

State of New Mexico
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT
Santa Fe, New Mexico 87505

Barbara
Kathy



BRUCE KING
GOVERNOR

NEW MEXICO
ENVIRONMENT DEPARTMENT

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OFFICE OF THE SECRETARY

ANITA LOCKWOOD
CABINET SECRETARY

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January 18, 1994

Christina Armijo, A316
Los Alamos Area Office
U.S. Department of Energy
Los Alamos, NM 87545

Subject: DRAFT PUBLIC INVOLVEMENT POLICY

Dear Ms. Armijo:

Thank you for sending us a copy of the draft *Public Involvement Policy*. On behalf of the State of New Mexico's Radioactive Waste Consultation Task Force (Section 74-4A-6 New Mexico Statutes Annotated 1978), we offer the following comments and recommendations on the policy.

COMMENTS and RECOMMENDATIONS on DOE'S PUBLIC INVOLVEMENT POLICY

The U.S. Department of Energy (DOE) is commended for this initiative to enhance public involvement in its planning activities and program operations. We believe a comprehensive, effective policy governing public information and participation will yield significant benefits for all stakeholders, but particularly for the DOE itself.

The decision by DOE to develop a Department-wide public involvement policy comes at a critical time. The WIPP Project is currently in the early stages of a major transition. This situation presents DOE with an opportunity for application of the new public involvement policy. The planning and conduct of WIPP operations and activities must proceed in a manner which provides all stakeholders a chance for meaningful input early in the decision making process.

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Forestry and Resources Conservation Division
P.O. Box 1948 87504-1948
827-5830
Park and Recreation Division
P.O. Box 1147 87504-1147
827-7465

2040 South Pacheco
Office of the Secretary
827-5950
Administrative Services
827-5925
Energy Conservation & Management
827-5900
Mining and Minerals
827-5970

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The timing of this policy initiative also relates to DOE's ongoing efforts to clean up and reconfigure the nuclear weapons complex. These efforts are difficult tasks in and of themselves. However, in light of recent and continuing revelations of human radiation experiments, complex cleanup and reconfiguration may become even a more significant challenge.

DOE is encouraged to move expeditiously toward adoption and implementation of a credible public involvement policy. Such a policy will be a demonstrable first step toward earning the public's trust and confidence. It will be useful in guiding the process for public participation in development of the Programmatic Environmental Impact Statement(s) on environmental restoration, waste management, and reconfiguration of U.S. nuclear weapons facilities.

In finalizing this first draft of a policy, DOE should carefully review a recently released report of the Secretary of Energy Advisory Board Task Force on Radioactive Waste Management entitled "Earning Public Trust and Confidence: Requisites for Managing Radioactive Wastes," November 1993. In particular, the findings and recommendations of the Task Force provide many valuable insights which are directly relevant to the formulation of a DOE-wide public involvement policy. DOE could be well-served if this policy embodies the guiding principles outlined in the Task Force report for interacting with external parties.

It is strongly recommended DOE pay particular attention to implementation of the policy in the field. Often a well-thought-out plan or policy conceived in good faith fails to achieve its objective because of poor implementation. In a large and geographically dispersed organization such as DOE, even greater attention to effective policy implementation is warranted.

In addition, we recommend DOE take the necessary steps to monitor and evaluate the effectiveness of its *Public Involvement Policy*. Various tools, including focus groups and time-series surveys, can be used to determine whether the policy is effective in achieving its stated objectives. This is an important element of the overall policy development process.

Finally, we offer a constructive criticism of the solicitation of stakeholder input on this draft *Public Involvement Policy*. A notice from the DOE Los Alamos Area Office about the policy was postmarked January 6 and received in this office on January 7, 1994. A copy of the draft policy was not included with the notice.

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Notwithstanding these circumstances, comments were requested "NO LATER THAN JANUARY 13." Providing less than five working days to acquire a copy of the policy, review it, and develop substantive comments sends the wrong message to the public about DOE's sincerity and commitment to meaningful stakeholder involvement. It is especially the wrong message to be sending when the issue is public participation. We urge DOE to take corrective action to ensure DOE handles future solicitations more appropriately.

Thank you for this opportunity to comment on the DOE's draft *Public Involvement Policy*. Please contact Chris Wentz of my staff at 827-5950 should you have any questions concerning these comments.

Sincerely,



ANITA LOCKWOOD
Chairman
Radioactive Waste Consultation Task Force

c: John McKean, Office of the Governor
Task Force Cabinet Secretaries
Patricia Trujillo-Oviedo, Stakeholder Involvement Office, LANL