooks, perspectives and community understanding instead of suspicion.

Sincerely,



12 January 1994

To: Department of Energy, Los Alamos Area Office and Los Alamos
National Laboratory

From: Gloria Gilmore-House, Los Alamos citizen and member of the Working Group to
Address Los Alamos Community Health Concerns

RE: Comments on the Draft Public Involvement Policy for the Department of Energy

As a resident of Los Alamos county and a member of the Working Group to Address Los Alamos Community Health Concerns, I admire the risk-taking aspect demonstrated by this bold Public Involvement Policy drafted by DOE leadership. From my point of view, DOE and LANL need to reassert themselves as leaders with pride in their product, faith in their ethics, and the ability to share it with the public. I remain skeptical, though, that they can change this much this fast.


One of my concerns is that changing a 50 year old culture from a closed, "no questions asked without a need to know" mentality to "an open, participatory culture that values diversity and innovation" will not happen quickly. An immense amount of time and energy will be needed to change mind sets. It necessitates a long-term commitment from everyone involved, DOE, LANL, and the public. How deep is this commitment to change? Is it simply a fad or will it continue beyond the present administration? If such an initiative begins and dies before it can take root, the public will grow even more skeptical and cynical. Therefore, before I take this initiative too seriously, I need a better understanding of how broad its support is.

DOE wants public involvement but DOE/LANL needs to understand that the burden of this transformation is on them. Why, for example, are risk-taking and peer review the only core values singled out as benchmarks for performance assessment in this document? Why aren't the other laudable values listed of accountability, fairness, openness, respect, sincerity, consistency, honesty, responsiveness, and scientific credibility also included as a measure of one's performance? They need to be.

Why when diversity is valued as an asset does LANL disband all special interest groups that had been created under the Work Force 2000? Diversity needs to be nurtured until it's routinely accepted at LANL and in our society in general. Such groups can help achieve this. By summarily disbanding them, then asking for the groups' input, LANL is operating in its business as usual, command-oriented hierarchy. Such actions don't support the words of the Public Involvement Policy.

I applaud your new commitment to making real-time information available to the public. This is basic; Environmental Surveillance reports that require 18 months from data to public suggests misplaced priorities.

With every best wish that this new policy can become a reality!



Gloria Gilmore-House
1440 45th Street, Los Alamos, NM

84
Jan 10, 1994

Christina Armijs
Dept of Energy

Dear Ms Armijs

We have received your request for comments on Los Alamos Laboratory's plans for the future. We are in favor of source reduction and waste minimization and are not in favor of expanding the role of the Laboratory by using photonium! The Laboratory should be used for peaceful purposes of vaccines, drugs, such as researching more uses for solar energy and other renewables. Recycling the waste stream, making cars more fuel efficient, factories less polluting - there is much to be done if our world is not to get so polluted that it will eventually be the end of human kind.

Sincerely

Carolyn Kachulla
Arnold Kachulla

Ms. Christina Ormigo
DOE, LAO

12 Jan 1994

Ms. Ormigo:

I am commenting on the DOE "Public Involvement Decision Making Policy".

For input on environmental clean-up, pollution prevention, contamination, etc., the public should be involved. So accurate, effective solutions can be found for contamination clean-up, the public should be given the reasoning behind the contaminating processes and the composition of the contaminants. In short, people have a right to know what is contaminating the areas where they work, live and play. This is the point where DOE must shift to a more guarded position. For example; nuclear power plant spent fuel rods can be used as an illustration. You educate the public on the mining process of uranium and thorium, the release of energy in the reactor and the change-out of the spent rods. You do not publicize the route of the new fuel rods or of the spent rods to the storage facility.

you do not publicly emphasize the fact that there is enough uranium and thorium left in spent rods to create a nuclear weapon.

This same reasoning should be used on de-classified information. Case-in-point: Mr. Mello of the Los Alamos Study Group. He and his group have the right to information concerning contamination, clean-up, the processes causing the contamination and the DOE policy on clean-up. He and his group have no reason whatsoever to get their hands on weapons' production processes, quotas, composition, testing etc. LANL security dictates dissemination of information on a "Need to Know" basis.

No rationalization in the world can convince me that a "group" has the right to sensitive information concerning the place, process, components and testing of strategic weapons.

The "Cold War" may be over, but there is an even greater threat coming from the "Third World" countries. DOE must be careful that in its effort to build a better relationship with the public it doesn't release information that could aid terrorists in the making of high-tech weapons.

Public input on clean-up, environment, etc., should be welcomed. Public input concerning development, testing and evaluation of high-tech weapons should not be implemented. Again, dissemination of this information to lay-people would only play into the hands of third-world terrorists and their quest for high-tech weapon information.

DOE and its effort to open up deserve much credit. However, when the question of public information vs. National Security comes up, National Security should be of paramount priority and concern.

Thank you for your time.

Sincerely,

David E. Kline
LANL/JCI

Comment on draft Public Involvement Policy
Received by LAAO verbally, 1/13/94

From: John F. Darke, Citizen, Los Alamos County

In terms of input with respect to public information, I am currently looking at in my capacity as a document researcher, a proposed D&D plan for TA-21, Buildings 3&4. That document proposes to be substantiated by many other contractor documents which I have requested. I have had excellent cooperation with the Reading Room, the Report Library (Oppenheimer) and OS-1. Repeat ... excellent, prompt and timely response to my request for documents.

That cooperation notwithstanding, numerous primary references proposed by way of substantiation by the TA-21 D&D plan have been classified documents. The section 148 review has been timely; however, certain documents remain classified and are unavailable. The gist of my comment is that proposed plans submitted for public comment should not rely upon "secret" references by way of substantiation.

In winter of 85/86, had interface which overlapped TA-21. Area Office attorney and staff were very helpful. I would welcome cooperation with the DOE at this time to mitigate the problems which are rapidly accruing due to the failure of the contractor to declassify documents required for a hard look at the TA-21 D&D proposal, dated 8/28/93 (DADEM13-93-004).

Comment on draft Public Involvement Policy
Received by LAAO verbally, 1/12/94

From: Erwin Binder, NIS-8, LANL (667-2940)

"Based on witnessing false and deceptive statements made recently by the Secretary of Energy, I have no confidence that the proposed public involvement process will not be subverted by political considerations."

Comments on Draft Public Involvement Policy

Jay Edgeworth

The purpose statement should contain a statement how more stakeholder involvement can reduce costs (e.g. stakeholder involvement in the planning stages of an Environmental Restoration project could reduce delays and legal issues later).

If we are truly committed to openness and public involvement, DOE personnel other than branch chiefs and above have to be involved. Goal 1 refers to every employee sharing in public involvement, but no responsibilities are listed for all employees, and no mention is made of employee involvement in the Secretary's implementation memo. By employee involvement I mean when the public meets a DOE person, he/she will be considered by the public as a DOE representative. No consideration will be given as to the DOE person's qualifications to be a DOE representative; by virtue of their employer all DOE employees are its representatives to the public. Front-line personnel (facility reps, inspectors, etc.) will have the most face-to-face contact with lab personnel as well as interacting with representatives at their level from the public, and state and local authorities. It is thus important they be apprised of their responsibilities and be given the instructions necessary to adequately carry out their roles in the new era of openness. This means everyone (not just 'appropriate personnel') should be given public involvement training (see guidance memo part 4 bullet 2).

In addition, the public involvement issue does not only occur during work hours. DOE personnel at every level should always consider themselves representatives of the U. S. government and respond to questions raised by concerned individuals or groups. This response is not necessarily to provide detailed information; it may be to simply refer them to the appropriate public affairs person.

In short, the draft seems only to address the roles of public affairs officers and area managers and above. It is a mistake not to empower **all** employees to respond to the public's concerns since **all** employees will be dealing with the public on a daily basis, whether or not they are officially representing the department at that moment.

CORE VALUES

Accountability
Fairness
Openness
Respect
Risk-taking
Sincerity

*Why are these
different than the
B DOE HQ
used?*

Consistency
Honesty
Peer Review
Responsiveness
Scientific Credibility

RESPONSIBILITIES:

Under this policy, public involvement will be a discrete performance element for senior departmental and program managers directly responsible for its effective implementation.

To assure a consistent approach throughout the agency and with its contractors and to avoid unreasonable demands on site personnel or the public's time, Program and Staff Offices will coordinate their public involvement activities through the Office of Public and Consumer Affairs, at headquarters and in the field. This coordination role in no way limits or dilutes program managers' responsibility to plan, fund, and support appropriate levels of public involvement in their programs.

The Principal Secretarial Officer and Senior Departmental Managers will ensure that public involvement principles, values, and processes are fully understood and practiced within their programs and that necessary training and resources (human, information, systems, and financial) are provided.

Program Managers are responsible for identifying, planning, budgeting, and implementing the appropriate level and scope of public involvement activities in their programs, and routinely coordinating activities through the Office of Public and Consumer Affairs. Program managers will assure that their staff receive basic communication training and, where appropriate, advanced public involvement training.

The Director of Public and Consumer Affairs, headquarters, will establish a point of contact and mechanisms to coordinate public involvement activities Department-wide, and to assure that initiatives, as identified and implemented by secretarial officers and program managers, are carried out in a consistent, equitable, integrated manner. Public and Consumer Affairs will provide advice and support to program offices in developing and implementing effective communications/public involvement strategies and information materials for local communities, stakeholders, employees, and the media.

Managers of Field Organizations are responsible for assuring that public involvement activities at their respective facilities and sites meet local needs, are appropriately coordinated, and reflect Departmental principles and values. Field managers will regularly advise headquarters on public involvement issues/needs of regional or national importance and recommend appropriate courses of action.

Comment on draft Public Involvement Policy
Received by LANL electronically, 1/3/94

From: Laboratory Director, Sig Hecker

"I think this is a very important policy. One comment that I have is that where it says that the public is empowered to participate, we face the classic problem of 1) who is the public? 2) Accountability is the flip side of empowerment. How do we get the public to be accountable?"

Comment received on Public Involvement Policy by LANL 1/5/94

From: LANL Public Affairs Director, Scott Duncan

"I have no problems with the draft policy as outlined. In theory it should work. However, as a practical matter, I'm not too sure just how we "empower" and "include" the public in the decision making process.

Comments received verbally by LANL 1/11/93

From John Ussery, FAX 581-4551

"Two days is not enough time to comment. This seems to be noise from DOE headquarters. Enough time must be allowed for the public to truly respond."



BRUCE KING
GOVERNOR



ANITA LOCKWOOD
CABINET SECRETARY

93

January 18, 1994

locked

Christina Armijo, A316
Los Alamos Area Office
U.S. Department of Energy
Los Alamos, NM 87545

Subject: DRAFT PUBLIC INVOLVEMENT POLICY

Dear Ms. Armijo:

Thank you for sending us a copy of the draft Public Involvement Policy. On behalf of the State of New Mexico's Radioactive Waste Consultation Task Force (Section 74-4A-6 New Mexico Statutes Annotated 1978), we offer the following comments and recommendations on the policy.

COMMENTS and RECOMMENDATIONS on DOE'S PUBLIC INVOLVEMENT POLICY

The U.S. Department of Energy (DOE) is commended for this initiative to enhance public involvement in its planning activities and program operations. We believe a comprehensive, effective policy governing public information and participation will yield significant benefits for all stakeholders, but particularly for the DOE itself.

The decision by DOE to develop a Department-wide public involvement policy comes at a critical time. The WIPP Project is currently in the early stages of a major transition. This situation presents DOE with an opportunity for application of the new public involvement policy. The planning and conduct of WIPP operations and activities must proceed in a manner which provides all stakeholders a chance for meaningful input early in the decision-making process.

VILLAGRA BUILDING - 400 Eastline
Forestry and Resources Conservation Division
P.O. Box 1040 87504-1040
827-3830
Park and Recreation Division
P.O. Box 1147 87504-1147
827-7446

2040 South Pastore
Office of the Secretary
827-5800
Administrative Services
827-5825
Energy Conservation & Management
827-5800
Mining and Minerals
827-5970

LAND OFFICE BUILDING - 510 Old Santa Fe Trail
Oil Conservation Division
P.O. Box 2085 87504-2085
827-5800

Christina Armijo
DOE Public Involvement Policy
January 18, 1994

The timing of this policy initiative also relates to DOE's ongoing efforts to clean up and reconfigure the nuclear weapons complex. These efforts are difficult tasks in and of themselves. However, in light of recent and continuing revelations of human radiation experiments, complex cleanup and reconfiguration may become even a more significant challenge.

DOE is encouraged to move expeditiously toward adoption and implementation of a credible public involvement policy. Such a policy will be a demonstrable first step toward earning the public's trust and confidence. It will be useful in guiding the process for public participation in development of the Programmatic Environmental Impact Statement(s) on environmental restoration, waste management, and reconfiguration of U.S. nuclear weapons facilities.

In finalizing this first draft of a policy, DOE should carefully review a recently released report of the Secretary of Energy Advisory Board Task Force on Radioactive Waste Management entitled "Earning Public Trust and Confidence: Requisites for Managing Radioactive Wastes," November 1993. In particular, the findings and recommendations of the Task Force provide many valuable insights which are directly relevant to the formulation of a DOE-wide public involvement policy. DOE could be well-served if this policy embodies the guiding principles outlined in the Task Force report for interacting with external parties.

It is strongly recommended DOE pay particular attention to implementation of the policy in the field. Often a well-thought-out plan or policy conceived in good faith fails to achieve its objective because of poor implementation. In a large and geographically disperse organization such as DOE, even greater attention to effective policy implementation is warranted.

In addition, we recommend DOE take the necessary steps to monitor and evaluate the effectiveness of its *Public Involvement Policy*. Various tools, including focus groups and time-series surveys, can be used to determine whether the policy is effective in achieving its stated objectives. This is an important element of the overall policy development process.

Finally, we offer a constructive criticism of the solicitation of stakeholder input on this draft *Public Involvement Policy*. A notice from the DOE Los Alamos Area Office about the policy was postmarked January 6 and received in this office on January 7, 1994. A copy of the draft policy was not included with the notice.

Christina Armijo
DOE Public Involvement Policy
January 18, 1994

Notwithstanding these circumstances, comments were requested "NO LATER THAN JANUARY 13." Providing less than five working days to acquire a copy of the policy, review it, and develop substantive comments sends the wrong message to the public about DOE's sincerity and commitment to meaningful stakeholder involvement. It is especially the wrong message to be sending when the issue is public participation. We urge DOE to take corrective action to ensure DOE handles future solicitations more appropriately.

Thank you for this opportunity to comment on the DOE's draft *Public Involvement Policy*. Please contact Chris Wentz of my staff at 827-5950 should you have any questions concerning these comments.

Sincerely,



ANITA LOCKWOOD
Chairman
Radioactive Waste Consultation Task Force

c: John McKean, Office of the Governor
Task Force Cabinet Secretaries
Patricia Trujillo-Oviedo, Stakeholder Involvement Office, LANL

United States Government

Department of Energy

memorandum

Carlsbad Area Office
Carlsbad, New Mexico 88221

DATE: JAN 14 1994


REPLY TO
ATTN OF: CAO:PAO:PBS 94-0098

SUBJECT: Review of Draft Public Involvement Policy

TO: Leroy Apodaca, OIEA-AL

The Carlsbad Area Office (CAO) performed an internal review of the subject document and provided it to stakeholders in Carlsbad and Hobbs for comment. As of this date no comments have been received from the stakeholders and CAO did not have any changes to suggest.

If you have any additional questions, please call me at 234-7313.


Patty Baratti-Sallani
Intergovernmental & External
Affairs

Interoffice Memo

MARTIN MARIETTA

MARTIN MARIETTA SPECIALTY COMPONENTS, INC.

95

DATE: January 14, 1994
TO: Leroy E. Apodaca
FROM: Jane Malagon
SUBJECT: Review of Draft Public Involvement Policy

A review of the subject policy by Martin Marietta Specialty Components and the Department of Energy Public Affairs Office has been completed. There are just a couple of comments for your consideration. (The underscore indicates the revision.)

Purpose: Public Involvement brings a full range of diverse stakeholder viewpoints and values into the Department's decision-making early in the process, enabling the Department to make better decisions and building mutual understanding and trust between the Department and the public it serves.

GOALS: III. The public is informed about and encouraged to participate in Departmental decision-making. (Final decisions rest with the Department.)

If further information is needed, please feel free to contact me at (813)545-6771 or Shirley Cheatham at (813) 541-8253.

cc: Gene Pressoir

UMTRA:GF

Leroy E. Apodaca, Director, OIEA, AL

Review of Draft Public Involvement Policy

The following is our review of the Draft Public Involvement Policy which you distributed for comment December 17, 1993. The policy conveys a strong commitment to involve the public in decision making at all levels of the Department.

COMMENTS

Specific:

The last sentence under the heading "DEFINITION" is a strong one. It might be more effectively placed under the first heading "POLICY." The sentence reads: "The Department will actively seek, incorporate, or otherwise respond to the views of its stakeholders."

General:

1. Implementation of the policy will require complementary training for senior managers in the field, and public affairs management and staff.
 - a. Senior management, in addition to developing complementary new values and assumptions, must learn to involve public affairs early at the strategic planning level.
 - b. Public affairs professionals tend to come from media relations/communication technician backgrounds. Public participation requires that they learn new roles with a stronger emphasis in strategic counseling to senior management. The transition is a substantive one requiring development of new values, assumptions, and skills.
2. Public participation impacts schedules and entails costs. Public participation requires more interaction between management and stakeholders. It also requires more public affairs support time. While the end result of public participation is likely to be decisions which are more easily implemented due to public acceptance, a resource investment is required to achieve the long-term gain. Public participation is likely to impact schedules when the public does not

accept planned actions. This means that public participation must be included in schedules with sufficient time allowed for response to stakeholder input.

Should you have any questions, please do not hesitate to contact Gaeton Falance of my staff at 845-5636.

Albert R. Chernoff
Project Manager
Uranium Mill Tailings Remedial Action
Project Office

cc:
F. Morgan, TAC

DATE

POLICY ON PUBLIC INVOLVEMENT

POLICY: The policy of the Department of Energy (DOE) is that public involvement must be a routine component in program operations and planning activities, at headquarters and in the field.

PURPOSE: Public involvement brings a full range of diverse stakeholder viewpoints and values early into the Department's decision-making process, enabling the Department to make better decisions and building mutual understanding and trust between the Department and the public it serves.

BACKGROUND: The Energy Department is relatively new at encouraging public involvement in its affairs. The Department grew largely out of the highly regimented Cold War culture of two of its predecessor agencies, the Atomic Energy Commission and the Energy Research and Development Administration. The focus was on national defense through nuclear deterrence, the priority on design and production of nuclear weapons, and the emphasis on classified information and legally-required secrecy.

"legally-required" what does that mean? Secrecy? Information Classified information is an inherent part of weapons development.

Changing this 50-year-old culture from a closed, command-oriented hierarchy into an open, participatory culture that values diversity and innovation requires special attention and leadership from the top down. Such leadership and change are essential if the Department is to succeed in meeting the economic and environmental challenges of the next century.

DEFINITION: Public involvement provides a means for Americans to influence decisions made by their government. It requires routine, substantive two-way communication between the Department of Energy and other governmental entities, organized groups, individuals, and the general public interested in and/or affected by the Department's decisions and activities. This communication will vary widely in nature and scope, from informal conversations between individuals to scheduled meetings and workshops, to legally-required public meetings and hearings and federal-state-local-Tribal agreements. The Department will actively seek, incorporate, or otherwise respond to the views of its stakeholders.

what's the difference between "individuals" and "general public"? If individuals are as important as the general public, why aren't they listed? Agreements are not a form of communication.

GOALS:

- I. Credible, effective public involvement processes are routinely incorporated into the Department's daily program operations and long-term planning activities, at headquarters and in our laboratories, facilities, and field offices, with every employee sharing responsibility to practice and improve public involvement.
- II. A clearly defined, coherent internal decision-making process with known access points for public involvement is routinely followed.
- III. The public is informed about and empowered to participate in Departmental decision-making.

-I'm concerned that this is a much too broad a statement. I realize that the policies put down on paper are rarely, if ever, complied with, but this may promise too much. It is not possible for the public to be empowered in DOE decision-making - except for certain ones. b/c DOE would become bogged down in a morass of public comment it would have to deal with every step of the way. This should more narrowly delineate in what ways or decisions the public can participate - and how

I don't understand what this means. (I think this is a decision-making process) for example, would this policy be implemented by the famous "DOE's the County" committee? Make it possible for the public to participate in the decision-making process.

CORE VALUES

Accountability
Fairness
Openness
Respect
Risk-taking
Sincerity

Consistency
Honesty
Peer Review
Responsiveness
Scientific Credibility

RESPONSIBILITIES: *→ Taking risks is a core value? Such as the risks taken in injecting people with radioactive isotopes w/o their knowledge? How about "prudence" as a value?*

Under this policy, public involvement will be a discrete performance element for senior departmental and program managers directly responsible for its effective implementation.

To assure a consistent approach throughout the agency and with its contractors and to avoid unreasonable demands on site personnel or the public's time, Program and Staff Offices will coordinate their public involvement activities through the Office of Public and Consumer Affairs, at headquarters and in the field. This coordination role in no way limits or dilutes program managers' responsibility to plan, fund, and support appropriate levels of public involvement in their programs.

how do you coordinate "informal conversations" between individuals?
See comment previous page. This is why that statement concerns me.

The Principal Secretarial Officer and Senior Departmental Managers will ensure that public involvement principles, values, and processes are fully understood and practiced within their programs and that necessary training and resources (human, information, systems, and financial) are provided.

Program Managers are responsible for identifying, planning, budgeting, and implementing the appropriate level and scope of public involvement activities in their programs, and routinely coordinating activities through the Office of Public and Consumer Affairs. Program managers will assure that their staff receive basic communication training and, where appropriate, advanced public involvement training.

The Director of Public and Consumer Affairs, headquarters, will establish a point of contact and mechanisms to coordinate public involvement activities Department-wide, and to assure that initiatives, as identified and implemented by secretarial officers and program managers, are carried out in a consistent, equitable, integrated manner. Public and Consumer Affairs will provide advice and support to program offices in developing and implementing effective communications/public involvement strategies and information materials for local communities, stakeholders, employees, and the media.

Managers of Field Organizations are responsible for assuring that public involvement activities at their respective facilities and sites meet local needs, are appropriately coordinated, and reflect Departmental principles and values. Field managers will regularly advise headquarters on public involvement issues/needs of regional or national importance and recommend appropriate courses of action.

Field Public Affairs/External Relations Directors will work with field managers to provide the same coordinating/integrating role for site public involvement activities as the Director of Public and Consumer Affairs provides department-wide.

DRAFT

DATE

MEMORANDUM FOR: HEADS OF HEADQUARTERS ELEMENTS
MANAGERS, DOE OPERATIONS OFFICES

FROM: THE SECRETARY

SUBJECT: GUIDANCE ON IMPLEMENTATION OF THE DEPARTMENT'S PUBLIC
INVOLVEMENT POLICY

It is the policy of the Department of Energy (DOE) that public involvement be a routine component in program operations and planning activities, at headquarters and in the field. This policy marks a clear break with past practice by challenging the Department and its contractors to embrace a new culture of openness and service. Henceforth, the business of the Department will be open to the full view and input of those whom it serves.

While public involvement processes must be tailored to specific site and program needs, the following broad guidance is provided to assist headquarters and field managers in implementing this policy department-wide. Several critical policy elements and implementing actions are identified below. These should be viewed as a beginning point. They illustrate the comprehensive nature of public involvement as envisioned in this policy and the innovative leadership required to implement it. Using the following elements as a guide, you should consult with your stakeholders to develop public involvement plans and activities appropriate to their needs and views.

CRITICAL POLICY ELEMENTS

1. The Department recognizes that honesty, forthrightness in dealing with external parties, and consistent, credible, quality performance are the bases on which to build public understanding and trust.

Implementing actions:

- Officials representing the Department will be empowered and accountable for the honesty and accuracy of their public statements and for assuring diligent follow-up and timely results from the commitments they make.
- Departmental officials will routinely and consistently listen and respond to public input.
- The new benchmark for excellence will be leadership performance.
which leads to improved public involvement
- Risk-taking will be rewarded. *→ see comment p. 2*
- Peer review will be encouraged.

DRAFT

2. Departmental program development, planning, and decision processes must be clearly defined, with regular, well-known access points for public input.

Implementing actions:

- Principal Secretarial Officer and other senior departmental managers will ensure that other affected program officials, site managers, and stakeholders are appropriately integrated into their planning and decision-making processes.
 - Site managers, as those closest to affected communities and interested parties, will advise on appropriate pre-decisional access points for public input and facilitate accommodation between local and national interests.
3. Headquarters, laboratories, facilities, and field offices will operate as an integrated team in planning public involvement activities, combining resources, sharing information, and coordinating schedules.
 - Cooperation will be rewarded.
 - Site managers and local program officials will routinely advise headquarters on local stakeholder needs/concerns and on the appropriateness/adequacy of public information/involvement efforts in their areas.
 - The Director of Public and Consumer Affairs, working with the Programmatic Assistant Secretaries, will develop consistent formats and clearance procedures for public information materials.
 4. The Department must establish and support training/education programs to meet evolving public involvement needs, both internal and external.

Implementing actions:

- The Director of Public and Consumer Affairs will assess on an annual basis the effectiveness of the Department's communications efforts and recommend improvements.
- The Director of Public and Consumer Affairs and the Assistant Secretary for Human Resources and Administration, working with the Programmatic Assistant Secretaries, will identify and coordinate communication/public involvement training on a priority basis until all appropriate headquarters and site personnel are trained.

5. The Department must foster candid information exchanges directed at reaching a common understanding of options and risks and developing consensus.

Implementing actions:

- Whether formal or informal, all public involvement activities will be conducted in a spirit of openness, respect for different perspectives, and a genuine quest for information and ideas.
- The Department will work to establish, announce, and manage a data base of real-time information available to the public through telephone and computer access points.

DATE

POLICY ON PUBLIC INVOLVEMENT

POLICY: The policy of the Department of Energy (DOE) is that public involvement must be a routine component in program operations and planning activities, at headquarters and in the field.

PURPOSE: Public involvement brings a full range of diverse stakeholder viewpoints and values early into the Department's decision-making process, enabling the Department to make better decisions and building mutual understanding and trust between the Department and the public it serves.

BACKGROUND: ^{DOE} The Energy Department is relatively new at encouraging public involvement in its affairs. The Department grew largely out of the highly regimented Cold War culture of two of its predecessor agencies, the Atomic Energy Commission and the Energy Research and Development Administration. The focus was on national defense through nuclear deterrence; the priority, on design and production of nuclear weapons; and the emphasis on classified information and legally-required secrecy.

Changing this 50 year old culture from a closed, command-oriented hierarchy into an open, participatory culture that values diversity and innovation requires special attention and leadership from the top down. Such leadership and change are essential if the Department is to succeed in meeting the economic and environmental challenges of the next century.

DEFINITION: Public involvement provides a means for Americans to influence decisions made by their government. It requires routine, substantive two-way communication between the Department of Energy and other governmental entities, organized groups, individuals, and the general public interested in and/or affected by the Department's decisions and activities. This communication will vary widely in nature and scope, from informal conversations between individuals to scheduled meetings and workshops, to legally-required public meetings and hearings and federal-state-local-Tribal agreements. The Department will actively seek, incorporate, or otherwise respond to the views of its stakeholders.

- GOALS:**
- I. Credible, effective public involvement processes are routinely incorporated into the Department's daily program operations and long-term planning activities, at headquarters and in our laboratories, facilities, and field offices, with every employee sharing responsibility to practice and improve public involvement.
 - II. A clearly defined, coherent internal decision-making process with known access points for public involvement is routinely followed.
 - III. The public is informed about and empowered to participate in Departmental decision-making.

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