

Privacy/Security Notice



● CHARTER ● MEMBERS ● WORKSHOPS ● RELATED LINKS ●
● WHAT'S NEW ●

**Hanford Openness Workshop
Workshop 2 Summary
November 5, 1997
DRAFT**

Introduction and Meeting Business

Michael Kern offered introductions and logistical information. Suggested adoption of meeting summary from Openness Workshop 1.

Greg deBruler suggested that the Workshop participants wait until more participants arrive to adopt the summary. Yvonne Sherman suggested that the Workshop starts on time, and that we don't wait for participants who are arriving late. The group discussed what they needed to do in terms of adopting minutes/summaries/tapes to be in compliance with the WA Open Public Meetings Act, as specified in their charter. They determined that only adopting summaries was required.

Greg deBruler asked about how accurately representative are the meetings summaries. Do they capture the breadth and depth of the discussions for someone who was not there? The group decided to request that summaries more fully reflect the diversity of opinions expressed and that the complete text of presentations and handouts be included as attachments to the summaries.

Yvonne Sherman moved to have Roger Heusser present as he is needed to leave the meeting by 11:30 to catch a plane. She suggested that meeting business be discussed later. Michael Kern asked if the Membership Working group objected, and they did not.

Presentation from Roger Heusser:

Roger Heusser covered questions from first workshop. He contrasted the Office of Declassification today with 5 years ago. He explained the Openness Advisory Panel (OAP) of the Secretary of Energy's Advisory Board (SEAB). The OAP consists of 12 members who report to the Secretary of Energy. He also introduced members of SEAB: historians, attorneys, president of Lockheed, consultant, former Assistant Secretary, Professor. The OAP charter gives instructions to advise on declassification and openness in total. The next OAP meeting is in December 1997.

Action Item: Add OAP names to mailing list through Yvonne Sherman.

Our summary concerns and OAP report are similar. Write to OAP directly. Greg deBruler asked how new appointments come to the board. Roger Heusser explained that they are on staggered continuous terms. Greg deBruler expressed concern that representatives are either lawyers or contractors. He asked if there are any commonplace citizens. Roger Heusser responded that the OAP wanted a balance of prestigious people; an insiders perspective. Greg deBruler maintained that the Board needs a broader base. It isn't just declassification but information access; openness as broad concept. Roger Heusser explained that records management is a need. Gerry Pollet stated that no one on the Panel is of the perspective that openness equals public access. Roger Heusser said that there has been a real change in culture; there is less hate mail, lost packages. There is a new strategic plan for Department. "Customer oriented - open, honest, trusted by customer and Stakeholders." He is upset that documents can't be found. The system needs better finding aides; needs to use technology as an aide. Roger Heusser mentioned a report that concluded that the majority of documents are unclassified but effectively unavailable. There is a definite records management problem. There has been no investment in records management.

What's next? International issues, DOD input/negotiations, better control of records, better control of electronic records. The "Fundamental Classification Policy Review" is moving forward.

Norma Jean Germond suggested that what we really need is more people going through boxes. Roger Heusser agreed, but explained that there is a need for increased funding to get more people going through things.

Roger Heusser listed how Secretary Peña has stated the Department's commitments to Openness: initial commitment when appointed; Openness press conference; strategic plan/core values. According to the Secretary, Openness is a core value.

Gerry Pollet explained that the Performance Measures Working Group has suggestions for increasing accountability to core values; by including a standard contract performance measure clause. People keep hearing that Openness is a core value, but the problem is, sites are managed according to contracts. If Openness is not mentioned in the contract, it won't be included. Heusser said that contracts are supposed to follow strategic plan. But, Gerry Pollet continued that there isn't a contract in the nation that either rewards or penalizes openness. Roger Heusser agreed that what we need is a champion; "Openness: The Way to do Business." Gerry Pollet continued that Openness may be mentioned in a contract, but with no performance measures. Where there is no fee, there is no action. How can we make this standard contract language? Roger Heusser encouraged writing a letter to the Openness Panel.

Action Item: Get organization chart of how Office of Declassification fits in DOE structure.

Roger Heusser told the participants that the Undersecretary is now calling him because the Office of Declassification has a reputation of being unbiased. Brian Barry asked what the Secretary of Energy's position is on funding the Office of Declassification's work. Roger Heusser responded that the Office is included in a new workscope, which includes receiving FOIA requests by email, but they don't have funding because of a big budget cut. Brian Barry continued that 310 million documents are useless unless people can see them. Money needs to be spent on scanning so people can see the documents. Roger Heusser agreed that it costs approximately \$0.50 - \$1 page to release a classified document out to public.

Roger Heusser continued to explain that there are concerns about excess and mismanagement of radioactive material. He said that he can't touch Department of Defense (DOD) classified information even if it is taken from Department of Energy (DOE) information. Exact numbers are coming for declassified documents. Dirk Dunning asked why it isn't possible to just regenerate reports on DOE letterhead instead of DOD. Roger Heusser responded that there are more types of documents and records being released, like films showing Bobby Kennedy, experiments, changes in policy. There will be new regulations on whistleblower protection. He stressed the need to have classifiers trained, tested, and certified. There is work being done on revising and condensing the classification guides.

Roger Heusser gave details on the budget for the Office of Declassification: 47 Federal Full-time Employees (FTE) (high was 50, by the end of the year they may lose 8); Contractors are cheaper because they are paid by hour, 105 FTE (high 105, end of year 85); Declassifiers 40 (high was 70). Gerry Pollet asked about the possibility of offsetting budget cuts by transferring expenses to the field office budget, as has been the case with some other budget cuts. Can the Office of Declassification do that? Roger Heusser responded that he didn't have the authority to do that, but he could check on the possibility. Scott Johnson asked about the differences in budget amount requested versus the amount received. In 1997 asked for \$12.5 million, received \$9.6 million; 1998 asked for \$11.6 million, received \$7.7 million; 1999 asked for \$17 million, but will receive how much?

Scott Johnson also expressed concern that as DOE contractor employment overall has been decreasing, security has also decreased. Gerry Pollet agreed that at Hanford, the reduction in security has been the flip-side in increasing public and regulator access. But looking at the positive end of reduction of security, after the PFP explosion, there was a record of the conflict between security and the health and safety of employees. We know about the delayed emergency response, and of course, there is concern over both.

Rick Stutheit stated that a site-wide document database exists. But asked Roger Heusser, how do we track stuff at other sites? Gerry Pollet also asked about controls in place to prevent people from boxing up and shipping out documents to other sites to escape a FOIA request. Yvonne Sherman responded that her authority only extends to Hanford; if she doesn't get a clue from a requester that the information they need might be at another site, then she won't know to look. Rick Stutheit added that document accountability has either stopped or never existed. Dirk Dunning asked if it were possible to make recommendations on DOE's record retention schedules.

Greg deBruler asked Roger Heusser about FOIA requests, and asked why it isn't routine to check in other libraries if a document isn't found in another. Gerry Pollet agreed that citizens shouldn't be responsible for telling DOE where to look for a document, but that a FOIA request should be enough. Tom Carpenter also agreed, and explained that he files a lot of FOIA requests. The law requires public files and facility searches. Gerry Pollet added that while regulations may require, nevertheless, there needs to be a policy. Yvonne Sherman explained that as the local FOIA officer, looking elsewhere isn't normally done. She doesn't have jurisdiction, but stated that complex-wide finding aides would be great.

Greg deBruler expressed concern that "in-transit" documents are a way for DOE to hide documents. Tom Carpenter asked Diane Larson, who has had experience with declassification at Hanford, to comment. Diane Larson explained that Roger Heusser had

helped her office in the past by writing to Westinghouse managers getting on them to release documents.

Follow-Up to Issues Raised at Workshop 1:

Roger Heusser handed out information on how to order satellite photos from USGS. The cost is approximately \$8-\$18 per picture. Rick Stutheit added that the images are also on the Internet.

Action Item: Distribute USGS ordering information to Workshop participants. URL for site is on the web site listing from DOE.

Roger Heusser added that the OpenNet web site team is working on doubling the number of available images, as well as improving visibility and readability.

Dirk Dunning asked if the CIA satellite photos are comprehensive. Roger Heusser answered that he hasn't looked at them all. Dirk Dunning continued that at the Oak Ridge site, satellite photos discovered buildings that they didn't know existed. He expressed a concern that someone looks at the Hanford surveillance photos.

Gerry Pollet stated that he made a FOIA request and received radiologic survey data which has been very illuminating. Radiation levels along river are in excess of EPA levels. Dirk Dunning agreed that this was particularly true in sloughs. Gerry Pollet added that the photos only give one snapshot in time

Action Item: Have Rick Stutheit contact the person from Nevada about surveillance photos/assessment.

Tom Carpenter asked about the status of Secretary Peña's press release on Openness. Roger Heusser responded that the Press conference is just waiting for Peña's schedule to clear. He also noted that the enriched uranium report coming out soon.

Tom Carpenter also asked about the SPIRE system which was developed at Hanford. Roger Heusser explained that there is a computer system that logs in a document and checks if it had been previously reviewed. It also logs the status of document. There is the potential for scanning and on-line redaction of documents, along with a program that checks why the document is or is not classified. The definition of "redaction" is the deleting of portions of a document, also known as "sanitization". Rick Stutheit offered more information about SPIRE. Similar to a "Galaxy", where similar types of information are grouped together giving a summary of information. The proximity of the cluster indicates similarity of information. A program like this can be used as an automated review tool. Tom Carpenter continued that this process takes a mountain of data and segregates out pieces while finding patterns.

Roger Heusser explained more about technological challenges in the Office of Declassification. An email standard is being worked on among agencies. Software is being developed for an automated document review using something like SPIRE; not just a word search, but a little bit of thinking. Tools have been developed for one classification guide, but there are several hundred more guides to combine.

Dirk Dunning asked if Roger Heusser has asked other agencies for technical tools. Roger Heusser responded that there is a working group on cross-agency technical cooperation, with a modest budget, but the group is making progress.

Brian Barry asked how decisions are made to prioritize types of information requests. Roger Heusser responded that FOIAs are completed on a first in, first out basis, but Congressional requests get top priority, followed by the Secretary of Energy's office. The Office of Declassification's staff has been shuffled. Also, when requests come in for documents to be used in a court case, they try to get the information out in time. Roger Heusser explained that he sets the priorities personally.

Russell Jim asked if the press conference will address GAO documents in DOE possession.

Yvonne Sherman mentioned the Human Radiation Exposure Roadmap document. Lists were provided of box numbers and types of documents held at each site. The Hanford Review team went through boxes pulling documents on radiation experiments for release (approximately 1943-1973). The documents are in storage. Russell Jim asked if this includes contractor records as well. Yvonne Sherman replied that contractor documents are included; all DOE and contractor records were searched, both retired and active. Gerry Pollet asked if the contracts are classified documents; is there a possibility that there are contracts filed in classified boxes? If there is no index, how would someone know if contracts are located in a box? Yvonne Sherman explained that the indexes are available for the Office of General Counsel boxes, but that she can't vouch for the quality of the forms.

Action Item: Indexes are available for boxes, and will be distributed to the Document Title Review Working Group, as well as to those who request them. The Document Title Review Working Group will look at lists when they are received.

Yvonne Sherman explained document "retiring"; from active files to inactive. She also asked for clarification on the use of the term "in-transit". Greg deBruler clarified that contractors used this term to refer to sensitive documents being moved around so people couldn't get a hold of them. Dirk Dunning agreed that he also ran into a similar term/method. He found that documents are not making it to their destination. Rick Stutheit added that receipts usually accompany classified documents.

Paul Davis offered an update on the status of the index derived from the Downwinder database (also referred to as the "stakeholder litigation database"): cost is minimal; clearance can be obtained relatively quickly, after screening for personal information; some litigants are reluctant to consent, and their objections will be noted. Yvonne Sherman continued that funding will be found to release the database. She added that the task that will take the most time is the title review of 232,000 titles for personal information, which is protected in the same way as Privacy Act information. The database will be key word searchable. Tom Carpenter wondered if there really were Privacy Act-like personal information implications in document titles. Yvonne Sherman explained that while it doesn't happen often, they are there. It isn't likely, but she has to look.

Yvonne Sherman explained that this is a database of titles only, not the full text. Gerry Pollet and others stated that they want the actual documents. Yvonne Sherman answered that this is an index only, as Jim Thomas had explained at the last meeting. If people want the documents, they have to be requested. Others felt that it had been clear they were talking

about the actual documents at the last meeting. Greg deBruler stated that the litigation database request was very clear. Gerry Pollet said that two years ago he had requested the actual document database, as the documents have already been scanned in. If the document has export control or privacy act information, why do law firms have them? Paul Davis explained that Judge MacDonald said that the law firms should have them. Norma Jean Germond added that when the Technical Steering Panel reviewed documents, they also had to get additional checks for privacy and export control. The Judge's order superseded this requirement for litigants. Tom Carpenter explained that they can release information to litigation but not to public. Most information probably won't fall under Privacy Act. The group decided that this issue was currently unresolved and to move on to the next part of the agenda.

PUBLIC COMMENT

Dirk Dunning asked about a memo with information sent to Doug Sherwood. [*DIRK, and other Participants: Does anyone remember what memo Dirk was referring to? Would you like to have a copy distributed?*]

Elaine Faustman asked about the reliability of SPIRE searching by topics. How effective are the techniques? Tom Carpenter replied that the Battelle team is very confident on reliability. He doesn't know the figures but can talk with the project head about this. The project head was Jim Wyse, but it may be someone else now.

Action Item: Information Technologies Working Group to look into SPIRE technology and have Jim Wyse or current project manager come speak at next workshop.

Greg deBruler asked about the report from the technical meeting that Roger Heusser mentioned in Washington, DC. Is this information available to us? Is the information Battelle used for the CIA available to us?

Action Item: Report from Washington, DC technical meeting.

Working Group Reports and Other Business

Membership Working Group

The Membership Working Group introduced the three potential new members they had invited to fill the two Openness Workshop vacant slots and asked them to give brief explanations of their interest in Openness issues. Nancy Welliver stated that she wants to be at the workshops because she sees communication as the issue, not technology. She has previously had very positive experiences with working groups with the Washington State Department of Ecology. Debi Abramson is involved in the Tank Farm Safety oversight. Diane Larson has background at both the Department of Defense and the Department of Energy and is interested in document reviewer security issues. She was laid off and has filed a complaint.

Michael Kern asked how the participants wanted to select the new members as we only have two seats available, but three new members would like to participate. He explained that another option is to vote to change the charter to include one more seat. Nancy Welliver declined a seat stating that she may work with the Hanford Advisory Board (HAB) instead

of the Openness Workshops because Gerry Pollet suggested that the HAB may correspond more closely to her interests. Diane Larson and Debi Abramson were welcomed as new participants.

Workshop Records

Deirdre Grace offered Gerry Pollet's idea on the most efficient and productive way to keep a record of the Openness Workshops, through personal notes, flipcharts, summaries, and audio tapes.

Action Item: Summaries will include and reference attachments.

Tom Woods expressed concern about issues such as compliance, formal record keeping, and a report of the proceedings. Gerry Pollet asked that more of the controversy in discussions be recorded in summary.

Action Item: Deirdre Grace committed to revise system. Participants will adopt First and Second Workshop summaries at the Third meeting.

Nancy Welliver expressed her feeling that the Workshop participants are spinning their wheels, and have an adversarial relationship. Participants need to get to know each other. She offered her thanks for the invitation to participate and added that DOE doesn't deliberately withhold information, but has communication problems. She feels that people need to have more peace in their hearts. Greg deBruler asked Welliver to please stay at the Workshop for the day. He explained that what she has seen is only a small piece, and that she will see where the group has already gone. He added that the group will produce something substantial because the participants here have good working relationships.

Nancy Welliver explained that she can tell that people do have good working relationships, but that she has an instinctual feeling about the tone of the meeting.

Gerry Pollet said that he recognizes that the people at the Workshops are the people who care about moving forward and appreciates that. He encouraged Nancy Welliver to go to the HAB and talk with people about the Tank Waste Remediation System (TWRS). People know each other, respect each other and yet have tremendous differences.

Russell Jim added that he has personally seen deception, and that the tone here is as civil as we can get it. We need first to define Openness. He suggested an American Indian Working Group to look at issues pertaining specifically to Tribes. The group approved this suggestion.

Nancy Welliver understands the frustration from difficulty obtaining documents, and she wishes she could put her finger on why she feels that the Openness workshop won't work. She feels like people are demanding things from the system without understanding how the system works.

Michael Kern expressed that from his perspective as facilitator, yes, there is tension in the room, based on a long history of conflicts but Workshop participants are doing an excellent job being civil and respectful and are making a great deal of progress. The only thing that will remove the tension is to create a new history of working cooperatively and in an open

climate, which is what these workshops are about.

Gerry Pollet asked Nancy Welliver if the characterization data she referred to is on-line. She answered that it is new on-line and that she will get the URL out. She wasn't sure if it was accessible from the DOE-RL webpage.

Meeting Note: Tape recorder had been unplugged. Section of conversation is not on tape.

Information Technologies Working Group

Yvonne Sherman said that the Information Technology Working Group hasn't done a whole lot since the first workshop. She sent out a general inquiry about what "info tech" means to participants to make sure that interests are well represented. The group will get together over email when possible. She added that she is putting together a simple web page for the Hanford Openness Workshops. She asked that participants please call, fax, or email suggestions. The Openness Workshops webpage will be on the Hanford webpage unless someone else offers a server. She said that she will depend on input from the working group, but that everyone is welcome to offer ideas.

Tom Carpenter noted that there was nothing stopping us from putting up the Openness Workshop charter, membership list, and previous openness commitments on the webpage. Yvonne Sherman explained that she would like use the SEAB homepage as template.

Mary Lou Blazek reminded the participants to be careful in their use of acronyms, as members of the public, as well as other participants don't always know what an acronym stands for.

Action Item: The first cut of the Openness webpage will be up by the end of the month. Please forward any electronic documents to Yvonne Sherman. Summaries can be included if they are designated as "draft".

Action Item: Have someone come talk to participants about Headquarters technology issues that were discussed at the meeting referenced earlier.

Action Item: Rick Stutheit offered to ask Tom Curtis come speak with participants about the "Declassification Productivity Initiative".

Action Item: Gerry Pollet asked to have our Openness webpage linked to other sites.

Historical Information/Bibliography Working Group

Greg deBruler said that the working group has grown, but has nothing yet to report. He is currently working on pulling materials together and will cooperate with the Information Technologies Working Group on getting information up on the website.

Action Item: Get list to Yvonne Sherman the week before website deadline.

Action Item: Call Greg deBruler if you have materials to include in the Historical Information list. He will coordinate from there.

Woods expressed confusion about the Openness Workshops. He feels that there is still no real sense of a direction, and no sense of products. Are the workshops more of a forum? He feels that the course for the group is not clear. He added that all of these points are coming up because participants aren't sure what they are here for. Tom Carpenter respectfully disagreed. He said that he has been pushing for an Openness Panel for years, and he has strong ideas about what Openness means. Tom Woods asked if this is reflected in the charter. Tom Carpenter agreed that the Workshops are not enough, but it is what we have and it is a starting point. We need to communicate through this forum our strong ideas about what DOE should be doing, but isn't. Tom Woods expressed a desire to let the agenda address what we want to talk about, not reports that put us to sleep. Greg deBruler explained that the group had to tiptoe around the charter so that they could produce a product to show we can improve process. The participants are trying to get concrete suggestions out of the four meetings, in order to get approval for a permanent panel.

Larson said it would be helpful to know what Workshop members want from the Workshop series. Michael Kern explained that this had been covered at the first Workshop. Mary Lou Blazek continued that the idea is to have four preliminary workshops to try to put together all these diverse interests into one cohesive voice. Also, the goal is to get documents out to the public in the form of fact sheets, etc. She would like to have a solid deliverable by the end of the workshops. Tom Woods agreed that he doesn't want to distract but asked the group to stay more focused, especially on questions like how people meaningfully participate once they are informed. He felt that this is a real core issue, but it has not yet been put out on the table.

Employee Climate Working Group

Carpenter offered details of several recent issues regarding worker openness (see **Attachment 1**). Looking at what the Nuclear Regulatory Commission (NRC) is doing at commercial nuclear facilities. NRC has changed its attitude over the past twenty years and now has strong statement of policy about employee concerns. If NRC finds that employees are not free to raise concerns, they can take away a facility's license. Millstone in Connecticut brought in an independent review team.

The lip service is there at Hanford. Words are just words, but if an action is associated, behaviors change. At Millstone, personal accountability got attention. At the end of the Working Group draft memo Tom Carpenter presented, there are recommendations about employee concerns. Currently, DOE doesn't consider it their business if there are employer-contractor problems, but they are their problems. DOE-RL Employee concerns program doesn't have the financial power or authority to handle problems. **[TOM and other participants: What does NIC stand for? National Inspections and C ____]** DOE needs to survey employees and address "hot-spots" like the pipefitters. The Labor Department said "Yes, there was a problem." HQ needs to issue a policy and they need to recognize what a "chilling effect" is. The policy must be meaningful and have methods to implement. Greg deBruler agreed, we need an example of policy implementation; let us see it, if a copy exists. There is not a level playing field, managers can promote whatever they believe is "openness." DOE needs to specify policy.

Nancy Welliver asked how people get complaints resolved if no one else agrees? What about managers? Tom Woods explained that at the heart of this is a sociological problem. TRUST; Employer loyalty. When there is abuse on either side, trust has been broken and

there is turmoil. There needs to be a fair and equitable playing field. There is more to the problem than just setting DOE policy. Tom Carpenter agreed; policy alone is not enough; also need to have behavior. Like the Hanford Joint Council; when Battelle was involved, there were no lawsuits, because it was a real mediation board. Diane Larson pointed out that there were tapes from the Hanford Joint Council hearings about people that were sent to unemployment office too early.

Max Power agreed with what Tom Carpenter said. The Hanford Joint Council was designed to separate technical and personnel issues. In following up to what Nancy Welliver and Tom Carpenter said, Max Power agreed that there needs to be a way to get "fresh air" in. The bottom line is that there is at least some level of trust that something will happen. Max Power asked if there was any discrimination as a result of the Millstone report. Tom Carpenter replied that discrimination is a legal term. It is difficult to prove reprisal. Instead there can be alleged discrimination. Dunning agreed that actual safety issues need to be addressed as well as ensuring that the systems are working. Right now the system is set up like the sign in the old factory: "Beatings will continue until morale improves."

Tom Carpenter asked if anyone else wants to be in on the discussion: Nancy Welliver, Diane Larson?

Action Item: Next meeting, have even more to discuss - have a paper/product to adopt by next meeting.

Document Title Review Working Group

Mary Lou Blazek said that this working group will review titles as specified in the Document Review Strategy provided at the first workshop.

Action Item: By next workshop, suggest priority criteria. Two weeks before 3rd workshop, get draft of list to CRESA. By 4th, draft fact sheet and the final list. Dirk Dunning and Deirdre Grace to do sample to see if work has any value. Mary Lou Blazek, with clearance, will look at classified material to see if there is anything worthwhile.

Action Item: Mary Lou Blazek nominated as HAB liaison. Workshop participants had no objections.

Management Tools for Openness Working Group

Gerry Pollet presented a proposal for including Openness performance measures in the FY '98 Project Hanford Management Contract (PHMC) and Battelle contract as they are both currently under review (**see Attachment 2**). He explained that it is open season for advice. The participants have the chance to craft performance measures/advice for regulators. He explained that there are three major areas of accountability: 1) Performance based contracts; 2) Management reviews/performance evaluations; 3) Budgets. He sees this as a question of commitment vs. reality. Site managers are in control of site budgets.

Gerry Pollet continued that there are several areas lacking accountability, like the need to have an open work culture. Also, how do you measure meaningful public involvement? If you don't have access, you don't have public involvement. The Workshops can't stop at declassification, but need to talk about access.

There needs to be a manner to institutionalize Openness at some level. We're saying "how do you do that"? How do you create incentives and penalties, carrots and sticks? The Tri-Party Agreement (TPA) level may be a wedge into the mechanism. There is a standard clause in the TPA about appropriate background information being available to the public.

But, what is "appropriate relevant information"? And, how do we make this real and accessible? If there was a mechanism for the public to make effective comment by providing access to documents, then there would be a penalty associated with the failure to provide access. We have a need for specified relevant information, as well as a manner for the public to obtain it

In the PHMC contract, 20% of fee should be withholdable if necessary information is not available to the public and regulators. The figure of 20% of fee was chosen because Openness is one of DOE's stated five top priorities, five "core values". It is time for DOE to put their money where their mouth is. PHMC, Bechtel, and Battelle contracts include both positive and negative fee schedules. Penalties need to be associated with inappropriate shuffling/hiding documents (like designating files as "legal," "in transit," etc.) Copying charges should not be used to block access; nor should control by another contractor.

Elaine Faustman asked why not include a clause for the complete loss of ability to renew contract. Gerry Pollet agreed that this was a good idea. Rick Stutheit asked about penalties regarding classifying. He explained that inappropriately classifying or hiding in classified box already has a legal penalty associated with it. Under AEC, there is a \$10,000 penalty for inappropriately classifying without guidance. He asked if there is a need to include it in the contract again; because there should already be an "obey the law" clause. Gerry Pollet answered that yes there already is an "obey the law" clause, but penalties are much more likely to be assessed in a contract than in a federal law that needs to be prosecuted.

Gerry Pollet continued that Openness is supposed to be key value, but it is not yet an incentive. The move now is to have each goal/milestone/performance have a percent of fee attached. Each overall goal should also have Openness goals included. Negative incentives won't be cumulative; a contractor can't go in the red if they don't meet the Openness goals.

Contractors need to include notice as well as access. They need to make the historical record available. They need to demonstrate that they are listening to advice and alternate ideas, and that they are changing designs to meet public concerns.

Tom Woods commented that to enable what is being presented, we are assuming that DOE has a definable, accessible decision-making process. However, there is nothing in the DOE process that enables input. Gerry Pollet agreed, but stated that the PHMC contract is supposed to correct this deficiency. Tom Woods also commented that the end-states are not clearly delineated. Gerry Pollet said that the contract performance measures are for work scheduled for the current year. Tom Woods said that the presentation includes good thoughts, but he still sees large issues to be dealt with.

Gerry Pollet continued that the contractors need to disclose problems, dissenting views, past releases, emergencies, etc. If these issues are not disclosed, there will be a negative incentive. We need to make the language specific enough, but you can't avoid some objective evaluation of subjective measurement. Also, we need to tie fee incentives to a positive work environment. There cannot be any legal violations, evidence of retaliation,

etc.

The incentives apply to the "Mega" fee. There are two fee pools: 50% on specific projects and activities, 50% on broader issues, such as openness. We are talking about the "Mega" fee.

Greg deBruler would like a definition of "impact to human health". Does this include economic and psychological impacts?

Gerry Pollet explained that under the current contract Fluor Daniels self-evaluates. There needs to be third party validation and recommendation.

Tom Woods asked how cases would be handled where DOE presses for retaliation. Gerry Pollet explained that this is exactly why we need a third party evaluation. Greg deBruler asked how to, under this new system of Openness incentives, "ding" DOE-RL if needed.

Nancy Welliver asked about the project contract; does the fee go back to DOE, if the contractor does not earn the whole amount? Gerry Pollet explained that PHMC as a whole loses the fee, not a particular department, and added that even current items in the contract are being ignored, because they don't have an incentive attached.

Tom Carpenter congratulated Gerry Pollet on the presentation and added that he did a great job conceptualizing what this is going to take. These ideas provide a framework to build on.

Michael Kern explained that we had this presentation today so that the Openness Workshop participants can impact PHMC & Battelle contracts which are currently under development. Gerry Pollet added that the group needs to get comments to DOE by the end of the month to get into the contracts.

Elaine Faustman asked about the percentage. Greg deBruler stated that whether the incentive is 20% or 1% it is still an incentive. Scott Johnson expressed concern that 20% might be so large that this proposal may be laughed at. 1-6% is still a powerful carrot and stick. Gerry Pollet agreed to find an appropriate level. He explained that the contracts are cost-reimbursable. The fee is profit.

Russell Jim said that he appreciated the presentation. He is still concerned about the issue of process vs. philosophical discussions at the Workshops. He would like to have an incentive for the compliance with treaties.

Action Item: Russell Jim to form an American Indian Working Group. He will contact other tribal members to work on the group (see text below). Group approved this.

11/5/97 Action

"Form an American Indian sub-group to address fast track records release of documents containing information which may reveal adverse affects on the health and welfare of Indigenous People." - Russell Jim

Gerry Pollet would like to include a statement of a clear objective to include consulting with tribes in the contract language.

Brian Barry also expressed appreciation of the work into performance measures. He thinks it is a huge step forward, but, the group also has a short timeline; where does the group see this going from here to the end of the month?

DOE Deputy Secretary Al Alm has a performance measures review team at DOE-HQ. Scott Johnson explained that a big objection from industry is that review is so subjective. There needs to be a third party panel to vote on the "carrot" and to argue if the contractor did or did not earn the incentive. Max Power agrees that the Openness incentives are an excellent suggestion. He added that the contractor is on the hook in number of ways. He suggested formatting the presentation so that these "hooks" are in bullets. This will help crystallize the contractors responsibilities.

Mary Lou Blazek agreed on the need to have a summary page with the recommendation. She is also troubled by the 20% figure and suggested that the recommendation starts lower and more realistically. We need to get comments on the draft in the next few days, but we do need a number. Greg deBruler suggested explaining the reason for 20% but then allowing for negotiation. Gerry Pollet wanted to agree on a target percentage. Scott Johnson suggested 3-5% stating that this is a lot of money. Mary Lou Blazek suggested 5-6%. Greg deBruler suggested 5%.

Dirk Dunning asked if there is a point about technical deployment and/or development in the recommendation. Gerry Pollet explained that this issue already has incentives. Dirk Dunning suggested using a figure of 20% of the profit, and Gerry Pollet explained that the entire fee is profit. Dirk Dunning agreed that the percent has to be high enough to make it profitable for the contractor to earn it.

Deirdre Grace expressed concern that there won't be time to have two reviews. Ruth Yarrow suggested that if Workshop participants don't comment by the deadlines, then they forfeit the chance to comment.

Michael Kern clarified that the cover letter will be general and described as reflecting the group's consensus. The specific recommendations will be described as the product of the Performance Measures Working Group. Gerry Pollet will revise the details with a percentage to match the cover letter. CRESA will fax the cover letter by Friday, participants will return comments to CRESA by Monday afternoon. CRESA will return draft to participants on Thursday for final comment and will fax out on Friday. The letter will be written to Al Alm, John Wagoner, and Secretary Peña.

Michael Kern continued that if participants have specific suggestions or questions about the recommendations they should talk to the Working Group about them. Mary Lou Blazek asked to include language in the letter about the contractor not being allowed to increase the amount of money requested in the contract to accomplish Openness.

Action Item: Send the Openness Workshop's recommendations on performance measures for openness to DOE-HQ and DOE-RL. Include a letter expressing the group's consensus on the general approach and an attachment representing the Management for Openness Working Group's suggestions about specific ways to implement such an approach. CRESA to draft letter and fax to members for revision and approval. Working Group to revise attachment. Only the letter will be described as reflecting the consensus of its signers.

Gerry Pollet thanked the participants for their enthusiasm and comments.

Dirk Dunning asked for a definition of records vs. documents. He said that there is a need to be precise because there are such things as "non-record" records.

Mary Lou Blazek expressed concern that Workshop participants not duplicate efforts among the working groups, like the Native American and Document Review working groups. Russell Jim commented that very few scientists know how to review a document for cultural effects.

Action Item: Mary Lou Blazek to coordinate efforts of these Working Groups before next workshop.

Review of DOE-RL Classification Guides

Yvonne Sherman asked that participants contact her if anyone needs handouts from the first workshop.

Rick Stutheit discussed the DOE-RL classification guide (**see Attachment 3**). He explained that it is used 80-85% of the time in classification, 75% of the time in declassification. Other guides in use are HQ, Program guides (topical guides for programs such as "Weapons" and "Boosting") and Field guides. Hanford is the only site in the complex with a publicly accessible guide. Questions about the guides can be covered at the next meeting. Other publications are available from Yvonne Sherman and on the web.

Gerry Pollet asked Rick Stutheit about details of the guides: Does number 1.1 in the guide, for example, control the bullets listed underneath? Rick Stutheit explained that the first line of each paragraph is a summary and that the actual guidance are the more detailed items listed below.

Yvonne Sherman also distributed the matrix/list of DOE associated URLs (**see Attachment 4**). She suggested that any questions be covered at the next meeting.

PUBLIC COMMENT

No public comments were made.

Public and Researcher Access to Information

Yvonne Sherman explained that DOE records are held in the Records Holding Area (RHA) also known as the 712 Building. Classified documents are also held in Building 3760. Unclassified documents are also included in documents at 712 and in a few other storage facilities around the Tri-Cities. The Federal Records Center (FRC) provides records storage for all federal facilities. It is a secure, climate controlled environment. FRC does not "own" documents; DOE is still the owner even after documents are stored at FRC. Requested documents are shipped as needed, usually within a 24 hour turn-around time, with 3 days the maximum. Occasionally several hundred boxes of documents are requested. They are then trucked over to Richland, which takes a longer period of time. FRCs around the country work with the National Archives and Records Administration (NARA). Federal agencies can turn records over to NARA and then they handle public access. Very few

Hanford documents have been turned over to NARA. The public can request NARA documents. Standard copies are \$0.10/page. Some preservation efforts are on-going at FRC and NARA facilities, such as microfiche restoration. Microfiche restoration is expensive, but nevertheless, some is happening.

Action Item: Tour FRC or NARA facilities.

Mary Lou Blazek asked about where other facilities are located. Yvonne Sherman responded that Linda Jarnagan, RL Records Manager would know specifically where materials are stored. Mary Lou Blazek and Greg deBruler asked about Hanford documents stored at Nevada, Savannah River, and Oak Ridge, specifically data about the 1950s filters. Yvonne Sherman answered that if HQ or another facility funded a Hanford-related project then the documentation would be at the other facility. Rick Stutheit added that there are documents at other locations. He assumes that they are copies of Hanford documents that have been shipped elsewhere and have since been destroyed according to retention schedules.

Action Item: Fact sheet for public on document storage (both classified and unclassified). Yvonne Sherman to draft, Document Title Review working group to finalize.

Rick Stutheit discussed statistics on classified and declassified documents (**see Attachment 5**). He noted that the 1997 volume went down because of a litigation project. Mary Lou Blazek asked if it was possible to get the same numbers from 1989-1997 to get a sense for the public of statistics.

Action Item: Stutheit to get statistics on classified and declassified documents for 1989-current year.

Hanford Home Page | [Openness](#) | [Workshop Summary Index](#)

For questions or comments about this page, please send email to Yvonne_T_Sherman@rl.gov

URL: <http://www.hanford.gov/boards/openness/summary/110597.htm>

Last Updated: 10/31/2002 11:46:09

