

## **Stakeholder Engagement on the Environmental Impact Statement for the Disposal of Greater-Than-Class C Low-Level Radioactive Waste -12565**

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### **ABSTRACT**

The Department of Energy's (DOE) Office of Disposal Operations is responsible for developing a permanent disposal capability for a small volume, but highly radioactive, class of commercial low-level radioactive waste, known as Greater-Than-Class C (GTCC) low-level radioactive waste. DOE has issued a draft environmental impact statement (EIS) and will be completing a final EIS under the National Environmental Policy Act (NEPA) that evaluates a range of disposal alternatives. Like other classes of radioactive waste, proposing and evaluating disposal options for GTCC waste is highly controversial, presents local and national impacts, and generates passionate views from stakeholders. Recent national and international events, such as the cancellation of the Yucca Mountain project and the Fukushima Daiichi nuclear accident, have heightened stakeholder awareness of everything nuclear, including disposal of radioactive waste. With these challenges, the Office of Disposal Operations recognizes that informed decision-making that will result from stakeholder engagement and participation is critical to the success of the GTCC EIS project. This paper discusses the approach used by the Office of Disposal Operations to engage stakeholders on the GTCC EIS project, provides advice based on our experiences, and proffers some ideas for future engagements in today's open, always connected cyber environment.

### **INTRODUCTION**

You've accepted the challenge of being a first-time document manager for an environmental impact statement (EIS). Your co-workers have compared this to being given a hot potato both radiologically and figuratively. Your mission: prepare an EIS that proposes and evaluates disposal options for Greater-Than-Class C (GTCC) low-level radioactive waste. A waste disposal problem that is 25-years old that has gained added importance because a subset of GTCC wastes (certain disused sealed radioactive sources) could be used by terrorists for malevolent purposes. The backdrop: an environment in which "Not In My Backyard" abounds, and outside of the pending Texas Compact facility, no new radioactive waste disposal facilities receiving off-site waste have opened since the Waste Isolation Pilot Plant in 1998. This may be in part because of issues related to stakeholder engagement and acceptance. If things weren't tough enough for our stakeholder engagement, insert the Fukushima Daiichi nuclear accident in the same month leading up to your first of nine public hearings on the Draft EIS. Add the cancellation of the Yucca Mountain project to the radioactive cauldron and couple these events with the fact that many stakeholders have never even heard of this class of radioactive waste; yet alone find the whole radioactive waste classification system rightfully confusing, and you've got a difficult assignment on your hands.

Stakeholder engagement is a cornerstone of the GTCC EIS project, as with all Department of Energy (DOE) National Environmental Policy Act (NEPA) projects. Without a strong cornerstone, you do not have a strong foundation. Simply put, the GTCC EIS project cannot

succeed without effective and meaningful stakeholder engagement that results in informed decision making on potential disposal solutions.

There's plenty of guidance and assistance from DOE's Office of NEPA Policy and Compliance and DOE public affairs experts to be your compass and help steer your journey. That's not to say you can simply flip the autopilot switch because, if you do so, you may never get off the ground or once airborne you'll be in for a crash landing. Each EIS is unique and requires a tailored approach for stakeholder engagement based on the scope of the project and its potential impacts.

*So who are your stakeholders?* The public, or in DOE terms "stakeholders", include interested or affected private citizens, state, local, and tribal governments; environmental groups; civic and community organizations; business and labor groups; and independent experts from the scientific, technical, and academic communities. These are the individuals and organizations you will need to identify on your path to engagement. Stakeholder engagement must be open, ongoing, provide two-way communication, and be both formal and informal. Two-way communication enables both parties to learn about and better understand the views and positions of the other party. It is not a one-way dialogue. Active stakeholder engagement provides us a means to gather the most diverse collection of options, perspectives, and values from the public.

## **STAKEHOLDER ENGAGEMENT ON THE GTCC EIS**

The saying *success is a journey, not a destination* is a good way to view stakeholder engagement. To be effective, stakeholder engagement must be integral to all stages of EIS development, from the initial scoping period through the record of decision. Stakeholder engagement must be planned; serendipity is not an effective planning tool. You should develop your plan based on your knowledge and experience, as well as learn from experiences of others. You should also be open to new ideas and stakeholder feedback for improving the quality of stakeholder participation during the course of the project.

The objectives and requirements, our approach, and results of our stakeholder engagement on the GTCC EIS are presented below.

### **Objectives and Requirements**

Major objectives of stakeholder engagement are to foster identification of the issues and enhance mutual understanding of the challenges facing both the stakeholders and DOE. Effective engagement will allow DOE to make better decisions, and hopefully enhance community support for the final decisions that are made. Effective communications and coordination with stakeholders will not, however, eliminate all conflicts and controversies, especially given long-standing public perceptions and valid concerns regarding radioactive waste disposal. However, by following an open and transparent process, our goal is to be viewed as fair, objective, and proactive in working with our stakeholders.

*A community that has a voice in the process and is clearly influencing the final decision will be less angry and frustrated with the process than one that feels shut out or ignored." (3)*

Like all EISs, stakeholder engagement for the GTCC EIS starts with the basic framework specified in the Council of Environmental Quality (CEQ) regulations in 40 CFR 1506.6, Public Involvement (1). Though there are specific requirements, the key to effective public

involvement/participation is not just following the letter of the regulations, but embracing the requirements to their fullest extent. The requirements set the foundation from which to work from. They include making diligent efforts to involve the public and providing public notice of hearings/meetings and the availability of documents. The communication vehicles highlighted include the Federal Register, direct mailing, newspapers, newsletters, and notice through other local media and postings. Additional guidance is provided by CEQ's *A Citizen's Guide to the NEPA: Having Your Voice Heard* (2) and DOE's *Effective Public Participation under the National Environmental Policy Act* (3).

## Approach

A fundamental administrative challenge to stakeholder engagement on the GTCC EIS is:

*How to effectively and efficiently engage a large and diverse number of stakeholders over a wide geographical area within a limited time frame and with limited project resources?*

The GTCC EIS is national in scope; covers a wide variety of federal and commercial waste generators located throughout the U.S. (e.g., nuclear power plants, diverse industrial applications, hospitals, research institutes, universities, and DOE sites); fourteen Tribal Nations/organizations, local communities, and non-government organizations. It also potentially impacts either directly or indirectly thousands of people living in multiple states across the U.S. where DOE is evaluating either GTCC disposal sites or on whose highways GTCC waste would be transported.

To meet this challenge, the GTCC EIS stakeholder engagement strategy is built on six principles.

- *Plan Early and Commit Appropriate Resources:* There's a well know proverb that *a journey of a thousand miles begins with a single step*. A counterpart to that proverb is what people forget *is a journey to nowhere also starts with a single step*. Stakeholder engagement can lead to nowhere too if proper planning is not the first step taken. The time leading up to a major NEPA milestone, such as issuance of a Notice of Intent (NOI) or Draft EIS, is very demanding given the confluence of activities (e.g., final document production and internal briefings). Often in this rush to publication the thought of stakeholder engagement is left behind. Without an upfront commitment to planning and resources, effective stakeholder engagement can be lost in the milieu of other things that need to be done.

“Without careful thought and planning, engagement programmes can do more harm than good: if the public thinks that government is doing little more than paying lip service to engagement, it can lead to cynicism and greater levels of distrust.” (4)

Tools that help us plan for and manage stakeholder engagement include: a Project Management Plan that contains Work Breakdown Structure elements for stakeholder outreach with the identification of tasks to be performed, resources to be used and schedules to be met; and a Communications Plan that identified the stakeholders and what information would be communicated to them, and when and how this information would be communicated.

- *Follow NEPA Guidance and Utilize NEPA Resources:* This is an obvious, but important, starting point for any NEPA stakeholder engagement effort. The GTCC EIS project has relied heavily on the document titled *Effective Public Participation Under the National*

*Environmental Policy Act* (3) to guide its public outreach efforts. The document provides general approaches for public participation, including information dissemination, conduct of public meetings, and response to public comments. The document emphasizes the “sliding scale” approach to help determine the appropriate level of public participation based on the potential environmental impacts of the proposed action, the degree of public interest or controversy, and the complexity of the project. An additional key document is the DOE *Directory of Potential Stakeholders for DOE Actions under NEPA* (5). This document is intended to supplement the distribution lists developed by the sites for the distribution of DOE NEPA documents. DOE’s Office of NEPA Policy and Compliance encourages DOE offices to be inclusive in providing non-governmental organizations with an opportunity to review NEPA documents consistent with the Presidential memorandum on *Transparency and Open Government* (6). The directory includes federal, tribal, state, and non-governmental organization listings and NEPA points-of-contacts, topics of concern to those organizations, and other helpful information.

- *Plug into Existing Outreach Outlets:* DOE has many established outlets for stakeholder interactions, such as site specific advisory boards, tribal programs, intergovernmental organizations, and national technical workgroups. The GTCC EIS team worked with public outreach offices at headquarters and sites to identify and coordinate with these existing outlets. These encounters primarily took the form of informational briefings, conference calls, and internet meetings. The project also tapped into applicable conferences and workshops by including a discussion of the GTCC EIS on the agenda. These outlets helped us reach a broad stakeholder base with minimal resource expenditures.
- *Learn from Previous EIS Experiences:* The GTCC EIS team conferred with other Document Managers to learn from their outreach efforts, both the positive and negative. Equally important, we sought feedback from stakeholder organizations on the effectiveness of previous GTCC EIS and other EIS outreach activities. Examples are provided further below.
- *Use of Electronic Media:* Passive and active uses of electronic media can facilitate and enhance stakeholder engagement if used correctly. However, staff using this media needs to understand how best to use it and its limitations. Establishing a project website can be an effective passive outreach mechanism, while applications such as Facebook™, Twitter™, and Linked-In™ can provide a more active engagement vehicle along with email. The application of these tools cannot be considered substitutes for outreach/engagement using traditional media because not all stakeholders have access to them or understand how to use them; however, they can be used in combination with traditional media. The GTCC project website (<http://www.gtcceis.anl.gov/>) provides up-to-date information about the project and enables stakeholders to make electronic requests for information and submit comments. Other types of electronic media are being used to a lesser extent.
- *Communicate Technical Information In Understandable Manner.* Though stakeholders are highly knowledgeable, the radiological waste classification system, risk analyses, and other technical facets of the GTCC EIS can be quite complicated, even for people with scientific and regulatory backgrounds. The GTCC project team members made a concerted effort to communicate technical information to stakeholders in an understandable manner. This included using plain

*The authors, writers and editors of the GTCC EIS have done a commendable job of producing a clear, concise and highly readable document.*

Ken Niles, Oregon Department of Energy

English whenever possible, inclusion of lots of pictures and simple diagrams (e.g., photos of GTCC waste) in GTCC documents, and making comparisons to more common every day examples (e.g., compared waste volume to volume of football stadium). We also made summary level information available, both on the project website and at the public hearings (e.g., posters, fact sheets) that conveyed key points in a easy to read manner.

### **So how did we apply these principles and were we successful?**

It all began with the publication of an *Advance Notice of Intent To Prepare an Environmental Impact Statement for the Disposal of Greater-Than-Class C Low-Level Radioactive Waste (May 11, 2005)* and was followed by the issuance of the *Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) for the Disposal of Greater-Than-Class C Low-Level Radioactive Waste (July 23, 2007)*. Before the publication of these documents, the level of knowledge and awareness by the GTCC team of the stakeholder communities that would be interested in the GTCC effort was limited. The key stakeholders were known to the sites and the stakeholders were well engaged in site specific issues but not issues related to GTCC; at least at that time. Site personnel were well aware of these groups and individuals, but this knowledge was primarily limited to the sites and not necessarily integrated into this headquarters effort. This lack of knowledge on our part was indeed short lived.

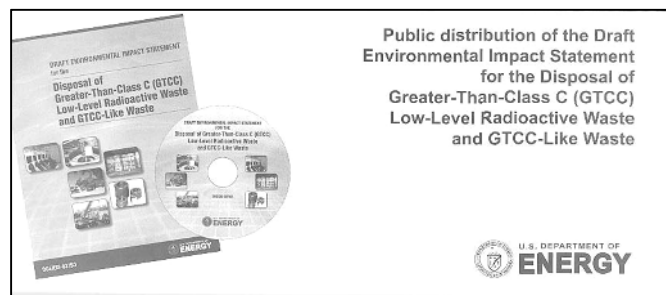
As the documents were made available to the public, national and local stakeholder groups began to engage DOE. Our list of stakeholders grew on an organizational and national level but not on an individual stakeholder level. This would all change as we moved from the ANOI to the NOI and finally to developing and issuing the Draft GTCC EIS.

Initially stakeholder input was limited. With the issuance of the NOI and the conduct of scoping meetings (as part of the NEPA process) interested parties were invited to participate to provide their comments on the proposed disposal alternatives for analysis in the EIS and the environmental issues to be analyzed. The scoping process is intended to involve all interested agencies (federal, state, county, and local), public interest groups, Native American tribes, businesses, and members of the public. During the first hour of each scoping meeting, DOE officials were available for informal discussions with attendees. During the formal part of the meeting, the public had an opportunity to provide comments on the project. DOE did receive comments concerning our outreach efforts and that additional steps needed to be taken to further engage the public and other stakeholders. With feedback from the scoping meetings, DOE was able to identify key organizations and groups as well as identify shortcomings in our initial outreach efforts.

Considerable efforts focused on working with Tribal Governments to obtain their perspectives on cultural, religious, and environmental justice impacts related to the sites being considered and impacts to adjacent tribal lands. This engagement was discussed in a paper presented at WM2010 Honoring the US DOE's Commitment to the American Indian Tribal Government Policy through Tribal Input to the Disposal of Greater Than-Class-C Low-Level Radioactive Waste Environmental Impact Statement (7). For many of the tribes, this was the first time they had communicated to DOE their tribal perspectives on the site being considered for GTCC waste disposal and communicated the importance of the interrelations of the land, air, and water with their religious and cultural beliefs.

In addition to tribal engagement, DOE began working with the site public affairs offices and NEPA compliance officers to identify groups and individuals that have a direct interest in site

specific activities. DOE was able to build off of these contacts and integrate them into the overall outreach efforts for engaging stakeholders on the Draft GTCC EIS. Building on internal lists and site specific mailing lists available at that time, DOE initiated outreach with the issuance of a brochure to over 1,500 individuals and organizations. The purpose of the brochure was to solicit their interest in obtaining a copy of the Draft GTCC EIS. In the spirit of paper waste reduction and greening the government, we suggested accessing the Draft GTCC EIS through the GTCC and DOE NEPA web sites. Over one-third of the addressees chose this approach. Other options included CD and hard copy.



The Draft GTCC EIS was issued in February 2011. With the publication of the Draft GTCC EIS, letters announcing its publication were sent to Congress, Tribal Governments, non-government organizations, and state and local government contacts. Based on responses to the brochures, over 1,000 postcards were mailed along with copies of the EIS Summary, CD or full copies of the document. The letters, postcards, GTCC Web Site, and several press releases announced the EIS's availability as well as the schedule for the public hearings. At the site level, information on the GTCC EIS, as well as, information on the upcoming public hearings was posted on their web sites. The use of other electronic media at the local level including email, Facebook™, Twitter™, etc., was limited.

Eight public hearings were initially planned. Stakeholders recommended that the GTCC project hold an additional hearing at a suggested location based on geographic distance to other hearing locations, with an active stakeholder base concerned about radioactive waste disposal. While the project incurred extra costs to conduct the hearing, the benefits were clear; the hearing had the second largest attendance of all the GTCC public hearings. In advance of each hearing, a public announcement was posted in the various local newspapers and on various DOE site web sites.

DOE found that in general the key local non-government organizations were aware of the public hearings. However, members of the public attending the hearings indicated that they only found out about the hearings at the last minute, even though meeting announcements and outreach activities took place for several weeks in advance of the hearings. In response to this feedback, we used a site-mailing list for an another ongoing EIS to send an email announcement to over 2,000 individuals about two weeks in advance of our last public hearing scheduled in the field. We did not receive any negative feedback concerning our outreach for this meeting.

## RESULTS AND LESSONS LEARNED

### Results

The GTCC EIS project is one or two years away from completion and stakeholder engagement activities will continue through the remainder of the project. It's hard to measure the effectiveness of our efforts to date, but the following results may provide a barometer on how we're doing so far and point us to how we can improve.

- The number of attendees at the Draft EIS public hearings in 2012 increased by approximately 63 percent from attendance at the Notice of Intent public scoping meetings in 2007.

- The number of public comments increased from several hundred on the Notice of Intent to several thousand from over 500 individuals on the Draft EIS.
- Positive feedback was received on the tribal consultation approach. This was cited as an example for other EISs.
- The GTCC website has been visited by stakeholders over 127,000 times since it was established in 2007.
- There was a significant increase in media coverage (newspapers, television, and radio) from the NOI to the DEIS.
- Some stakeholders who attended the public hearings felt DOE did not do a sufficient job of outreach to the local citizenry. We heard from many that local residents often do not subscribe to newspapers and have limited or no computer/web access. So the posting announcements in newspapers or on the DOE site web sites did not reach all our intended audience. Several individuals recommended DOE issue radio and television public service announcements.

### Lessons Learned

These lessons learned seem simple, but it's often the simple things that matter the most:

- **Rely on Your Resources.** You're not in this alone. There are many internal and external public outreach resources, such as former and current DOE document managers, NEPA compliance offices, and DOE public affairs specialists. Equally important is to seek feedback from stakeholders on how your outreach efforts can be improved.
- **Be Open to New Ideas.** DOE NEPA guidance explicitly encourages innovation to maximize the quality of stakeholder participation. Don't fall into the trap of that's the way it's always been done so that's the way I'm going to do it. Don't feel like you have to follow the same track, even though it may be an easy way to go from an administrative sense. Being a document manager or project manager for a major EIS is highly demanding, and it's understandable to be reluctant to new ideas simply because it may place added short-term demands to change from the norm. However, if the ideas have merit, pursue them.
- **Plan Early in the Process.** Put stakeholder engagement planning at the same level as EIS preparation. Use project management principles from beginning to end. Apply dedicated resources to the effort.
- **Don't Rush through the Process.** Stakeholder engagement relies on good planning, commitment of resources, identification of stakeholder groups and individuals, and effective and open communication. All of this takes time; time that in the end will help you reach your goals and help stakeholders understand and hopefully support your decisions.
- **Be Responsive to Stakeholder Inquiries:** As the document manager, you're the government's front person with stakeholders on the EIS. You can expect to receive numerous inquiries from stakeholders outside of the public comment process, such as requests for additional information and questions on the status of the EIS. This can be a bit overwhelming, especially given all your other responsibilities. Do your best to return phone

calls and emails as soon as possible, even if you might not have an answer to the question. Additionally, when responding to specific requests, work with your NEPA Compliance Officer to make sure your responses are within the legal constraints of NEPA.

## LOOKING FORWARD

The world is rapidly changing, particularly communication technologies and the information revolution. Recent geopolitical events bear witness to the power of Facebook™, Twitter™, the internet, text messaging, hand-held computers, and smart phones. Today's youth are more likely to get their news from cyber communication than traditional newspapers. There is also change across all levels of government with the new era of government austerity to reduce spending and at the same time provide openness and transparency. Thus, stakeholder engagement approaches on NEPA documents must also evolve to keep up with these opportunities and challenges. We offer several questions for the reader to consider when conducting stakeholder outreach in this rapidly evolving environment.

- **Should the traditional NEPA public hearing/meeting format be replaced or supplemented with interactive internet web-based meetings?** Despite considerable outreach efforts, many traditional public hearings/meetings on NEPA documents are poorly attended for a variety of reasons. The cost to prepare for and host such a meeting can be in the thousands of dollars. Internet meeting and public hearings could reach a broader audience, at a lesser expense (e.g., avoids travel costs) by bringing the meeting to offices and homes across the region. Technology exists today and has been applied successfully to similar types of meetings.
- **Are there more effective ways to use traditional media in a cost effective manner?** Newspapers, television, and radio, are all media outlets that are available. Each comes with their own costs and benefits. With limited budgets, getting the *best bang for the buck*, needs to be considered when using these vehicles. Media experts within DOE can advise on the best ways to use these tools.
- **Are there better ways to foster private/public sector partnerships to get the word out?** Stakeholder engagement is a responsibility for DOE, but we should also pursue working with stakeholder organizations to help us get information out. These organizations have large memberships and networks, and provide an opportunity for us to work together to get information out about the project and provide objective information to their memberships.



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