

**Regulatory and Stakeholder Involvement is Key to
Successful Project Completion**

K. S. Ballinger
Nuvotec, USA
723 The Parkway
Richland, WA 99352
United States of America

S. J. Coleman
Innovations Group, Inc.
7005 W. Calavar Road, Peoria, AZ 85381
United States of America

J. M. Shoemake
CH2M HILL Hanford Group, Inc.
P.O. Box 1500
Richland, WA 99352
United States of America

T. E. Olds
Department of Energy
Office of River Protection
P.O. Box 450, MSIN H6-60
Richland, WA 99352
United States of America

ABSTRACT

Public involvement participation is an integral and effective component of the U.S. Department of Energy's (DOE) activities that ensures crucial decisions are made with the benefit and consideration of public perspectives. This component brings a broad range of diverse viewpoints and values into DOE's decision-making processes before end decision points are reached. Early involvement enables DOE to make more informed decisions, improve quality through collaborative efforts, and helps to build mutual understanding and trust between DOE and the public it serves.

During the cold war, the production of thousands of nuclear warheads was an outstanding engineering achievement that created materials and technologies that were vital to national interest and security; however, it also created a legacy of perplexing toxic nuclear waste. The significant challenges presented by the liquid and solid nuclear wastes stored at the Hanford Site, were formally acknowledged by the U.S. Congress when it directed DOE to establish the Office of River Protection (ORP). The office was assigned the single, dedicated mission of retrieving,

treating, and disposing of all waste contained in 177 huge underground storage tanks at the Hanford Site in Southeastern Washington State.

As part of this on-going mission of cleanup, the Office of River Protection must make sound decisions that uphold not only the Department of Energy's interests, but more importantly, the interests of the state of Washington. **Public participation** is an open, ongoing, two-way communication, both formal and informal, between DOE and its stakeholders, regulatory agencies and Tribal governments. Similarly, **public information** is a means to keep the public informed of progress or to status ongoing activities and/or issues. Another facet of this process is that various laws and regulations govern public participation and information when it comes to Hanford cleanup, including the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement).[1]

The key governmental or regulatory organizations that can influence the ORP Mission include, the Defense Nuclear Facilities Safety Board, the Office of Civilian Radioactive Waste Management, the U.S. Congress, the U.S. Department of Energy-Headquarters, the U.S. Department of Energy, Richland Operations Office, the U.S. Environmental Protection Agency, the U.S. Nuclear Regulatory Commission, the Washington State Department of Ecology and Health, and the Washington State Occupational Safety and Health Administration.

Stakeholders include the concerned citizen groups, the congressionally recognized-Hanford Advisory Board, signatories to regional agreements, Tribal Nations with treaty rights, other DOE sites, other government agencies with cross-cutting programs and local state, county, and municipal governments.[2]

ORP understands that while quality work and planning are essential elements of completing their mission, they cannot accomplish it fully without public confidence and trust. Given the length of the mission, many changes will occur in the external environment of national attitudes, priorities, standards, expectations and economic conditions over the life span of the mission. There will be unanticipated events, and difficult periods of change and complex decisions that will occur over the next several years. Under these conditions, the question of how to respond is as important as the quality plans and technical abilities of the ORP.

The strategy ORP employs is designed to increase effectiveness and provide meaningful opportunities for public input across many DOE missions, activities and decisions. Diverse minds working together can often come up with better solutions to problems. In addition, if people can participate in decisions that affect them, they are more likely to support those decisions, even when dissention occurs. Public involvement is not a vote, or a popularity contest. Public involvement is a process to give deciding officials the best information to make informed decisions while assuring all concerned people an opportunity to be heard.

This paper will describe how ORP meets the following goals:

- Actively seek and consider public input; incorporate or otherwise respond to the views of regulatory agencies, Tribal Nations, stakeholders and the general public when making decisions.

- Inform the general public in a timely manner and provide the opportunity to give input in the decision-making process, which are open and understandable.
- Clearly define access points for public input from the earliest stages of a decision process, and provide adequate time for regulatory agencies, Tribal Nations, stakeholders and the general public to participate.
- Consistently incorporate credible, effective public participation processes into program operations, planning activities, and decision-making processes. All employees share responsibility to promote, practice, and improve public involvement.
- Keep the general public informed of how their input helped make key decisions, progress of ongoing activities, emerging technologies and opportunities for economic diversity.

This paper is designed to describe the process that the ORP follows and provide a general framework for all DOE offices and programs. Its specific intent is development and implementation of an effective public participation program at Hanford. This paper is not intended to affect legal requirements imposed by law, regulation, or contractual agreement; nor does it modify any legal rights available to the public under current law, nor change how inherent government functions are performed.

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

INTRODUCTION

The production of thousands of nuclear warheads during the cold war was an outstanding engineering achievement that created materials and technologies vital to national interest and security; however, it also created a legacy of perplexing toxic nuclear waste. These wastes that were left behind, must be treated and disposed of to assure citizens of the Northwest have a safe environment. The significant challenges presented by the liquid and solid nuclear wastes stored at the Hanford Site, were formally acknowledged by the U.S. Congress when it directed the U.S. Department of Energy (DOE) to establish the Office of River Protection (ORP) in Section 3139 of the *Strom Thurmond National Defense Authorization Act for Fiscal Year 1999*. The new office was assigned the single, dedicated mission of retrieving, treating, and disposing of all waste contained in the 177 huge waste storage tanks located on the Hanford Site in Southeastern Washington State. Specifically, ORP is responsible for managing all aspects of the River Protection Project (RPP), formerly referred to as the Tank Waste Remediation System (or Hanford Tank Farm operations), including those portions under the tank waste treatment contracts.

By some estimates, approximately one million gallons of waste containing one million curies of radioactivity have leaked into the ground from 67 of the 149 SSTs that were constructed on the Site between 1944 and 1964. Furthermore, very large volumes of low activity liquid waste were removed from the single-shell tanks (SSTs) and sent to shallow subsurface drain fields, referred to as cribs, where it percolated into the subsurface soil. Since the first significant waste releases

were suspected in 1956 and confirmed in 1959, much of the liquid stored in SSTs evaporated or been pumped to double-shell tanks (DSTs). 28 DSTs were constructed between 1968 and 1986, and are used to store liquid radioactive waste from the SSTs and other Hanford Site processes. The SSTs and DSTs are grouped into 18 different tank farms. In addition to the 177 underground storage tanks, there are approximately 40 inactive and 20 active miscellaneous underground storage tanks that contain small quantities of radioactive, hazardous, and mixed waste similar in content and composition to the waste in the SSTs and DSTs. In total, the tanks store approximately 54 million gallons of waste containing 194 million curies of radioactivity. In addition, approximately 69 million curies of cesium and strontium were removed from the tank waste, converted to salts, placed into capsules, and are currently stored on the Hanford Site in water-filled basins.

All of the SSTs and some of the DSTs have operated beyond their design life of 20 years, thereby posing a long-term threat to the Columbia River, and the public from tank failures. In addition, 52 of the tanks were determined to have urgent safety issues posing a near-term threat to worker and public health.

In 1989, the DOE, U.S. Environmental Protection Agency, and State of Washington Department of Ecology signed the Tri-Party Agreement, establishing an agreed-upon approach for achieving environmental compliance at the Hanford Site. The agreement included specific milestones for the retrieval, treatment, and disposal of tank waste. In 1994, and again in 1996, the Tri-Party Agreement was renegotiated, which led to the Baseline Path that is currently being followed and is expected to be followed for the foreseeable future.

The River Protection Project covers all activities in the Hanford Site tank farms, management of the existing storage and retrieval activities by CH2M HILL Hanford Group, Inc., development of the Waste Treatment and Immobilization Plant (WTP) by Bechtel National, Inc. (BNI), and management of the 222-S Analytical Laboratory by ATL, International and CH2M HILL Hanford Group, Inc. While ORP is the DOE organization responsible to Congress and DOE-Headquarters for managing all project activities, CH2M HILL Hanford Group, Inc., BNI, and ATL are responsible for implementation of these activities in the field.

As part of this on-going mission of cleanup, the Office of River Protection must make sound decisions that uphold not only the Department of Energy's interests, but more importantly, the interests of the state of Washington. **Public participation** is an open, ongoing, two-way communication, both formal and informal, between DOE and its stakeholders, regulatory agencies and Tribal governments. Similarly, **public information** is a means to keep the public informed of progress or to status ongoing activities and/or issues. Another facet of this process is that various laws and regulations govern public participation and information when it comes to Hanford cleanup, including the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement).

Public Involvement: When to Get Input

There is no easy definition of when to involve the general public in decision-making, or when to provide or what level of information would be useful to members of the public. Managers, project leads and the Communications Department must work closely together to determine these

needs and interests. Communications works closely with stakeholders and members of the public and can provide information on the level of interest or concern related to a particular issue or activity. All involved should work with the communications staff to:

1. Determine if there is a legal requirement to do public involvement; and or,
2. Determine if an issue needs public involvement by using the checklist below
3. Determine the appropriate type and level of public involvement and who should be involved.

Step One: Public Involvement Checklist

1. Is public involvement required by the Tri-Party Agreement or by other law or requirement?
2. Does the issue/decision affect worker safety, public health and safety or environmental protection?
3. Will the decision be a better decision with public discussion?
4. Is the issue or activity already controversial? Are there already advocates of one outcome instead of another?
5. Will the issue/decision be strongly opposed?
6. Does the issue/decision imply major and unexpected budget impacts?

Step Two: Implementation

To commence step two of the process, managers, project leads and communications must determine leadership, coordination, and facilitation for public activities across the Hanford Site.

Some public involvement activities are ongoing, such as the Hanford Advisory Board, its subcommittees and Tribal Nation involvement. Often, Communications attend or facilitate such meetings. The Communications department ensures that management and project leads are appraised of emerging global public perceptions or issues.

The Communications Department and contractor public involvement staff can help project staff to:

- Clarify expected outcomes, and tailor the activity to meet the desired outcomes.
- Identify the regulatory agencies, Tribal Nations, stakeholders or general public likely to be affected or most concerned.
- Identify opportunities to coordinate public involvement activities across projects and lower costs.
- Identify a set of alternatives that show different ways to taking action. Every person affected should be able to see at least one alternative that includes measures to protect their interests.

- Make sure the persons affected understand the issue and can see how the Department of Energy's Office of River Protection addresses their concerns.
- Incorporate input; refine and evaluate alternatives.
- Provide affected parties an opportunity to give feedback on whether the alternatives have been described and evaluated accurately and fairly.

This may seem like a long and complicated process, and sometimes it can be. The key first step is to determine the appropriate level of public involvement for a given issue and to make public involvement a natural way of doing business. After years of study and practice, it is a known fact that it will save time in the long run.

When the Office of River Protection's managers become involved in this way, communication increases, and strong relationships between the DOE-ORP staff and members of the public result.

At Hanford, the Office of Communications acts as or appoints representatives to provide opportunities for DOE-ORP managers to develop working relationships with opinion leaders or stakeholders (such as the Hanford Advisory Board, Tribal governments and congressional delegates) on a DOE-ORP wide basis. In some cases, this is a natural development of existing relationships.

The goal is an appropriate level of public involvement on a given issue or activity and the establishment of ongoing relationships between managers and stakeholders.

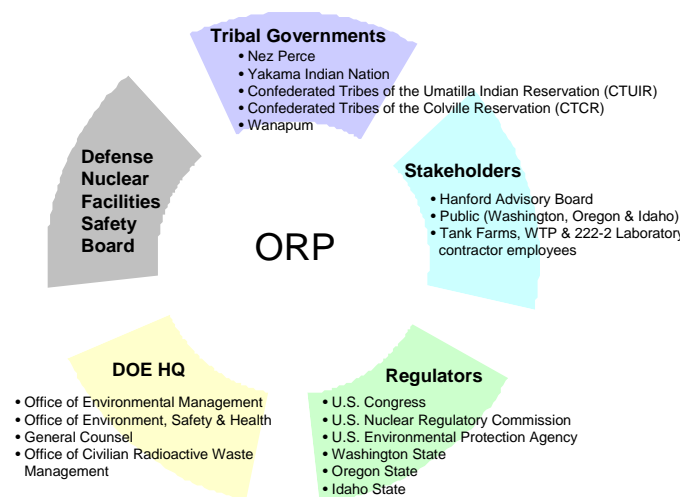
Key Players

The key interested parties include stakeholders, such as concerned citizen groups, the Congressionally-recognized-Hanford Advisory Board, the public, and employees of the ORP prime contractors; regulators with cross-cutting programs and Federal, local state, county and municipal governments; other DOE organizations; the Defense Nuclear Facilities Safety Board; and signatories to regional agreements and Tribal Nations treaty rights.

Stakeholders

Hanford Advisory Board

The Hanford Advisory Board (HAB) was created in 1994 to advise DOE, the State of Washington Department of Ecology and the U.S. Environmental Protection Agency on major cleanup policy decisions. The HAB charter describes the Hanford Advisory Board as "...an independent, non-partisan, and broadly representative body consisting of a balanced mix of the diverse interests that are affected by Hanford cleanup issues." The HAB is composed of 31 members and their alternates who represent a broad range of stakeholder interests including environmental, cultural, and socio-economic; Hanford site employees; public interest; local



government; higher education; other Federal and state agencies; and the State of Oregon. Two of the three tribal governments are represented on the HAB and one other tribal government participates in an ex-officio status. The HAB includes four committees: Budgets and Contracts; River and Plateau; Tank Waste; and Health, Safety, and Environmental Protection Committees.

Table I. Hanford Advisory Board Representation

Local Government Interests	
	Benton County
	Benton-Franklin Council of Governments
	City of Kennewick
	City of Pasco
	City of Richland
	City of West Richland
	Grant & Franklin Counties
Local Business Interests	
	Tri-Cities Industrial Development Council
Hanford Work Force	
	Central Washington Building Trades Council
	Hanford Atomic Metal Trades Council
	Non-Union, Non-Management Employees (2)
	Government Accountability Project
Local Environmental Interests	
	Lower Columbia Basin Audubon Society & Columbia River Conservation League
	Columbia Riverkeeper
	Hanford Watch
	Heart of America Northwest
	Washington League of Women Voters
	Citizens for a Clean Easter Washington
Local and Regional Public Health	
	Benton-Franklin Public Health
	Physicians for Social Responsibility
Tribal Governments	
	Nez Perce Tribe
	Yakama Nation
State of Oregon	
	Oregon Hanford Cleanup Board
	Oregon Department of Energy
University	
	University of Washington
	Washington State University
Public At Large (4)	
Ex-Officio Representatives	
	Confederated Tribes of the Umatilla Indian Reservation
	Washington State Department of Health
	U.S. Department of Energy, Richland Operations Office
	U.S. Department of Energy, Office of River Protection
	U.S. Environmental Protection Agency
	Washington State Department of Ecology

Regulatory Agencies

The key governmental or regulatory organizations that can influence the ORP Mission are: U.S. Congress, U.S. Department of Energy-Headquarters, U.S. Department of Energy, Richland Operations Office, U.S. Department of the Interior, U.S. Environmental Protection Agency, U.S. Nuclear Regulatory Commission, Washington State Department of Ecology, and the Washington State Occupational Safety and Health Administration, and Office of Civilian Radioactive Waste Management.

Defense Nuclear Facilities Safety Board

The Board is responsible for independent oversight of all activities affecting nuclear safety within the DOE complex. Congress gave the Board a variety of powers to achieve its mission. Primary among these is the power to issue a recommendation to the Secretary of Energy. In addition to recommendations, the Board may conduct investigations, issue subpoenas, hold public hearings, gather information, conduct studies, and establish reporting requirements for DOE.

Tribal Government Consultation

Public involvement in this context is used as a generic term for various stakeholders and regulators, as well as tribal governments who are involved in our decision processes. However, tribal governments have a unique legal relationship with the United States government as set forth in the Constitution of the United States, treaties, statutes, and court decisions. The United States has committed to a government-to-government relationship with Indian tribes. Rather than seeking tribal participation through public forums, ORP has meetings and/or consults directly with five tribal governments, the Confederated Tribes of the Umatilla Indian Reservation, Yakama Nation, Nez Perce, Confederated Tribes of the Colville Reservation (on cultural resource issues) and the Wanapum (a non-Federally recognized tribal government) prior to taking the actions that may affect their rights and interests, as outlined in the DOE American Indian Policy. The goals, core values and principles of this public involvement policy, apply equally to stakeholders and affected Tribes alike.

CONCLUSION

Critical decisions regarding cleanup of the Hanford Site in Southeastern Washington State are on-going. The best possible decisions are made with thorough input from all parties whom are affected with the end result and Hanford cleanup decisions are no exception. To get people involved they must have a general understanding of the issues. They must know early in the process how to access information and voice their opinions. And, they must know how their involvement made a difference in the decisions process after the fact. Involving the public includes interactions and detailed discussions in a variety of forums.

Public Information - A critical component of public involvement is for early and accurate information to reach the public. That allows citizens to decide with which issues they choose to be involved. Making certain material is easy to understand and visually interesting is crucial.

WM'06 Conference, February 26–March 2, 2006, Tucson, AZ

Public Outreach – It is important to reach people who would be interested and involved if they were aware of or knew more about the issues. Outreach is most effective when you go where people are already assembled. Some examples the Office of River Protection utilizes are: schools, civic meetings, technical educations programs, conferences, presentations and tours (invited or requested).

REFERENCES

1. The Tri-Party Agreement Community Relations Plan
2. Tribal Policy