

## Consent Decree

Washington State lawsuits over missed major TPA milestones coupled with the impacts of the information restrictions imposed during the extended Consent Decree negotiations have also dampened public respect for DOE's creditability.

Recently, this litigation between Washington State and DOE has been resolved by the United States District Court. While this issue was under litigation, it greatly impeded the communication of progress being made at the WTP. The Board is aware that during the Consent Decree negotiations, review and approval by DOE Headquarters and the Department of Justice were routinely required before presentations and information could be released for public access. This process greatly restricted the timeliness and responsiveness of the local DOE office in responding to the Board's and the public's requests for information. Once the Consent Decree is finalized and these restrictions are lifted, DOE should be prepared to actively communicate what they can and be fully prepared to discuss the full scope of the vitrification process from the origins of the waste in the tanks to its final disposal in a deep geologic repository.

Some of the ideas discussed by the Board before the resolution of the Consent Decree still apply. These include:

- The time during the Consent Decree litigation should be used to prepare for an abundance of open communication when legal issues are resolved. Now is the time to prepare communications and think about structuring information, though the public should not be bombarded with too much information all at once.
- The previous lack of transparency on WTP issues and lingering questions about the Consent Decree only serve to damage the creditability of DOE.
- The Consent Decree has provided an excuse not to share information. To have a truly meaningful communication, DOE has to be able to talk about everything, realizing that the Board and the public want DOE to be successful.
- The process would be easier if the TPA agencies would commit to what information they are willing to make public, and determine the best way to communicate it.
- Any information not related to the Consent Decree currently under litigation, should be communicated to the public.