

Summary of Discussion and Suggestions
at the
Workshop on Developing a Consultative Process
Sponsored by
the U.S. Department of Energy
Office of Civilian Radioactive Waste Management

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Las Vegas, Nevada

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INTRODUCTION

On August 10, 1993, the United States Department of Energy (DOE) Office of Civilian Radioactive Waste Management (OCRWM) sponsored a "Workshop on Developing a Consultative Process" at the University of Nevada at Las Vegas. Approximately 190 representatives of interested groups and members of the public attended the day and evening sessions. The workshop's stated purpose was for the participants to recommend a consultative process through which interested parties could participate meaningfully in the civilian radioactive waste management program's direction and decision-making. The process would complement and help inform the Secretary of Energy Hazel R. O'Leary's current review of the program. The purpose of this report is to summarize and synthesize the workshop discussion and suggestions so that the Secretary and other decision-makers can consider them in planning a process for public involvement in the program.

The first draft of this report was reviewed by workshop facilitators and notetakers. The second draft was distributed to workshop participants for their review; nine submitted comments. This final report incorporates suggestions from those reviewers.

WORKSHOP DISCUSSION AND SUGGESTIONS

OVERVIEW

The daytime workshop was attended by approximately 115 people who are interested in or affected by Department of Energy decisions and actions, or who represent organizations that are interested in or affected by those decisions and actions. About 50 of the daytime participants and an additional 76 interested parties attended a public forum in the evening.

The invitation list included primarily national and Nevada organizations. An announcement of the workshop appeared in the *Federal Register* and in the Las Vegas newspapers. Participants from Nevada included people from state, county, and Tribal governments, labor unions, and citizen interest groups, as well as individual citizens. Participants from outside of Nevada included public utility commissioners, technical specialists, national organizations, and people from Tribal governments, the utility industry, and federal and state agencies. Although the group was diverse, not all interests were represented. Some participants noted that reactor states, states under consideration for hosting a monitored retrievable storage facility, and transportation corridor populations other than Tribes were not represented, and said that local and national environmental groups were under-represented due to a lack of funding to support travel to the meeting. Two local newspapers, a local television station, and several trade publications covered the meeting. A list of participants is included as Appendix A.

After brief introductory speeches by Department of Energy managers and the moderator, a number of participants offered prepared statements. Two speakers made specific proposals which were the subjects of considerable discussion during the day: a representative of a statewide citizen action group suggested an independent review by a blue ribbon commission, and a representative of utility commissioners suggested a formal review-and-comment process.

After hearing a total of 18 statements, participants met in four small discussion groups. The agenda called for the groups to discuss two topics: a public involvement process for waste acceptance and storage issues, and a public involvement process for repository program strategy issues. Each group spent some time in the morning session discussing whether or not these were the issues they wanted to address and suggesting other issues. Several members of the public left one group because they were concerned that participation would imply consent to a Yucca Mountain repository. Many participants had come prepared to discuss issues rather than process, and few were well-prepared to discuss the complete range of process options.

However, by the end of the day each group had produced a set of suggestions, and a spokesperson from each presented these in the afternoon. There was no consensus on any of the suggestions and no clear message except that people do want to be involved and do want the Department to consider and respond to their views. The suggestions concerned (1) the general characteristics of an effective public involvement process and (2) the need to use multiple involvement methods. These suggestions are described in detail below. Each group had discussed the two ideas put forward by the first two speakers in the morning session. All four groups suggested using a version of the comment-and-review process, but they specified that it be a more broad, open, interactive version than that described in the opening statement and that it be one of many methods used rather than the sole or chief approach. Each group had also discussed establishing an independent review by a blue ribbon commission, but participants were divided on this option. All four groups included such a review in their lists of suggestions, but the presenters noted the division of opinion.

During the evening public forum, statements touched on many topics but focused on two issues: (1) establishing a blue ribbon commission to provide an independent review, as suggested by a number of state and local citizens, and (2) proceeding with the study of Yucca Mountain rather than delaying decisions, as suggested by a number of local workers and others.

Overall, the discussion reflected the existing diversity of opinion about the management of civilian radioactive waste. People were courteous in explaining their honest concerns and disagreements over how the program should proceed. The Department's need to be more accountable and to build public trust and confidence emerged as a theme, yet so did cautious hopefulness about the potential for clear, open communication among parties holding widely disparate views.

MORNING STATEMENTS

Lake Barrett, Acting Director of the Department of Energy's Office of Civilian Radioactive Waste Management, welcomed participants to the workshop. He began by summarizing current federal policy concerning high-level waste. He explained that the Secretary of Energy intends to consider the workshop's recommendations for consulting the public during her current overall review of the program, and he presented an overview of the Secretary's program review process. He distinguished between discussion of a process for public participation and discussion of program issues, and he reminded participants that this workshop was intended to focus on the process. He also noted that while he hoped the group would offer useful, detailed recommendations on a process, he did not believe that it was feasible or necessary for the workshop to achieve consensus.

The moderator explained the agenda (included as Appendix B), and then 18 participants presented prepared statements. Everyone who wished to speak was given the opportunity to do so. The first two speakers offered specific, detailed proposals which became the subjects of considerable discussion during the course of the day.

Formal comment-response process. A representative of public utility commissioners suggested that the Department of Energy use a formal comment-response process often employed by regulatory agencies when opinions are diverse and issues are complex. In such a process, the Department of Energy would establish a set of questions that need to be answered regarding how to deal effectively with a specific topic or issue; interested stakeholders would comment on those questions, and some stakeholders could find it in their interest to file joint comments; the Department of Energy would then use these comments and any other input it felt appropriate to generate a proposed plan of action which would be published or distributed for further comment. The process would ultimately lead to a final set of proposed actions.

In the small group discussions that followed, this model was often called the "FERC-type review," referring to a process employed by the Federal Energy Regulatory Commission that provides for predecisional review of draft documents, using formal means such as publication in the *Federal Register*. The model was also discussed as having been derived from the Administrative Procedures Act and was sometimes referred to as the "APA-like" process. It was also called a "time-sensitive model." During the day, some participants suggested using a broader, more inclusive and interactive version of this process.

Blue ribbon commission. A representative of a statewide citizen's group called "on President Clinton to convene a blue ribbon commission to review the current state of nuclear waste management and disposal and to make recommendations on the best means of moving forward." He explained that the commission would include representatives of the Nuclear Regulatory Commission, the Environmental Protection Agency, the Department of Energy, Tribal governments, Governors, community organizations, local and national environmental organizations, and independent technical experts not affiliated with the Department of Energy or the Nuclear Regulatory Commission. The commission would study the issues for a year or more, allowing ample time for public debate and full Congressional review. It would hold public hearings in numerous states and communities. While it was functioning and for 180 days after its report and recommendations, neither Congress nor the Executive Branch would undertake any action connected with opening or preparing to open a geologic disposal facility at Yucca Mountain, the Waste Isolation Pilot Plant (WIPP), or a Monitored Retrievable Storage facility (MRS). The scope of the commission's review would include an examination of how radioactive waste is classified; how the Nuclear Waste Policy Act, as amended, has been implemented; transportation issues; voluntary and directed MRS facilities; WIPP, including the land withdrawal and test phase process; and the Yucca Mountain project.

During the discussions that followed, there was some difference of opinion concerning the advisability of a full or partial moratorium on program activities during review by such a commission. Some participants suggested that there is a need for a review independent of DOE, but not necessarily this particular model.

During the day, representatives of utilities and utility commissioners argued for the FERC-type review. Proponents of the blue ribbon commission discussed their proposal to some extent during the group discussions, and additional supporters spoke at the evening public forum. The discussion of these two proposals is described in detail on pages 16 and 17 of this report.

The other 16 speakers expressed a range of views. Appendix C lists the names of the speakers. Seven speakers supported the idea of an independent review. Three speakers supported the idea of a formal comment-response process. People also said:

- The Department of Energy needs to make definitive decisions so that others (such as utilities) can have the certainty they need for taking actions (four speakers made this point).
- Federal advisory committees are limited in their usefulness.
- Independent reviews should not be overdone.
- The test of any public participation process is whether or not its recommendations get implemented, so the Department of Energy needs to demonstrate a willingness to listen to people, to be open to change, and to respond to suggestions.
- Any involvement process should include people who do not have statutory (formal legal) roles to play.
- The Department of Energy must undertake more coordination and integration of individual program components rather than continue to focus on particular initiatives one at a time.

- The workshop needs to achieve definite conclusions that would obligate the Department of Energy to respond to stakeholder concerns in a formal way at the Secretarial level.
- The Department of Energy should curtail sub-surface Yucca Mountain activities before taking any other actions or reviews but should allow surface work to go on.
- An independent review body should have some authority to recommend and establish an approach that the Department would be obliged to follow.
- All affected stakeholders, including African Americans and American Indian Tribes, should be consulted in resolving issues which have broad impact, such as the transportation of nuclear waste.
- The public needs to hear from experts who disagree with the Department of Energy.
- The Department of Energy must cease forced siting efforts.
- Participants in the decision process must share common goals if the process is to work (that is, if the citizens of Nevada and the Department of Energy do not share a common goal, such as the goal of evaluating the site for a facility at Yucca Mountain, then their participation in a process to achieve that goal will not work).
- Participation in a dialogue or process should not be perceived or presented as endorsement of the dialogue or process results.

After these presentations, Allen Benson, Director of Program Relations Division of the Office of Civilian Radioactive Waste Management, described some public participation options so that people would be familiar with the terms and concepts used in the group discussions.

SMALL GROUP DISCUSSION SUGGESTIONS

Participants divided into four groups for discussion. Workshop organizers had first divided participants randomly and then adjusted the composition so that each group would more nearly reflect the full range of perspectives represented at the workshop. Department of Energy staff sat in on the small groups in order to answer questions but did not actively participate in the discussions, since the purpose of the workshop was to hear suggestions from the public and interested parties. The agenda called for each group to discuss and report to the larger group on a public involvement process for waste acceptance and storage issues and a public involvement process for repository program strategy issues.

The overall pattern of discussion in the four groups was similar, though the flavor of each was unique. The task at hand was unclear to many participants, and some participants would have preferred a different focus, such as on specific program issues. Each group spent considerable time in the morning discussing: whether or not the issues suggested were the issues they wished to discuss or the issues for which they wished to describe a public involvement process; what issues or range of issues they believed the public should be involved in; definitions of the terms "the public" and "stakeholder"; whether or not a single public participation process could be applied to multiple issues; and differences in the kinds of processes needed for local versus national issues. Participants in all groups experienced some degree of frustration in grappling with these topics, feeling either as if they were not addressing the purpose of the workshop (developing a process for public involvement) or as if they were not achieving the purposes for which they had come (to discuss specific issues or make specific points), or as if these were not the issues on which they wanted to focus. In general, both the daytime session and the evening session focused on the public involvement process, although many participants were not particularly familiar with the full range of options and tended to discuss those with which they had some experience.

By afternoon, the groups had established basic working relationships and began to focus on the task of listing concrete suggestions. All participants reassembled in the late afternoon to hear a spokesperson from each group present viewgraphs summarizing that group's collection of suggestions. A typed copy of those handwritten viewgraphs is included as Appendix D. As stated in the overview section of this report, there was no consensus on any of the suggestions and no clear message except that people do want to be involved and do want the Department to consider their views seriously and respond to them. The suggestions concerned (1) the general characteristics of an effective public involvement process and (2) the need to use multiple-involvement methods. These suggestions, listed in alphabetical order, are described in detail below.

CHARACTERISTICS OF EFFECTIVE PUBLIC PARTICIPATION

Participants suggested that to be effective, a public involvement process should be:

Accountable. Accountability emerged as an important theme in the workshop but the term was used in two slightly different ways. Some meant that DOE is obligated to report, explain, and justify its decisions; others meant that DOE must be responsible not only for explaining but also for implementing its decisions.

Some participants suggested that the Department of Energy establish a system for responding to input of interested parties and explaining how it uses their ideas. They also said the Department needs to follow a logical, open, explainable process in making decisions, so that people can form judgements about the merit of those decisions, and that the Department needs to respond to people in a timely way about how it has considered their input. Some said that once decisions have been made, the Department needs to explain fully to interested parties why it has rejected some proposed alternatives and chosen others.

Adequately funded to enable participation. Interested parties need to be provided with financial resources to enable their participation. For example, they may need money to hire consultants to provide them with independent technical reviews, and they may need money to pay travel expenses (Note: In the evening session, a participant raised the issue of the difficulty of determining which groups should receive funding.).

Broad-Based. The public participation process should be designed to reach all affected people, including the "less involved," such as young people. Particularly for public meetings, meeting organizers should conduct extraordinary outreach to draw in all sectors of the public.

The Department of Energy should not be in the position of arbitrarily selecting the particular segments of the public or particular interested parties with which it wants to interact on a given issue. The Department of Energy may need to establish an advisory group to assist in identifying the affected parties on certain issues, such as all the people along all the transportation routes in many states.

One participant noted that it will be a great challenge to develop a consultative process in which the Department of Energy makes decisions in response to all of the different groups that make up the public and not just in response to particular stakeholder groups or a few groups. For example, it is difficult to determine whether or how to weigh the input of different groups in relation to issues of equity and "burden." That is, how should the input from a potential repository host community or corridor state be considered in relation to the input of other interest groups? Another example is the difficulty any authority will have in naming people to a commission or even assembling a workshop that will be widely perceived as fairly representing the full range of parties who are interested in and affected by this program.

Convenient. Public meetings should be held at times and on days, such as Saturdays, when working people can attend. They should be scheduled in places people can reach without undue expenditure of time and money.

Focused on a full range of issues. The public needs a clear understanding of what decisions can be affected by public involvement. Some people felt that all Department of Energy decisions should be open to discussion.

Others stated that the Department of Energy should obtain public input to learn what issues the public is interested in working on and to help define the issues. There was considerable resistance to and resentment of the Department of Energy's defining the issues that could be on the table and declaring others off the table. In particular, some participants took exception to the asterisk on the review process chart (distributed in the workshop packet) which noted that three national policies are not open to discussion during the review to which this meeting is to contribute: the once-through fuel cycle, deep geologic disposal, and the characterization of Yucca Mountain.

Responsive, interactive, open to change. Participants said that the Department needs to listen actively to what people say and be truly open to changing its plans on the basis of that input. They suggested that the Department and the public should be making decisions together, jointly.

Responsive to tribal needs and issues. Some Tribes were particularly concerned that any new involvement processes developed as part of the Secretary's review consider the situation of Tribes and the vulnerability of Tribal representatives who have already committed to participation in the existing MRS siting process. Some representatives noted that if the Department of Energy changes its MRS siting process in midstream, the Tribes will consider it in the same negative light as previous broken treaties and promises, and other stakeholders involved in the process will also feel betrayed. Others noted, for the sake of clarification, that participating in the study of sites is not the

same as agreeing to or accepting such siting. Still others stressed that the Department has continued to ignore Native American rights at the Yucca Mountain site and said that addressing this issue is essential to Tribal involvement in the program.

Tailored to the situations and decisions at hand. The Department should use different public involvement approaches for local, regional, and national issues. For example, the resolution of local issues concerning a particular power plant calls for different means than does the resolution of regional or national issues, such as those concerning the transportation of radioactive waste. Different regions may call for very different approaches. For example, the issues in Nevada are very different from the issues anywhere else and require a process uniquely tailored to them. One group divided the public into the following segments: the public (communities near proposed storage facilities; communities near nuclear utilities; and communities along transportation lines); interest groups; industry; and groups with legal or formal responsibilities (counties, regulators, Tribes, states, other governments).

Participants were more sharply divided on issues related to the following characteristics:

Based on common goals, not forced siting. Some participants stated that meaningful public participation concerning the proposed repository is not possible so long as forced siting is the federal government's policy. One participant had outlined this theme in her prepared statement at the beginning of the meeting, stating that for a cooperative process to succeed, the participants need to share the same goals, and that so long as residents of Nevada and the Department of Energy were at loggerheads over their purposes in interacting with each other, no cooperative process could succeed in reaching an agreement on a public involvement process which all could support. The need for a public participation process to be based on common goals was generally acknowledged. Some participants suggested that the current process is so damaged by not meeting this criterion that it cannot be salvaged, while others suggested that it can be.

Culminating in final decisions. Representatives of the utility industry and utility commissioners were particularly concerned that public participation be part of a process that would lead to final decisions, decisions on which the industry and others could make firm plans that would be cost-effective for electric power consumers. Others felt that major decisions should and will remain open to challenge.

Placing decision-making authority in a given entity. There was also some discussion, amplified below in the discussion of a blue ribbon commission, about who should have final authority to make decisions. Some people believe the Department of Energy should retain decision-making authority; others believe that the Department should be obligated to accept the recommendations of an independent review. Some said that most decisions will be made by Congress. They envisioned that if an independent review commission were established, its members would include individuals with political clout, such as the Vice President, who could influence Congress to implement the commission's recommendations.

PUBLIC PARTICIPATION METHODS

General suggestions

Participants suggested the following actions for consideration as parts of an effective public involvement process:

Employ a variety of involvement methods. Many participants strongly felt that a wide variety of methods is necessary to reach disparate segments of the public, since different audiences, decisions, and purposes are better served by different methods.

Expand the role of the public in transportation planning. Participants said that the Department should find means to involve affected people who are not now involved

and to maximize local and state involvement. It should provide means for the public and Native Americans to conduct their own assessments concerning transportation.

Provide better public information and incorporate a full range of views.

Participants said that the Department should find neutral means to obtain agreement on the basic facts so that the discussion with interested parties can focus less on arguments over the facts and more on the decisions to be made. For example, it could use a neutral group or employ conflict resolution to obtain agreement on the basic facts to be included in Department of Energy fact sheets, or use a "crossfire" approach in which Department of Energy meeting discussions present opposing points of view on the basic facts. Participants also said that DOE should provide interested communities with a balanced view of issues, particularly those surrounding the Monitored Retrievable Storage Facility (MRS); that is, they said the Department should inform communities of both the pros and cons, not just the pros.

Participants also suggested that public information materials and methods be designed to help people become involved in meaningful ways in the program rather than simply inform people about Department views and actions. Some suggested that the Department do less public relations and promotion work and that it devote less of its budget to such activities.

Specific Methods

Participants suggested the following specific means for involving the public in the program. They provided the most detail on the methods with which they had personal experience, which tended to be somewhat formal.

Conflict resolution. An ombudsman or negotiator could be useful to resolve policy conflicts (A question later clarified that such an ombudsman would report to the Secretary of Energy). Participants said that while a variety of means exists to resolve

technical issues (such as referring issues to the National Academy of Sciences boards), similar avenues do not exist to resolve policy issues or to resolve technical/social issues. They suggested that the Department explore developing such means.

Focus groups. Participants suggested the use of focus groups or other means to ensure that the Department of Energy understands the perspectives and concerns of specific and unique groups, particularly local groups and Tribes. Focus groups could allow a unique perspective to emerge clearly, all by itself, rather than be lost in a larger context not suited for its expression.

Formal methods (such as public hearings and notices in the *Federal Register*). Participants suggested that the Department employ formal processes that hold the Department of Energy accountable to respond to the public. At public hearings, the Department should allow for testimony by all, keep a formal record, and commit to respond. Participants also said that people should have means for appealing if the Department does not respond adequately.

Informal means of communication and interaction. Participants suggested that less formal means of communication be used to reach a broader public, since not everyone reads or has timely access to the *Federal Register*. Television, radio, and local newspapers could be used to announce meetings and the availability of documents. Copies of program reports could be placed in local libraries. Informal means of interaction, such as workshops and open houses, could also be used to involve a broader public than can be involved through formal means.

Public meetings. Participants suggested that the Department conduct extraordinary outreach to involve all sectors of the public. It should bring meetings to local communities and to local districts of Indian Nations

Public opinion polls. People suggested that the Department arrange for telephone surveys or mail-in polls to learn public opinion about specific issues. An 800 number could be provided for people to use to express opinions and ask questions.

Technical assistance. Participants suggested expanding the role of and financial support to the Nuclear Waste Technical Review Board. They said that technical assistance should be available to all interested communities, not just those that are designated as affected, and that local technical assistance groups should be formed to aid stakeholders and serve as resources. Some participants said that local technical assistance groups suffer less from a lack of finances than from a lack of clarity and consensus about their focus and tasks.

Participants differed over the desirability of the following methods, or over some aspects of the methods:

Federal advisory groups. A few people supported the establishment of federal advisory groups, though others said that the long process of instituting them makes them more trouble than they are worth and that they wind up being too exclusionary. None of the groups was interested in discussing them at any great length.

Local advisory groups. Local advisory groups were generally considered desirable, though there was disagreement over the extent to which their recommendations could or should be binding.

Independent review. This suggestion is described in detail above on page 5, in the section on statements offered during the morning full group session. People who supported this idea, many of them citizens of Nevada, stated that establishing an independent commission was necessary for any decisions about nuclear waste management or storage to be credible. They said that the Department of Energy has not solved the problems for which it is responsible and that it is time to hand the

decision over to another body, although the Department of Energy could be represented on a commission and could participate in the decision-making along with other interested parties. Others noted that the nuclear power industry should also be represented in such a commission. There was some discussion of the difficulty of finding a group of commission members who would be widely accepted as representative of the affected parties and perceived as unbiased. The President, the White House Science Advisor, or the Vice President could appoint and oversee such a commission.

Some who favored establishing an independent commission suggested a moratorium on program actions during the period of the commission's deliberations; others did not consider it necessary for all work to stop and suggested that some, such as surface work on the characterization of Yucca Mountain, could continue. Other participants suggested that all work could continue during a review by such a commission.

Those who opposed establishing a commission felt that there have been enough reviews in the past on which the Department of Energy has been unable to act, and that handing the problem over to another set of experts isn't going to solve it. There was some difference of opinion over whether or not interested parties would or should agree in advance to support and be bound by the findings of such a commission.

Overall, there was some strong support for the use of a blue ribbon commission, some strong opposition to the proposal, and no consensus.

Modified review and comment model. This model is described in detail on page 4 above in the section on the full group session. Proponents said it can lead to final decisions, within firm time-frames, upon which utilities and others could act with some certainty in order to choose interim storage options that are cost-effective for them and for consumers. They described how the department would formulate questions and issue predecisional drafts before making program decisions.

Participants who did not particularly care for the model granted that it does entail some desirable accountability on the Department of Energy's part by requiring the Department to provide written responses. Accountability emerged as an important value to many participants during the group discussions. However, some participants said that in practice, such reviews involve too many lawyers and do not really change the usual way in which the Department makes decisions, since the Department basically directs the review and finally gets to make decisions by itself rather than work them out more interactively with interested parties. Many people said that for such a process to work, it would have to be broader and more open than the FERC-type or APA-like process usually is and would call for extraordinary outreach in order to effectively reach and obtain the participation of affected groups and individuals who do not read or have timely access to the *Federal Register*.

Overall, participants suggested that a modified version of the model could be used as one of many methods in a public involvement process.

CLOSING REMARKS

Lake Barrett thanked participants for their suggestions. He noted that despite a somewhat rocky start in the small group discussions, they all had produced a lot of good material that the program can use in planning a process for public involvement. He asked questions to clarify points that presenters had raised. He asked for clarification about the person to whom participants had suggested an ombudsman should report; a participant answered that an ombudsman should report to the Secretary. Lake Barrett also requested input about other interested parties who should be represented in this discussion and means for reaching them. Participants said that reactor states, states under consideration for hosting a monitored retrievable storage facility, and transportation corridor populations other than Tribes were not represented, and said that local and national environmental groups were under-represented due to a lack of funding to support travel to the meeting. One participant

suggested that the program follow up on a previous Atlanta meeting and involve transportation unions, transportation inspectors, emergency management personnel, and others, and that the Department address a memorandum of understanding with the Occupational Safety and Health Administration. Some suggested using creative means such as teleconferencing to hold down expenses and reach a broader spectrum of the public. Others asked how decisions had been made about which people to invite from each interest group. For example, they wondered why some utilities were represented and not others. Lake Barrett closed the forum by thanking participants again for their hard work and good spirits all day as well as for the concrete material they had provided.

EVENING PUBLIC FORUM

About 50 participants from the daytime session returned for the evening public forum. An additional 76 people registered for the evening session. Lake Barrett welcomed the group, and the moderator summarized the day's events and the suggestions offered by the workshop's four discussion groups. A few people offered some additional remarks about the day session. In particular, several people discussed and disagreed about the degree of support received for the idea of a blue ribbon commission.

Nineteen people made public statements. Appendix C lists their names. Many thanked the Department for sponsoring the workshop and for providing the public with an opportunity to speak. In general the speakers addressed: the establishment of a blue ribbon commission, the need to proceed with the study of Yucca Mountain and to make key program decisions, and other specific issues.

Six people, some of whom wore blue ribbons on their shirts, spoke in support of the blue ribbon commission and noted that the suggestion has broad support in the county; many others in the audience, some wearing blue ribbons, applauded them. They spoke primarily of how such a commission would provide badly needed credibility to decisions. They also said that such a commission would empower stakeholders who now lack financial or political

power and would keep the public involvement process from being stacked in favor of a few interest groups.

Ten people, some of whom wore white hats indicating their support for the Yucca Mountain studies, spoke in favor of getting on with the study of Yucca Mountain; six of these urged the Department to take definitive action concerning waste management planning rather than continue to delay decisions. They said that waste storage is a national problem, not a local one. They discussed their high confidence in the technical program, based on their experiences as workers at the test site and in other DOE programs. Many members of the audience, some also wearing the white hats, applauded them.

Several speakers commended the Department for inviting the African American community to discuss the issues and said that others who professed to speak for Nevada had not consulted that particular community before doing so. They welcomed the Department and others to come into their community to discuss issues and plans.

One Native American speaker said that his Tribe is not located close to Yucca Mountain but that many tribal lands may be affected by the transportation of nuclear waste. He suggested that all Native American groups be provided with the opportunity to participate in the program.

Some participants suggested that future public meetings be held on Saturdays when it is easier for working people to attend; others noted that this crowd was the usual professional crowd at such meetings, not the general public. One noted that during the day, the suggestion had arisen that the Department pay expenses to enable additional interested groups, such as national environmental groups, to attend such meetings; another said that before paying for national interest groups to attend meetings, the Department should consider the sacrifices of time and money (in lost work hours) that local members of the public make in order to attend meetings.

Some speakers addressed other specific issues, including: lack of trust in the Department of Energy; waste of money in the Office of Civilian Radioactive Waste Management Program; the need to clarify the affected status of Tribes; the desire that the policy of forced siting be discontinued; a suggestion that waste be stored indefinitely wherever it is rather than at Yucca Mountain, given the likelihood of earthquakes; and a request for a list of criteria under which Yucca Mountain would be disqualified as a site.

The speakers were generally courteous towards each other. Some of the workers expressed frustration at citizens whom they considered to be needlessly scaring the public; some speakers suggested that others were trying to scare people about a lack of jobs. Overall, the evening reflected the diversity of opinion that exists about this program yet also reflected a common desire to communicate openly and to bridge differences in making decisions and/or reaching solutions about the management of civilian radioactive waste.

Lake Barrett, Acting Director of the Department's Office of Civilian Radioactive Waste Management, closed the meeting after everyone who wished to speak had done so. He thanked people for their time and suggestions. He also introduced the national and local Department of Energy and Nuclear Regulatory Commission staff who were present, so that people could ask them questions and talk with them informally after the meeting ended.

Appendix A: List of Workshop Participants

ATTENDANCE LIST, MORNING AND AFTERNOON SESSIONS

Workshop on Developing a Consultative Process
August 10, 1993
Sponsored by the U.S. Department of Energy
Office of Civilian Radioactive Waste Management

Thomas & Mack Center
Tropicana & Swenson Street
University of Nevada, Las Vegas

Mr. Robert S. Aiken Arizona Public Service Co.	Mr. Chris Brown Citizen Alert
Dr. Carl A. Anderson National Academy of Sciences	Mr. Connor Byestewa, Jr. Colorado River Indian Tribes
Ms. Maria Ardila-Coulson University of Nevada, Reno	Mr. Frank Caine Building & Construction Trades Nevada AFL-CIO
Mr. Richard Arnold Las Vegas Indian Center	Mr. Lee Callaway Pacific Gas & Electric Co.
Mr. Mike L. Baughman Intertech Services Corp.	Mr. Ron Callen Michigan Public Service Commission
Mr. Don Bayer Nevada Legislature	Mr. Wayne Cameron White Pine County Commission
Mr. Richard Bear Skull Valley Band of Goshute Indians	Ms. Joy-Lind Chamberlain Citizen Alert
Mr. Neil Blackburn	Ms. Tonya Clark Idaho Public Utilities Commission
Ms. Carol Bleuss Eureka County Yucca Mt. Information Office	Mr. Frank Clements
Mr. Phillip A. Blount Clark County Nuclear Waste Division	Mr. Don Cloquet Las Vegas Indian Center
Mr. Jason Bosnos International Brotherhood of Electrical Workers Local Union #357	Ms. Ernestine Coble Fort McDermitt Paiute-Shoshone Tribe MRS Project Office
Ms. Carolyn Boyle Clark County, Nevada	Dr. T. Dwight Connor National Conference of State Legislatures
Mr. Les Bradshaw Nye County, Nevada	Ms. Betty Cornelius Colorado River Indian Tribes

Ms. Kathy Countiss Ogden Environmental	Mr. Brad Hoaglund Office of the Nuclear Waste Negotiator
Mr. Peter Cummings Economic Development City of Las Vegas	Mr. Robert Holden National Congress of American Indians
Mr. Rick Dale	Mr. Jim Holonich U.S. Nuclear Regulatory Commission
Mr. Don DeLaCruz Citizen Alert	Mr. Miller Hudson Mescalero Apache Tribe MRS Project
Ms. Sally Denlin	Mr. Jack Jeffrey Construction and Building Trades Nevada AFL-CIO
Ms. Pat DeRoos Oak Ridge Schools	Ms. Abby Johnson Eureka County, Nevada
Mr. John Epps Transportation Center College of Engineering University of Nevada, Reno	Mr. Carl Johnston Nuclear Waste Project Office
Ms. Catherine Felty Nevada Indian Environmental Coalition	Ms. Rachel A. Joseph National Congress of American Indians
Mr. Steve Frishman Nuclear Waste Project Office	Mr. Bob Katson Safety Consultant
Mr. Bob Fulkerson Citizen Alert	Mr. Roy Kimball International Brotherhood of Electrical Workers Local Union #357
Mr. Edward D. Fuller American Nuclear Society	Mr. Shawn King International Brotherhood of Electrical Workers Local Union #357
Mr. Ted Garrish American Nuclear Energy Council	Mr. Dan Kloock Omaha Public Power District
Commissioner Emmitt George Subcommittee on Nuclear Issues - Waste Disposal	Mr. Steven Kraft Edison Electric Institute
Mr. John Gervers Latir Energy Consultants	Mr. John Lathrop Strategic Insights
Mr. R. Guild Gray Nevada Nuclear Waste Study Committee	Mr. Charles Lempeis Office of the Nuclear Waste Negotiator
Ms. Juanita D. Hoffman Nuclear Waste Repository Oversight Program	Mr. Robert Loux Nuclear Waste Project Office
Mr. Christopher J. Henkel Edison Electric Institute	Mr. Rocco Marcello Yankee Atomic Electric Co.
Senator Tom Hickey Committee on High-level Radioactive Waste Nevada Legislature	Mr. Florindo Mariani White Pine County Nuclear Waste Project Office

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Mr. William Middleton

Mr. Jeff Mielke
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Mr. David Mielke
Fort McDermitt Paiute-Shoshone Tribe
MRS Project Office

Mr. Vernon Miller
Fort Independence Indian Tribe

Mr. Leroy Montgomery
African Americans in Favor of Yucca Mountain
Studies

Mr. Robert Mussler
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Ms. Neddeen Naylor
Lone Pine Paiute-Shoshone Tribe

Mr. Phillip A. Niedzielski-Eichner
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Mr. D. Warner North
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Ms. Janice Owens
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Mr. William P. Orchard
ABC America and Associates

Mr. Morrie Perkel

Mr. Vernon Poe
Mineral County Office of Nuclear Projects

Ms. Judy Pofert
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Mr. Richard Powell
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Ms. Sue Purvis
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Mr. Danny Quintana
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Raven
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Mr. Cas Robinson
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Ms. Cathy Roche
U.S. Council for Energy Awareness

Mr. Hal Rogers
Nevada Nuclear Waste Study Committee

Mr. Frank E. Scott
DRES Media

Mr. Robert Shaw
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Mr. Alex Shepherd
Paiute Indian Tribe of Utah

Commissioner Lynn Shishido-Topel
Subcommittee on Nuclear Issues - Waste Disposal
Illinois Commerce Commission

Mr. Lawrence Skinner

Ms. Beverley Slack
Skull Valley Band of Goshute Indians

Mr. William C. Stock
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Ms. Joanne Stockill
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Mr. Denny Weddle

Ms. Ruth Weidenheimer

Mr. Ted Wiens, Jr.

Mr. Jim Wolf
U.S. Nuclear Regulatory Commission

Ms. Nancy Wong
Arcata Associates, Inc.

Mr. B. J. Youngblood
U.S. Nuclear Regulatory Commission

Mr. Ian Zabarte
Western Shoshone National Council

Mr. Dave Zabransky
Wisconsin Electric Power Co.

Ms. Elaine Ziemba
Northern States Power Company

RESOURCE STAFF

Workshop on Developing a Consultative Process
August 10, 1993
University of Nevada, Las Vegas

Sponsored by the U.S. Department of Energy
Office of Civilian Radioactive Waste Management

Office of Civilian Radioactive Waste Management - Headquarters

Lake Barrett
Jerry Saltzman
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Susan Smith
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Pat Van Nelson
Bob Bauer
Mary Gleason
Patty Reyes
Linza Bethea
Susan Grodin

Appendix B: Agenda

REVISED AGENDA

Workshop on Developing a Consultative Process
Sponsored by U.S. Department of Energy
Office of Civilian Radioactive Waste Management

August 10, 1993

Thomas & Muck Center
Tropicana & Swenson Street
University of Nevada, Las Vegas

Purpose of Workshon: In conjunction with the Secretary's review of the civilian radioactive waste management program, the purpose of this workshop is to develop and recommend a consultative process that will provide external parties meaningful opportunities to participate in the program's direction and decision-making.

8:00 - 8:30 am	Registration and Coffee Reception	The Board Room
8:30 - 8:45 am	Welcome and Workshop Objectives Lake H. Barrett, Acting Director, OCRWM	
8:45 - 9:00 am	Overview of Workshop Process Facilitator	
9:00 - 9:30 am	Prepared Stakeholder Comments	
9:30 - 9:45 am	Draft Public Involvement Process Options Allen B. Benson, Director, Program Relations Division, OCRWM	
9:45 - 10:15 am	Facilitated Discussion Period on Process Options	
10:15 - 10:30 am	Break (During break, teams assemble in designated rooms to begin break-out sessions.)	Yellow Group - Room A Green Group - Room B Blue Group - Room C Red Group - Room D
10:30 - 12 Noon	Topic I - Public Involvement Process for Waste Acceptance and Storage Issues	
12 Noon - 1:30 pm	Lunch (on own)	
1:30 - 3:00 pm	Topic II - Public Involvement Process for Repository Program Strategy Issues	
3:00 - 3:15 pm	Break	
3:15 - 3:45 pm	Preparation of Break-out Session Summaries	
3:45 - 4:45 pm	Presentation of Break-out Session Summaries Facilitator	The Board Room
4:45 - 5:00 pm	Next Steps / Wrap-up Facilitator / Lake H. Barrett	
5:00 - 7:00 pm	Dinner (on own)	

REVISED AGENDA (CONTINUED)

**Workshop on Developing a Consultative Process
Sponsored by U.S. Department of Energy
Office of Civilian Radioactive Waste Management**

August 10, 1993

**Board Room, Thomas & Mack Center
Tropicana & Swenson Street
University of Nevada, Las Vegas**

Purpose of Evening Meeting: Update public on results of day-long workshop and receive public comment on consultative process recommendations.

7:00 - 7:15 pm	Welcome/Review of Discussion on OCRWM Public Involvement Process Facilitator/Lake H. Barrett
7:15 - 8:45 pm	Open Forum - Facilitated Discussion
8:45 - 9:00 pm	Closing Comments Facilitator/Lake H. Barrett

Appendix C: Morning and Evening Speakers

Morning Speakers at June 22 OCRWM Workshop in Las Vegas

**Lynn Shishido-Topel, Chair, Subcommittee on Nuclear Issues
Waste Disposal, Illinois Commerce Commission**

**Chris Brown
Citizen Alert**

**Catherine Felty, Coordinator
Nevada Indian Environmental Coalition**

**Ted Garrish, Senior Vice President
American Nuclear Energy Council**

**Abby Johnson
Eureka County, Nevada**

**Steven Kraft, Director, Nuclear Waste and Transportation
Edison Electric Institute**

**Robert Loux, Executive Director
Nuclear Waste Project Office**

**Les Bradshaw, Yucca Mountain Contact
Nye County Board of Commissioners**

**John Gervers, Latir Energy Consultants
representing Clark County Commissioner Don Schlessinger**

**Brad Mettam, Project Coordinator
Inyo County Yucca Mountain Repository Assessment Office**

**Juanita Hoffman, Program Director, Nuclear Waste Repository Oversight Program
Esmerelda County**

**Ed Fuller, President
American Nuclear society**

**Eddie Watson, President
African Americans in Favor of Yucca Mountain Sudies**

**Frank Clements
Boulder City, Nevada**

**William Middleton
Boulder City, Nevada**

**Bob Fulkerson, Executive Director
Citizen Alert**

**Judy Treichel
Nevada Nuclear Waste Task Force**

**Don Cloquet
Las Vegas Indian Center**

Evening Speakers at June 22 OCRWM Workshop in Las Vegas

Michael DuFloria

Bob Katson, Safety Consultant, Las Vegas

Marla Hollander, Las Vegas

Michael Lazare

Renee Christy, Las Vegas

Judy Treichel, Nevada Nuclear Waste Task Force

Leslie DeVore

William Vasconi, International Brotherhood of Electrical Workers, Local Union #357

Hugh Anderson, Co-chair, Nevada Nuclear Waste Study Committee

Fred Toomey, Las Vegas

Pamela Miedell, Nevada Desert Experience [Nevada Desert Nuclear Guardians]

Bill Flanagan, REECO

Douglas Patter, Las Vegas

Don DeLaCruz, Citizen Alert

Joe Payton, Teamsters #631

Eddie Watson, African Americans in Favor of Yucca Mountain Studies

Leroy Montgomery, African Americans in Favor of Yucca Mountain Studies

Chester Richardson, Las Vegas NAACP

Mickey Miles, International Brotherhood of Electrical Workers, Local Union #357

Appendix D: Small Group Presentations

Yellow Group Summary Notes

Conglomerate approach to yield comprehensive impact

Process

- A. Public Meetings**
 - Extraordinary Outreach
 - Convenient time/location
 - All publics

- B. Public Hearings**
 - Testimony by all
 - Formal record
 - Commit to respond

- C. Predecisional Drafts**
 - "FERC-type" review and extraordinary outreach

- D. Public Opinion Polls**
 - Use 800-Number

- E. Independent Review**
 - Blue Ribbon Panel

Who to Participate (National Issue)

- A. Public**
 - Community/proposed facility
 - Community/nuclear utility
 - Community/transport

- B. Interest Groups**

- C. Industry**

- D. Statutory Responsibility**
 - Counties
 - Tribes
 - States
 - Regulators
 - Other government

Yellow Group Summary Notes

(continued)

Asides

- **Meaningful participation is impossible with forced siting strategy**
- **Any future action must not HURT existing commitments to MRS volunteers (credibility & trust)**

Blue Group Summary Notes

Criteria

- Broad based participation
- DOE commitment to change (sign-on)
- DOE commitment to respond
- Equality of burden
- Try to please majority
- Practice good science
- Checks & balances needed
- Additional resources to existing stakeholders to enable participation of constituents
- DOE needs to pay attention to & respect Tribal customs

Process

- Technical Review Board - expand
- Local technical assistance panels
 - Provide information to stakeholders
 - Need resources
 - Serve as resource group
- May need different approaches for different regions
- Conflict resolutions
 - Ombudsman
 - Negotiations
- Advisory group
- Process for review of non-technical issues
- External review
 - Lack of consensus on need & benefit for
- Administrative Procedures Act like process

Decision informing ----- Decision-making

No solution: Best solution ----- Quick solution: best solution

Green Group Summary Notes

Process Criteria

1. Open & inclusive
2. Convenient (tailored)
3. Accountable (reasoning and logic behind decisions)
4. Timely
5. Credible
6. Stable (decision-making)
7. Fair
8. Final decision (minority opinion) (ability to challenge) (not a solution) (independent)

Key Topics

- Tailor to local, regional, national as appropriate
- Difference of opinion as to:
 - Keep decisions w/in depart.
 - Establish a blue ribbon review committee
- More flexibility/opportunity to define the questions

Decisions-Making Entity

Receives input by a time sensitive model:

- Notice to define problem
- Definition of problem
- Seek solutions
- Pre-decisional draft
- Final decision

Model Needs Multiple Steps to Ensure Full Input (& meet process criteria) and Accountability

Outreach

Concern about involving/getting input from "less involved" general public:

- Neutral mechanism for general facts
- League of Women Voters
- Conflict resolution on basic facts
- Crossfire approach

Red Group Summary Notes

Determining the Public

- DOE should not arbitrarily select the public or interested parties on an issue
- DOE should seek broad-based public involvement
- DOE should establish an advisory group to assist in identifying affected parties for creating topics

External Review

- A number of participants favored a high-level external review of the entire program

Issue Definition

- DOE should identify areas where it wants public comment
- DOE should take into account the costs & difficulties of various constituencies in planning & scheduling public participation processes.
- DOE should update its description of the HLW program so that the public is familiar with the program it is being asked to participate in

DOE Responds to the Public

- DOE should respond to public comments in a timely fashion and explain how it responded

Public Involvement

- Local groups should be given greater power to affect, not just advise on, DOE policy
- The public should play a substantive role - the DOE and the public should decide
- Participants in public processes need to be committed
- Focus groups in communities where nuclear power plants are located
- The public and Native Americans should be involved in transportation and conduct their own assessments
- DOE should maximize local and state involvement in transportation
- Establish citizen advisory boards to advise DOE and inform the public
- Adopt procedures similar to FERC's for public involvement

Red Group Summary Notes

(continued)

Public Education

- **DOE should make greater efforts to educate the public, i.e. through printed materials**
- **Multiple avenues of public education should be used**
- **DOE should provide a balanced view of pro's and con's on the MRS to interested communities**
- **DOE should make a greater effort to reach all interested parties**
- **The time constraints, cost, and difficulty of various constituencies should be taken into account when planning public processes – Make meetings more accessible**

Public Notification

- **Federal Register notice may have limited circulation – Devise another means of notifying the public**