DOE/RL-2000-15
Revision 0

U. S. Department of Energy, Richland Operations Office and Office of River Protection Response to the Hanford Openness Workshops Report "Is Openness Working? A Progress Report, Fall 1999"

February 2000

United States Department of Energy

P.O. Box 550, Richland, Washington 99352

TABLE OF CONTENTS

APPENDICES

ACRONYMS

CG	CH2M Hill Hanford Group, Inc.
DOE	U.S. Department of Energy
DOE-HQ	DOE-Headquarters
dpi	dots per inch
ECP	Employee Concerns Program
EZAC	Employee Zero Accident Council
ESH&Q	environment, safety, health and quality
FH	Fluor Hanford
HJC	Hanford Joint Council
HOW	Hanford Openness Workshops
ISMS	Integrated Safety Management System
NSAT	National Security Analysis Team
ORP	DOE, Office of River Protection
OSHA	Occupational Health and Safety Administration
OCR	optical character recognition
PHMC	Project Hanford Management Contract
RL	DOE, Richland Operations Office
TIFF	Tagged Image File Format
WF&A	waste, fraud, and abuse

1.0 INTRODUCTION

The Hanford Openness Workshops (HOW), conducted between February and September 1999 to address issues related to openness at the Hanford Site, were part of a continuing collaboration among the U.S. Department of Energy (DOE), Richland Operations Office (RL); the Office of River Protection (ORP); the Consortium for Risk Evaluation with Stakeholder Participation; the Oregon Office of Energy; the Washington State Department of Ecology; and regional Tribal Nations and citizen representatives. The HOW report on the results of these workshops, *Is Openness Working? A Progress Report - Hanford Openness Workshops, Fall 1999* (HOW 1999) makes a number of recommendations concerning implementation of certain openness initiatives. This document is the RL and ORP response to those recommendations. The bold items are the recommendations from the HOW 1999 report.

2.0 EMPLOYEE OPENNESS

99-1 DOE must reverse its policy of reimbursing contractors for litigation costs.

As indicated in the letter from M. A. Sullivan, DOE-Headquarters (DOE-HQ) General Counsel, to M. L. Blazek, HOW, dated December 7, 1999 (see Appendix A), DOE continues to work on a regulation that would generally prohibit reimbursement of litigation costs for whistleblower cases when there is an adverse determination against the contractor. Both the Fluor Hanford (FH) contract with RL and the CH2M Hill Hanford Group, Inc. (CG) contract with ORP already contain such a provision.

99-2 DOE must implement a workplace infrastructure supporting a "zero tolerance" for reprisals environment.

DOE strongly supports this recommendation and has put in place an infrastructure that integrates zero tolerance for reprisals with its comprehensive safety program. Zero tolerance is an important component of the Hanford Site's Integrated Safety Management Systems (ISMS), which is not only a critical piece of the Site's workplace infrastructure, but a contractual requirement. Secretary of Energy Bill Richardson has directed all DOE sites to verify that an ISMS program is in place by September 2000.

DOE Policy 450.4, *Safety Management System Policy*, mandates that work be performed safely through the development and implementation of an ISMS. This DOE P 450.4 and DOE G 450.1, *Integrated Safety Management System Guide*, reinforce the importance of worker feedback, worker-based process improvement systems, and line management self-assessments.

Through two of ISMS's core functions (to perform work within controls and to provide feedback and continuous improvement), workers are empowered and *required* to provide constructive feedback concerning environment, safety, health and quality (ESH&Q) issues to management,

and to propose solutions where possible. Workers are encouraged to elevate any ES&H issues through their chain of command and raise issues to their company Employee Zero Accident Council (EZAC). Concerns raised at EZAC can be addressed at the facility level or forwarded to the monthly President's Zero Accident Council.

In RL's response to the 1998 HOW report (DOE/RL 1998), response to recommendation 19 provides a list of several programs that help maintain a free and open flow of important safety information and specific concerns. Among them is a mechanism to express concerns that cannot be resolved between worker and management, or when fear of reprisal exists -- the Employee Concerns Program (ECP).

The RL, ORP, and site contractors continue to mandate an environment of zero tolerance for retaliation for Hanford Site employees. RL and ORP support a culture committed to providing a safe and healthy working environment for all employees to ensure employees are free and open to raise any issues. This commitment is regularly communicated through site publications, periodic employee training, and a more visible ECP. RL, ORP, and the contractors continue to support this effort by providing periodic manager training to ensure that supervisors, managers, and employees understand the zero tolerance policy, as well as the importance of resolving concerns. To that end, former whistleblower and employee advocate Billie Garde is again scheduled to provide training to contractor managers the week of February 28, 2000. The ECP is also reviewing other options and opportunities to ensure management and employees are knowledgeable of their rights and obligations.

In addition to brochures and general publications, the RL and ORP ECP and the major Hanford Site contractors have developed web pages that can be easily accessed by employees. These web pages include information on the scope of the individual programs, a description of the general issue-reporting process, avenues of redress for reprisal as a result of protected disclosure, as well as the points of contact for each program.

Although protection from reprisal is required under 10 CFR 708, it is also an important aspect of the ISMS. Both RL and ORP's prime contracts specifically have "no recrimination" clauses for employees raising safety concerns, a requirement to establish a "Safety Conscious Work Environment" patterned on Nuclear Regulatory Commissions policies, and requirements to raise ESH&Q issues for resolution.

Furthermore, ORP as a new organization has issued an ESH&Q policy that includes zero tolerance for reprisal for raising safety issues. The policy has been enlarged into posters and located throughout the site (see Appendix B for a copy of the policy).

99-3 DOE needs to convene a meeting with senior managers and the HOW to discuss and strategize on how to achieve the goals delineated in the HOW report.

RL and ORP have already worked with the HOW to schedule such a meeting. It will be held on February 23, 2000 in Room 142 of the Federal Building in Richland, Washington.

99-4 DOE must conduct new employee orientation on the issue of openness.

All RL, ORP, and major contractor employees are required to attend training called Hanford General Employment Training on an annual basis. There are two training modules that are of interest to the HOW: the ISMS module (see the response to item 99-2 for more information on ISMS), which is required for all employees, and the module on employee concerns, which is required for FH and Bechtel Hanford, Inc. employees and optional for all others. Based on this recommendation, RL and ORP will consider extending the requirement for the employee concerns module to all employees.

99-5 DOE needs to simplify its employee concerns processes, paying particular attention to the transparency, openness and "trackability" of the process.

RL, ORP, and contractor ECPs continue to track and trend concerns raised through the ECP processes. To maintain multiple avenues for employees to raise concerns, a certain level of complexity is inherent in the ECP process. To mitigate that complexity, much time is spent advising concerned individuals about the various options available to them to seek redress.

Progress has been made at simplifying the process through communication, cooperation, and open dialogue among the RL, ORP, and contractors' ECPs while still respecting confidentiality. This communication and cooperation ensures that consistent messages are sent to employees and managers, that successful resolution of issues is of the utmost importance.

The ECPs have worked together to ensure the Hanford Site workforce understands the ECP process through communications such as brochures, employee memos, announcements, employee newsletters, and web pages. These information tools describe what constitutes an employee concern, at what point a concern can be elevated to a formal reporting process, how to voice a concern, and how concerns are tracked. These tools also address confidentiality issues, and the employee's right to be involved in the resolution of the concern. It is important to emphasize that the ECP’s aim is not only to resolve issues, but to also reestablish normal communications, which are usually not working when filing a concern becomes necessary.

As identified in the *DOE Employee Concerns Program Guide*, Section 8.0, “Priority Designation of Occupational Health and Safety Concern,” concerns are designated for processing according to certain criteria. These criteria define three designations: imminent hazard concerns, serious condition concerns, and other-than-serious condition concerns. Each criterion requires investigation within a certain time period (e.g., an imminent hazard concern must be investigated within 24 hours). RL, ORP, and each contractor ECP continues to designate concerns as required and communicate those priorities to the concerned employee(s) as necessary.

99-6 Openness requirements (including the Hanford Joint Council) must be applied to all contractors.

See the response to recommendations 99-1, 99-2, 99-10, and 99-24 for information on how elements of openness have been made or will be made, statutory or contractual requirements.

RL and ORP support the Hanford Joint Council (HJC) as a valuable forum for dispute resolution, and as an option for the contractors and subcontractors at the Hanford Site who choose to use it,

but do not intend to make its use a requirement. For example, ORP's prime contractor CG views the HJC as one among other available dispute resolution options in its "toolbox," but will use the option that appears to be the best given the specifics of a particular dispute. RL's management and integration contractor, FH and its subcontractors have chosen to use the HJC. RL's other major contractors, Hanford Environmental Health Foundation, Bechtel Hanford, Inc., and Pacific Northwest National Laboratory have chosen not to use the HJC, but have other forms of dispute resolution available.

99-7 DOE needs to institute a tracking mechanism to ensure that employee concerns successes are documented and that corrective actions are targeted at the right places.

Per DOE Order 442.1, *DOE Employee Concerns Program*, DOE and its contractor employees are encouraged to first seek resolution of concerns with first-line supervisors or through existing complaint or dispute resolutions systems, with the intent to resolve issues in an informal manner at the lowest level possible.

Although the ECP agrees with the 1999 Working Group report (HOW 1999) that most issues are resolved successfully with employee's line management through the normal course of business, the ECP does not agree with the recommendation to track them. This informal and effective communication is the backbone of a supportive work environment and develops trust and credibility between the first-line supervisors and employees. To implement a formal tracking mechanism would create an abundance of paperwork for first-line supervisors and could hamper the normally effective process.

When normal communications falter and an employee files a formal concern, the ECPs maintain extensive database information for tracking and trending these concerns. The resolution and necessary corrective action for each concern is communicated to employees either verbally or in writing. All corrective actions are tracked until closure and management of the appropriate organizations are held accountable for ensuring corrective actions are implemented.

99-8 DOE needs to institute a more transparent reporting and tracking system for employee concerns that include concerns rising from the contractor and subcontractor to the DOE-Richland and DOE-Headquarters level.

Although the RL/ORP ECP at the Hanford Site currently prepares a quarterly report to DOE-HQ for concerns received by the ECP, there is no DOE-HQ requirement for reporting site statistics as suggested by this recommendation. However, Hanford Site contractors are tracking and providing monthly and/or quarterly reports to RL/ORP ECP with the information recommended by the HOW (i.e., description of the concerns, status, actions taken to resolve the concerns, and dates received and closed).

The RL/ORP ECP is currently developing a reporting system that provides tracking and trending data at the Hanford Site, and has taken the initiative to develop a system that may eventually be used throughout the DOE complex. Reports will include an overview of all concerns submitted, those resolved within a given period, those that remain open, and significant issues or trends during the reporting period.

RL/ORP ECP is concerned about the recommendation that this information/reporting system should be made "open" and "transparent." The program is extremely sensitive to the issue of confidentiality -- a cornerstone of a successful ECP -- and as such, cannot support any attempt to make the system so open that confidentiality could be compromised, which would create a chilling effect among employees and defeat the purpose of the ECP.

Using employee concerns information to spot safety and management trends among the contractors, and communicating this information to the RL and ORP management remains a challenge. The ECPs routinely and usually informally draw inferences from concerns data that may show emerging problems. This information is normally given to RL and ORP management informally, to protect confidentiality and to avoid supplanting existing performance reporting systems.

99-9 Employees with waste, fraud and abuse concerns must have employee concerns mechanisms (including the Hanford Joint Council) available for protection and resolution of concerns.

The RL/ORP ECP and each of the contractor ECPs do accept waste, fraud, and abuse (WF&A) concerns. However, DOE Order 442.1 requires that concerns residing within the jurisdiction of other organizations be transferred to those organizations. When WF&A concerns are reported to the RL/ORP ECP, they are documented, issued a tracking number, and a notification is made to the DOE Inspector General who is the subject matter expert.

Hanford Site employees always have the right to report WF&A concerns directly to the DOE Office of Inspector General. The HOW may wish to make this recommendation directly to the DOE Office of Inspector General.

99-10 DOE must institute a body of clear performance metrics for various employee concerns and various levels of resolution at Hanford.

RL and ORP's ISMS include extensive ESH&Q performance metrics. Both offices intend to tie fee incentives and penalties to the contractors' compliance with ISMS for raising and resolving safety issues pursuant to the clause in their prime contracts entitled the "conditional payment of fee clause."

RL's comprehensive performance incentive plan for fiscal year 2000 for the Project Hanford Management Contract (PHMC) with FH includes only five performance objectives, each with between two and six performance measures. Employee concerns issues are of such importance to management, however, that the requirement for the contractor to be responsive to employee concerns is one of those few performance measures. Up to $500,000 in fee will be forfeited if the contractor fails to perform satisfactorily.

See the response to recommendation 99-24 for a discussion of the ORP's position on fee for performance by its contractor.

99-11 DOE needs to institute employee rewards that promote safe behavior, but do not promote under-reporting.

Reward and recognition programs are established to identify, reinforce, and promote work behavior that is safe and protects the environment. For example, RL, ORP, and the major contractors have developed several safety recognition programs that provide significant tangible awards for safe activities. The activities/awards system was developed with union involvement to ensure the relevance of the activities and the awards would be perceived as appropriate.

An innovative reward system is being implemented by Bechtel Nevada, which actually pays employees for raising concerns. RL and ORP plan to learn more about this approach and explore the use of such a system at the Hanford Site.

Although it was not a HOW recommendation, RL and ORP want to address the text of the Employee Openness Working Group Progress Report (HOW 1999) which indicates a concern about "workplace injuries being reported to personal doctors, rather than through the employee injury process." The HOW may be interested to know that RL shared this concern and as a result, conducted three audits in 1999 of contractor injury and illness reporting and record keeping.

The audits found that employees did not hesitate to report illnesses and injuries to their management, and that they were medically treated as necessary. The audits *did* find that although the contractor organizations appropriately investigated all reported injuries and illnesses, Occupational Health and Safety Administration (OSHA) standards were not always applied consistently in an effort to minimize the number of OSHA-recorded injuries. The contractors' purpose was to reduce the filing and recording of workplace injuries to the minimum required by OSHA standards. As a result of the audits, RL directed the contractors to impartially apply OSHA criteria for defining work-related injuries.

3.0 INFORMATION TOOLS

99-12 DOE needs to institute a mechanism by which the public can conduct a full text search on document abstracts.

Electronic access with the ability to search the full text of documents or their abstracts would be a dramatic step toward information access for any government agency. Although this goal is exemplary, it is out of reach at the Hanford Site due to its prohibitive expense. There is no doubt the technology for image enhancement, file size reduction, character recognition and data mining exists; some of these technologies are even being actively pursued by DOE-HQ's Office of Nuclear and National Security Information. However, at the Hanford Site, DOE is constrained by the cost of development and integration of many of these technologies, including the manual labor necessary to make Hanford's historical documents electronically useable.

The test application of data-mining and optical character recognition (OCR) technology to declassified documents described in the Information Tools Working Group Progress Report

(HOW 1999) serves as a real-life example. To make the "test" documents full-text searchable, either the documents would have to be recreated electronically (re-typed), or the OCR'd documents (even using image enhancement) would require manual comparison and corrections to the OCR version. If the HOW chose to have a searchable abstract of these documents, the documents would have to be read and an abstract written. RL and ORP challenges the HOW to complete such a project, then determine the number of hours of labor required to create documents that have fully searchable text and abstracts. RL and ORP could then provide a realistic cost-per-page of such a project.

The capability currently exists to implement this recommendation in some form; however, the cost to apply it indiscriminately to Hanford Site records would be prohibitive. Sheer volume is a major issue; DOE alone at the Hanford Site has nearly 80,000 cubic feet of material in storage, not all of which are of interest to the same stakeholders. There have been specific information identification and dissemination projects at the Hanford Site, such as the Hanford Environmental Dose Reconstruction Project, the Hanford Human Radiation Experiments project, and the Hanford Declassification Project -- all involving the identification of a specific category of documents, and all at substantial cost.

RL and ORP recognize information access is a cornerstone of openness, and continue to encourage HOW's recommendations on information or collections of documents of interest to the public. All recommendations will be considered in light of resource requirements and availability. The record for information access at the Hanford Site may not be perfect, but all efforts are made when possible, practical, and cost effective, for programs to provide clean-up information to the public through the DOE-RL Public Reading Room, the Hanford Technical Library, the Hanford Home Page on the Internet, press releases, as well as other avenues described in the HOW fact sheet entitled "Access to Documents." However, the programs that make existing information available through these resources often lack funding to take extra steps at additional cost to make their information electronic and "user friendly" for the general public. However, RL and ORP have made a concerted effort, partially in recognition of HOW interests, to make information and finding aids such as litigation databases, the historical photo negative collection, and others electronically available.

The focus and recommendations of the Information Tools Working Group is appreciated. If it is determined there is a cost-effective application for these or other developing technologies at the Hanford Site, they will be explored.

99-13 DOE needs to determine if Optical Character Recognition (OCR) of the existing scanned documents will allow SPIRE/STARLIGHT to at least cluster documents.

Documents scanned for the National Security Analysis Team (NSAT) (formerly the Hanford Declassification Project), as well as routine scanning of RL, ORP, and FH information is done in TIFF (Tagged Image File Format) that does allow the application of SPIRE (Spatial Paradigm for Information Retrieval and Evaluation) to cluster information. However, as demonstrated by the HOW's OCR test on scanned documents, the OCR capture rate depends upon the quality of the documents being scanned and the OCR process used. Newer documents created on personal computers with no handwritten additions and in a standard size have a high OCR capture rate. Those with handwriting, onion-skin copies, faded thermofax or other less-than-perfect original documents have a very low OCR capture rate.

99-14 DOE needs to survey other Federal agencies (principally intelligence agencies) to see what scanning and OCR technologies they are using that may be transferable to DOE.

This recommendation may be most effectively pursued by the DOE-HQ intelligence or information management organizations in an agency-to-agency initiative. The RL and ORP suggest the HOW makes this recommendation to DOE-HQ.

99-15 DOE needs to investigate what would be required to increase the resolution of the current document scanning and what the impacts would be of doing this in terms of size, quality, time, etc.

Documents scanned for RL and ORP are at 200 dots per inch (dpi) because that was determined to be most cost effective in terms of processing time and image quality. The image quality between 200 and 300 dpi is negligible for most computers used at the Hanford Site, and there is a cost associated with increasing the dpi scanning rate because the process takes more time. OCR software, however, is typically designed for 300 dpi.

RL, ORP, and most Site contractors have a major investment in the technology currently used at the Hanford Site and are unable to stay on the cutting edge of rapidly changing, nonstandard technology, except for specially funded projects. So, even though the capability exists to do more sophisticated image enhancement and processing, our corporate investment will more likely be in technology that is industry standard and suitable for general use by thousands of employees -- not necessarily the latest technology developments.

99-16 DOE needs to investigate the potential use of combined multi-spectral scanning and OCR for improved scanning quality.

Any improvement based on this recommendation, albeit a good one, is likely to be small. For example, if multi-spectral scanning were to have been applied to the test on the declassified documents described in the Information Tools Working Group Progress Report (HOW 1999), there would have been no significant effect on the OCR failures due to handwriting, faded ink, wrinkled paper, etc. It may have been helpful for text overlaid by marks or stamps when the marks or stamps were a different color from the base text. Ideally, the investigation into the use of multi-spectral scanning technology would include scanning in infrared and ultraviolet, as these may provide better discrimination between the base text and other markings. However, it could be prohibitively expensive to pursue the use of this type of technology, as infrared and ultraviolet capabilities are not commonly found in commercial equipment.

99-17 DOE needs to investigate the potential use of Wavelet or Fractal image analysis and/or compression for scanned images.

This recommendation is also a good one, but it should be noted that these technologies affect only the storage size and transmission time for data delivered to the user as images. TIFF is the predominant file format for scanned text documents and is the format primarily used at the Hanford Site. (The HOW Working Group used TIFF in its test.) While wavelet and fractal compression methods would be expected to produce improvements over TIFF, they are not yet mature technologies and are vulnerable to such difficulties as slow compression, lack of

robustness, and the need for nonstandard viewers. Like other nonstandard specialty technologies, it is unlikely that such an investigation is cost effective at the Hanford Site.

99-18 DOE needs to investigate image enhancement or improvement techniques and technologies.

Like some of the technologies discussed above, there is a potential for the application of image enhancement and processing technology to Hanford Site documents, but success is highly dependent upon the application, the condition of the original documents, and other variables. Commercial-off-the-shelf software exists that can enhance images or can be used to supply the algorithms necessary for a specific application. Like other technologies, however, image enhancement and processing technology may not be cost effective for use at the Hanford Site.

4.0 DECLASSIFICATION

99-19 Within the bounds of DOE's legal obligations (Privacy Act, export control, etc.), all DOE reviews of documentation must include a plan for ultimate public release. This plan should provide for expedited release of finding aids.

Given the project and funding considerations identified in the response to recommendation 99-12, RL and ORP are working to implement this recommendation wherever possible. For example, FH and their subcontractors have had a database in place since 1990 that contains nearly 29,000 documents including technical reports, engineering supporting documents, and contract deliverables, all of which are identified as either publicly available or having some legal basis for a limited distribution. Those that are identified as publicly available are accessible through the Public Requests Service which is described in the HOW fact sheet "Access to Documents."

DOE and its contractors throughout the complex make technical reports publicly available via the Office of Scientific and Technical Information's Information Bridge web site (http://www.doe.gov/bridge). Bechtel Hanford, Inc. also makes its reports publicly available on its web site (http://www.bhi-erc.com/library/library.htm).

As indicated in the RL response to recommendation 38 (DOE/RL 1998) in the HOW 1998 report (HOW 1998), training all Hanford Site employees who generate documents to identify information that is legally required to be withheld from the public would impose an administrative burden that is not considered practical.

Searches are occasionally conducted for specific projects that include funding for reviews for public release. The search at the Hanford Site for historical documents related to human radiation experiments, conducted in 1994 to 1995, is an example. The search for documents responsive to the subpoenas in the Hanford "Downwinder" litigation, however, is an example where funding was available only for identification and retrieval of documents for the litigants, but not for clearance. Partially due to the interest of the HOW, RL has cleared one index of "Downwinder" litigation material and will continue to clear other indices and make them

available as finding aids. The RL and ORP's General Chief Counsel's office is currently retrieving documents that will be used as the basis for a report to Secretary of Energy Bill Richardson on certain historical research. Because of HOW's interest, RL and ORP intend to clear all these documents so that they will be available upon request.

99-20 The National Archives policy of destroying documents without review unless the originating organization directs otherwise should be reversed. The policy should be one of retention unless the documents are reviewed by National Archive and found not to have historical significance.

DOE, like all other federal agencies, is required to comply with National Archives regulations. This recommendation should be made directly to the National Archives and Records Administration.

99-21 Hanford related documentation must not be destroyed until: 1) It has been declassified for a predetermined amount of time AND 2) It has been returned to Hanford for review.

The NSAT will ensure Hanford Site documents that are declassified are placed on the Internet indefinitely. There is no complex-wide system for document accountability, classified or unclassified, and therefore it is unknown which sites (if any) have copies of Hanford-related documents that do not exist at the Hanford Site. At this time there is no effort underway at DOE to return documents to their originating site. This would be a costly and labor-intensive, but not impossible, effort. The HOW should consider making this recommendation to the Records Management organization at DOE Headquarters.

Also, as RL indicated in its response to recommendation 36 of HOW's 1998 report:

> "Preservation of documents has been a byproduct of a moratorium that has been in place at the Hanford Site since December 1990. Because of pending litigation, a moratorium on destruction of records was imposed; that moratorium includes any record material stored in any office on the Hanford Site." (DOE/RL 1998)

The moratorium is still in place.

99-22 DOE needs to ensure that declassification efforts are accompanied by effective "data mining" capability to ultimately make the information accessible.

Data mining capability for declassified or any other type of records could significantly enhance the retrieval of useful information in RL and ORP record collections. Finding a cost-effective tool that could be used throughout the DOE complex on the vast amounts and various forms of records is an important but difficult task. Knowledgeable technical reviewers would be required to review and make judgements on the "output" from any "data mining" project. SPIRE and Starlight are promising technologies that may be useful in this area in the future.

5.0 PUBLIC INVOLVEMENT

99-23 DOE should use the Working Group's draft evaluation plan and positive/negative examples to develop more useful and comprehensive public involvement evaluation mechanisms.

The DOE, in conjunction with the Washington State Department of Ecology and the U.S. Environmental Protection Agency, has implemented the evaluation process outlined in the *Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Community Relations Plan* (Ecology et al. 1997). The evaluation process was developed by the Tri-Parties together with highly interested stakeholders. The agencies completed their first Tri-Party Agreement Public Involvement evaluation in 1999. Evaluation forms were provided to stakeholders at a Hanford Advisory Board meeting and at public involvement activities; however, very few stakeholders returned the completed evaluation form. Despite the small number of completed evaluations, the Tri-Parties provided recommended changes and improvements to current public involvement processes and activities. These recommendations have been included in Tri-Party Agreement policy documents to ensure management is making improvements in public involvement.

Since there will be another evaluation in 2000, the Public Involvement Program will further explore the evaluation advice and Public Involvement Draft Evaluation Plan developed by the HOW during its meeting with the RL Public Involvement program manager (see Appendix 14 to HOW 1999). For example, the recommendation to provide 3 x 5-in. cards for evaluation information at public involvement activities is one the Tri-Parties could easily implement. It may even increase the amount of citizen evaluations received at public involvement activities. Other ways to encourage stakeholders to complete the evaluation should be explored by the Tri-Parties. One way to improve the number of highly interested stakeholder evaluations could be to implement the HOW's recommendation to include evaluation forms and information on the Internet. The DOE will continue to explore this recommendation.

The DOE will also consider HOW recommendations, as well as the examples of positive and negative public involvement activities of the past, when revising its Public Involvement Policy and Desk Reference. The ORP public involvement program integrates and coordinates activities whenever possible with the RL public involvement program, as both organizations can benefit from implementation of HOW suggestions to create a more effective evaluation mechanism.

6.0 PERFORMANCE MEASURES

99-24 DOE needs to implement performance measures recommendations from the 1998 HOW report.

RL has focused its incentive dollars on three outcomes for fiscal year 2000:

- Restoring the Columbia River corridor for multiple uses
- Transitioning Hanford's Central Plateau to support long-term waste management
- Putting DOE assets to work for the future.

To accomplish these outcomes, RL replaced the Performance Expectation Plan with a Comprehensive Performance measure to cover the more subjective performance areas (see contract modification M090 at http://www.hanford.gov/phmc/contract/mods/m090/index.htm). One of the five performance objectives is "Quality and responsive communications products with external and internal Hanford customers." One of the two measures of this objective is the requirement for the contractor to provide employees, DOE-HQ, the general public, stakeholders, regulators, and Tribal Nations with timely and accurate information. The incentive allows for the contractor to forfeit $500,000 in fee if it fails to meet the objective. While the negative incentive is less than the 5 to 6% percent recommended by the HOW, RL believes the potential loss of fee is sufficient to motivate the contractor to address openness issues.

Safety, an issue of primary importance to RL and ORP as well as the HOW, is inherent in its major contracts. If the contractor fails to perform under its ISMS requirements, RL and ORP can invoke the Contract Conditional Payment of Fee clause to reduce fee. ORP has no incentives for openness in its contract with CG. Rather, the contract puts incentives in place for *safe* project completion.

By using these methods to incentivize contractor performance, RL and ORP believe they have accomplished one of the HOW's goals, institutionalizing safety requirements by making them a provision of the contract.

7.0 TRIBAL OPENNESS

99-25 DOE and tribes need to continue to pursue the openness potential presented by meetings between DOE declassification staff and tribal members.

RL committed to pursuing interactions with the Tribal Nations on declassification during the Tribal Openness Concerns Workshop in June 1999. A letter was sent to the three local tribes shortly after the workshop expressing interest in meeting with each tribe, at a location of their choosing, to discuss the declassification process and understand what type of information was of tribal significance. The Nez Perce tribe responded to the letter and a meeting was held in Lapwai, Idaho on September 2, 1999.

The outcome of that meeting was increased understanding of tribal interests, and implementation of procedural change within the declassification project to capture items of tribal interest. After that meeting, management of the NSAT distributed a word list generated by the Nez Perce to the declassification reviewers and instructed them to include these words and concepts in their review process. When a declassified document contains tribal information or information of interest to the tribes, NSAT will withhold public release of the document until coordination with the RL and ORP Indian Nations Program takes place.

The NSAT initiated an exciting new component of the declassification program in January 2000 that will be of interest to the Tribal Openness Working Group. NSAT is reviewing approximately 50,000 classified historical photograph negatives that document various events, buildings, and equipment at the Hanford Site. These negatives date from 1942 and are of particular interest to Native Americans because of the images of the undisturbed desert before facilities were built. The negatives will be reviewed for public release and given the same consideration for tribal interests as other classified documents. The end result will be an easily reproducible set of about 50 CDs and an index in a standard format that will contain all of the images. Copies of the set will be provided to the DOE Public Reading Room. When funding can be identified, the images will also be made available on the Internet. It is anticipated that the project will be completed within a year.

Tribal members have been invited to come to the NSAT facility and observe first-hand the progress being made in the negative conversion project. In addition, a second letter has been sent to the Umatilla and Yakama tribes to determine if they have an interest in meeting with RL to discuss the declassification program.

In addition to involving the tribes in the declassification project at the Hanford Site, the HOW should be aware that presentations on the special government-to-government relationship between DOE and the tribes by the RL and ORP Indian Nations Program will be made to senior staff and project managers in March 2000.

8.0 REFERENCES

10 CFR 708, "DOE Contractor Employee Protection Program," *Code of Federal Regulations*, as amended.

DOE Order 442.1, *DOE Employee Concerns Program*, U. S. Department of Energy, Washington, D.C., as amended.

DOE P 450.4, *Safety Management System Policy*, U. S. Department of Energy, Washington, D.C., as amended.

DOE G 450.4-1A, *Integrated Safety Management System Guide*, DOE G 450.4-1A, Volume 1, "Guidance," and Volume 2, "Appendixes," U. S. Department of Energy, Washington, D.C.

DOE-RL, 1998, *U. S. Department of Energy, Richland Operations Office (RL) Response to the "Hanford Openness Workshop October 1997-May 1998 Final Report Summer 1998,"* DOE/RL-99-08, Rev. 0, U. S. Department of Energy, Richland Operations Office, Richland, Washington.

Ecology, EPA, and DOE, 1997, *Community Relations Plan for the Hanford Federal Facility Agreement and Consent Order*, Washington State Department of Ecology, U.S. Environmental Protection Agency, and U.S. Department of Energy, Olympia, Washington.

HOW, 1998, *Hanford Openness Workshops October 1997-May 1999, Final Report*, TRAC-0818, Rev. 0, Hanford Openness Workshops, Seattle, Washington.

HOW, 1999, *Is Openness Working? A Progress Report - Hanford Openness Workshops, Fall 1999*, HOW-991015-1: TRAC-0828, Rev. 0, Hanford Openness Workshops, Seattle, Washington.

APPENDIX A

HANFORD OPENNESS WORKSHOP LETTER

APPENDIX B

OFFICE OF RIVER PROTECTION POLICY ON ENVIRONMENT, SAFETY, HEALTH AND QUALITY