

EVOLVING STRATEGIES FOR INVOLVING THE PUBLIC IN INEL FIVE-YEAR PLANNING

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ABSTRACT

The role of the public in relation to the operations of the Department of Energy (DOE) has evolved from its initial stage of complete exclusion to its current position. The second stage in this evolution consisted of informing the public of the DOE's decisions and how they were made after the fact. This second stage, driven by regulatory acts and orders, has been surpassed.

The future operations of the DOE will have to include a partnership with the public: true involvement in the planning and decision-making processes of facility operations. In this third stage, decisions will be made after consultation with stakeholders to ensure that public interests and concerns are considered and responded to. Stakeholders may range from federal and state agency representatives to members of environmental "watchdog" organizations and the general public. To obtain credibility with these stakeholders, the DOE needs to demonstrate responsiveness to stakeholder comments and concerns in both its tangible products and in its intangible operating philosophy.

This paper reviews this evolution within DOE-ID's Environmental Restoration and Waste Management (EM) programs at the Idaho National Engineering Laboratory (INEL); Much of this evolution has occurred within the context of the Five-Year Planning process. We evaluate public involvement activities that have been implemented to date, provide an assessment of the INEL's current position in the transition from public information to public involvement, and outline the direction in which the DOE-ID is headed.

PUBLIC EXCLUSION

The role of the public in the process of planning and executing the DOE's programs has evolved significantly over the last twenty years. In the 1960s and 1970s, the DOE's predecessors—the Atomic Energy Commission and the Energy Research and Development Administration—had few or no requirements to include the public in their decision-making process. In fact, because most facilities were involved in the production and development of nuclear weapons or in sensitive research into nuclear energy for the armed forces, the public was excluded from learning anything about their operations. Because of legitimate national security concerns, providing information to the public was rare. The main purpose of external affairs offices was to provide the minimum amount of information to the public possible and to perform "damage control" when accidents or other incidents occurred that aroused the public's interest.

As the Cold War came to a close and the need for secrecy disappeared, it became apparent that the agency had not always been as concerned with the protection of the environment or human health and safety in its operations as it should have been. Environmental problems became apparent at almost every one of the DOE's sites. In Ohio, the Fernald site was sued by the state for discharging radioactive material into the air and the ground; the FBI raided the DOE's facility in Rocky Flats, Colorado, to investigate allegations of violations of many environmental regulations; evidence came to light that radioactive hazardous waste stored at the DOE's "Hanford" facility had leaked from underground storage tanks and contaminated local groundwater. The Environmental Protection Agency (EPA) placed most of the DOE's sites—including the INEL—on its National Priorities List and required that they be remediated as dictated by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). So that the DOE could manage the large number of cleanups throughout the country, a Prin-

icipal Secretarial Office known as Environmental Restoration and Waste Management (EM) was formed. The EM Office was responsible for cleaning up the various sites and beginning a waste management program to minimize the generation and oversee the disposal of hazardous materials at the DOE's sites. At each affected site, an organization to administer EM activities was formed, headed by an individual at the Assistant Manager level.

PUBLIC INFORMATION

CERCLA brought a regulatory requirement of interaction with the public. CERCLA required that the public be informed of the process and schedule for cleaning up the DOE's facilities. A Community Relations Plan was needed to establish how the public would be informed of the EM status. An additional requirement dictated that the DOE's Field Offices establish a formal relationship with the state and the EPA to negotiate and document how cleanup activities would be performed at their respective sites. The DOE Idaho Field Office signed a Federal Facilities Agreement with the state of Idaho and the EPA in November 1990.

It soon became obvious that cleaning up all of the DOE's facilities would be very expensive. At the Headquarters level, a decision was made to document to Congress and the public what the DOE was doing to clean up its facilities. To justify the large amounts of money that would be needed to perform the cleanup, the Environmental Restoration and Waste Management Five-Year Plan was established to record progress. At each site, a Site-Specific Plan was written to document how the Five-Year Plan would be implemented at the local level.

At this stage, efforts were focused on informing the public of the DOE's activities. For instance, after publishing the Five-Year Plan and the Site-Specific Plan, public meetings were held and the public's comments recorded. Any comments collected were considered in the following year's version. Distinct cleanup actions under CERCLA also used

public meetings to inform the public of the DOE's intentions. In Idaho, meetings were held at four major cities throughout the state: Idaho Falls, Pocatello, Twin Falls, Boise. It soon became apparent that Northern Idaho considered itself an affected stakeholder in the INEL's activities, and Moscow was added to the list of meeting locations.

PUBLIC INVOLVEMENT

The key to public involvement is access. Stakeholders want access to information, and access to the process of decision-making. It is not that the public wants to make the decisions themselves *per se*; rather, they desire to understand how decisions are made and to ensure that concerns external to the DOE are heard and considered.

It soon became apparent that the process of public information, while it had been successfully expanded to exceed the minimum regulatory requirements, was still not adequate in the eyes of regulating agencies or public stakeholders. At every public meeting, the DOE-ID came under fire for having made decisions prior to receiving the public's comment. The condition that the decisions had yet to be signed was viewed as a technicality, not as empowerment. In response, the DOE-ID began to re-evaluate its public involvement methods to include techniques above and beyond administrative order requirements. These techniques included public review of documents in draft form, expanded communication formats, and greater public scrutiny of the DOE's planning strategies.

Public Review of Draft Planning Documents

By releasing the Fiscal Year-1993 Site-Specific Plan for the INEL as a draft, the DOE-ID made a major step towards giving the public an opportunity to provide input into a planning document. Previous Comment Response documents had been printed separate to and later than the Site-Specific Plan. Releasing the document in draft form, however, allowed the DOE-ID to include the Comment Response documentation as an appendix to the Site-Specific Plan. Thus, the public was able to see the concerns expressed during the comment period, DOE-ID's written responses to each comment, and some indication that the comments had been heard as indicated by physical changes in the text and format of the final document.

This last point cannot be emphasized enough. Public involvement is reinforced when the public can see how their input affected the outcome of the final product or decision. Without this reinforcement, the public may feel as if they are yelling at a forty-foot wall, unable to see over to the other side or climb its height to get inside. Frustration and apathy, accompanied by a less-than-positive perception of the agency in question, generally result. Comment Response documents for CERCLA actions accompany the Record of Decision; the burden of proof that true public involvement occurred is left with the party writing the document to express in the language of the document. By attaching its Comment Response document to the final product, the DOE-ID was able to expand upon traditional response methodology by acknowledging the public's comments and referencing distinct places where public comment had changed text and format.

Public involvement can also be reinforcing to internal personnel; by allowing the public access to decisions and taking the time to listen to their issues and concerns, the final decisions should have both greater public acceptance and be of a higher quality. In the case of the Draft FY-1993 Site-Spe-

cific Plan, public comment served to give those parties responsible for the finalization of the draft a concrete record of the public's guidance; uncertainties and editorial inconsistencies were identified alongside questions and concerns.

The Evolution in Communication

The transition from informing the public to actually involving the public is an enormous communications challenge. It requires an expansion of public information to ensure that all information released is technically accurate, understandable to all parties, and complete. Giving public stakeholders partial information — as was the case during the Public Information stage — does little to improve the *decision-making* process; it may, in fact, hinder the process by fostering greater public resistance. As the DOE expands its efforts to open a dialogue with public stakeholders, it must provide a means of reaching and interfacing with all ages, professions, and cultures.

The preparation of a student version of the DOE's Environmental Restoration and Waste Management Five-Year Plan for FYs 1994-1998 is a prime example of improving methods of communication to all parties. "Student" in this case can apply to all individuals learning the details of the DOE's purpose and operations; the document provides an excellent overview of the DOE's EM plans and anticipated activities in a concise and communicable manner, and provides a good background to anyone unfamiliar with EM. The Five-Year Plan itself has also seen a significant reduction in number of pages, in an effort to reduce the sheer bulk of the document and focus on cross-cutting objectives, major initiatives, and progress made during the past year.

The DOE-ID has also begun adapting its INEL public involvement activities to better facilitate an open dialogue between all parties. Early on, DOE-ID's public meetings took the rigid form of court room proceedings: following a technical presentation by INEL personnel sitting behind a table at the front of the room and a lengthy question-and-answer session, the public's formal testimony was transcribed by a court reporter. The DOE-ID has since shifted its meeting style from formal to informal, abandoning the components that created barriers to two-way communication.

The Draft FY-1993 Site-Specific Plan meetings saw several changes. Chairs were arranged in a circle so that INEL personnel could sit with the citizens in attendance, rather than hiding behind a table as a panel. Following a short presentation to familiarize the public with the Site-Specific Plan and particular topics the DOE-ID wanted to hear commented on, the floor was opened to questions *and* comments. This portion of the meeting was moderated by a facilitator, who served to funnel questions to the appropriate staff on-hand. A second person recorded the public's remarks on a flip chart at the front of the room. Following the INEL personnel's response, the facilitator verified that (1) *the citizen's question* had been answered and (2) that the point of the comment or question had been accurately captured on the flip chart. At other meetings, large posters rather than overheads were used to explain technical information. This system worked very well, as the posters were easily referenced during the question and answer session, and before and after the meeting, to illustrate points or expand on the information from the presentation. It also allowed the lights to stay on during the presentations, so that the public could see and hear the presenter. In addition, an open house was held for the hour preceding each meeting,

so that the public could come in, meet the technical personnel and talk one-on-one.

The DOE-ID continues to pursue alternate vehicles to obtaining public input. The most notable initiative will be the formation of a Site-Specific Advisory Board (SSAB), comprised of agency, Indian Nations, and other public stakeholders from around the state. The INEL has been chosen to be a test site for an SSAB, as outlined by the Federal Facilities Environmental Restoration Dialogue Committee, or Keystone Dialogue Committee. Once the decision to form an SSAB is finalized, its charter must be discussed and agreed to by the DOE, regulating agencies, and other appropriate stakeholders. This charter will define the purpose of the SSAB and the scope of issues it will consider. After the charter has been established, it will be the SSAB's responsibility to determine its operating procedures, schedule, products, and mechanisms for disbursing its support funds. It will also be up to the SSAB to determine, within the scope of its charter, which specific topics it wants to address. If the agencies would like the SSAB to consider specific topics such as high-level waste storage or review a specific work plan, they may offer the suggestion. But it will be up to the SSAB to determine what issues it should address.

Most importantly, the DOE must be willing to modify its plans in response to the SSAB's recommendations. For example, if the SSAB recommends that a specific Operable Unit scheduled for remediation be postponed to await the availability of a new technology, the agencies must be willing to adjust schedules that may be part of agreements among all of the agencies. For this reason, the EPA and state must also agree to the process of the SSAB and show a willingness to share some of their decision-making control, in advance of beginning the convening process.

Predecisional Input on Planning Processes

It is the access to decision making that may be the hardest to implement. The DOE's personnel may be hesitant to relinquish complete control of the process by which their decisions are made. The answer in this case is to consider internal management as an additional stakeholder; just as the public's concerns need be taken into consideration, so must the personnel responsible for the implementation of those decisions and outcome of those activities be allowed to voice their concerns.

The Five-Year planning process has recently initiated a process of "Roadmapping." Roadmap development at the DOE is a structured planning process focused on identifying how the "installation as it presently exists" compares with the "installation as the DOE wants it to exist" and the obstacles that divide the two. Roadmapping has three phases; the Assessment Phase begins with a thorough identification of the organizational and economic issues facing the site as well as its history and current cleanup efforts. During the Analysis Phase, key issues that could impact or hinder environmental restoration and waste management activities are identified

through root-cause analysis. During the Issues Resolution Phase, the DOE's planners develop solution to the problems they identified; those that cannot be fixed at the site are referred to Headquarters. At this time, the DOE-ID has roadmapped four major areas: Waste Management, Environmental Restoration, INEL high-level waste, and Land Disposal Restrictions Compliance.

The integration of public involvement and Roadmapping is readily apparent. Already established is the need to give the public more information; what better context to approach this in than in a cooperative and collaborative problem-solving effort? In the Assessment phase, the public can provide a prioritization matrix of issues and concerns as members of both the tax-paying public and local residents. During the Analysis phase, public involvement serves to educate the public as to the managerial challenges facing the DOE. There is also the opportunity for the public to identify the root causes of its resistance to DOE's operations. With this information in hand, Issue Resolution can proceed with both superior data and greater chances for public acceptance of the resultant decisions.

It is also necessary that the public be allowed to comment on the public involvement process itself. Making decisions internal to the DOE regarding the public's role and position in the decision-making processes would merely compound existing problems of bias and exclusion. The public needs to be consulted on what means of communication are most appropriate and what formats of comment collection and analysis most accurately reflect the public's opinion. Similarly, the public needs to realize the conditions facing internal management. When both internal and external parties see themselves as mutual stakeholders rather than opposing forces, compromise and consensus should be easier to establish.

TOWARD GREATER INVOLVEMENT

Looking ahead, the remaining challenges are extensive but attainable. As the role of the public and other external forces in the decision-making processes are established, internal management will require education. Public involvement may at first seem an added filter of approval, an extra barrier in the already difficult transition from planning to activity. But, by drawing on experiences such as the Draft FY-1993 Site-Specific Plan and the student version of the FYP, internal management should learn to appreciate public involvement both for the increased social acceptance of their decisions and the higher quality of the decisions that result. What remains, however, is to complete the transition from stakeholder input on planning processes to involvement *in* planning processes.

The expansion of mediums through which stakeholder input is assessed and disseminated should be mutually beneficial. With greater access to information and increased responsibility in the process, techniques such as SSABs provide public stakeholders and agency representatives with the necessary foundation for establishing productive relationships.