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LON BURNAM

August 8, 1997

The Honorable Federico Peña
Secretary of Energy
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

Dear Secretary Peña:

It is more than a little sad and ironic that this week, the fifty-second anniversary week of the beginning of the nuclear age, DOE has called us together in another pseudo citizen participation event. Once again, DOE has proven its lack of commitment to a democratic decision-making process in addressing what should not have become a problem in the first place.

On July 14, a notice appeared in the Federal Register, filed by the Office of Civilian Radioactive Waste Management (OCRWM), Department of Energy (DOE). It announced two public workshops to be held less than thirty days from that date. The stated purpose of the meeting is to discuss issues and the public's concerns regarding the transportation of the nation's spent nuclear fuel and high-level radioactive waste, and to assist the department in developing policy related to that activity. **This notice appeared on just that one day**, gave no address for the meetings, but listed hotels in Dallas, TX and Reston, VA where presumably the meetings will occur, with no address for either hotel. **The cut off date for reservations for the reserved rooms in Dallas was July 18 and the deadline to preregister for that meeting was July 21.**

The notice gave no indication of any details or agenda for either of the two-day workshops. The cost for any citizen wishing to participate in the meetings is substantial. It could include travel expense, hotel, possible shuttle service, long distance phone calls to DOE for information, sign-up and to the hotel for reservations, and at least two days of expenses. The time and expense required for participation in these workshops is prohibitive for the general population, that is why you mainly have industry apologists participating in the process. Most citizens cannot afford to *assist* DOE in this manner. OCRWM itself had to reprogram $73,000 for the logistics of the two meetings.

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Rather than encouraging recorded public comment, the *Draft* Agenda for the Dallas meeting is a highly structured, time-consuming format that allows only one hour each day for citizen statements for the record. Out of eleven hours, only two are allotted for this purpose and this is the part of the meeting with restrictions -- *The maximum time allotted to each speaker will be 5 minutes. The time* ***will*** *be shortened to 3 minutes if necessary to accommodate all requests to speak.*

Citizens throughout the country have expressed great interest and concern about national nuclear waste transportation. The recently released "Summary of Public Scoping Comments related to the Environmental Impact Statement for a Yucca Mountain Repository" noted that over one-thousand people commented on the topic of "transportation", more than on any other single subject. Yet, when these workshops were planned, the only notification to the public was an obscure notice in a publication not read by or accessible to most citizens. My office received no information about these meetings and neither did any of the other public interest organizations who work directly with this issue. In our experience, this is completely different from a situation where DOE actually wants the public to be aware of its activities. In those instances, we all received detailed press releases and mailed an faxed notices concerning DOE and its actions.

For many years, elected officials and organizations have requested that DOE and other agencies involved in the nuclear waste issue seek our advice and assistance in situations where public involvement is sought. Some of the oversight boards have done that, but never DOE. I would be eager to share with you my experience in promoting public participation. In this instance, meetings should have been arranged where the greatest number of affected people live. To receive public comment, there should be a daytime and an evening session with the same agenda so that people can fit the meeting into their work schedule. **Clear and detailed information should be available concerning the current action or policy and what will be accomplished as a result of public involvement**. At least a thirty-day period should be provided for written comments on any important issue such as this. Notification of these meetings should be mailed and or faxed to local and national public interest organizations and to local media.

Officials of OCRWM know from previous public meetings and public comment to proposals that national transportation of nuclear waste is a vitally important issue for citizens nationwide. If there is any genuine interest in receiving public comment or to engage concerned citizens in dialogue, we ask that DOE should begin now to plan and schedule additional meetings with ample and adequate notice, in cities where the greatest interest has been expressed -- Denver, St. Louis, Cleveland, Chicago, Las Vegas and perhaps other locations.

The tone, timing and logistics of these transportation meetings suggests that DOE has decided to **go through the motions of public involvement rather than truly engage the public in this controversial topic.** We urge you to hold meeting where the affected people are, and to design

the meetings so that those who want to participate can participate. If the nuclear waste dilemma is truly a national problem, then the nation should be effectively engaged in policy decisions regarding nuclear waste transportation.

I had hoped for an improved record under the Clinton administration, but alas the situation at DOE has been so bad for so long, I am afraid the improvements have been only marginal at best. I regret I am unable to attend the Dallas meeting in person but have requested that this letter be read into the record.

Best regards,

Lon Burnam

Lon Burnam
State Representative

cc: Fort Worth Star Telegram
Rep. Pete Gallegos
Rep. Robert Junnell
Other Interested Parties

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