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Hanford Openness Workshop October 1997–May 1998 Final Report

"[It is] the fundamental principle that an informed citizenry is essential to the democratic process and that the more the American people know about their government the better they will be governed. Openness in government is essential to accountability."

-President William J. Clinton

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I. Introduction: An Overview of the Hanford Openness Workshops

The Hanford Openness Workshops (HOW) are a collaborative effort among the US Department of Energy (DOE)-Richland Operations Office (RL), the Consortium for Risk Evaluation with Stakeholder Participation (CRESP), the Oregon Office of Energy, the Washington Department of Ecology, and regional Tribal and citizen representatives. They are being conducted in order to partially fulfill DOE-RL's commitment to instituting DOE's openness initiatives (*see the following section, Section II., A History of Openness at DOE*).

Funding for the Workshops is provided through a DOE-RL grant to the Washington Department of Ecology and a DOE cooperative agreement with CRESP. CRESP convenes and facilitates the workshops, and provides staff support.

It is the mission of the Hanford Openness Workshops to resolve issues impeding the availability of any information important to public understanding about decision making at the Hanford Nuclear Site in eastern Washington while protecting national security or privacy information (*see Appendix I, Hanford Openness Workshops Charter*). The workshops are designed to aid DOE-RL on issues related to declassification of information and to improve public access to Hanford information. Participant interests include government and contractor accountability, improving existing systems to provide meaningful public access to information, declassification prioritization, creating an open and transparent decision-making process, and institutionalizing openness throughout DOE-RL and contractor activities.

In 1994 at the Hanford Summit II, DOE-RL committed to forming an Openness Panel to increase public access to documents, transparent decision-making, accountability and employee openness, and the elimination of reprisals. For two years, Northwest stakeholders and Tribal Nations aggressively pursued the commitment to Hanford openness, in the hope of forming an ongoing Openness Panel.



Toward this goal, four workshops were conducted from October 1997 to May 1998. The first and fourth workshops were conducted in Richland, Washington (near Hanford); the

second in Portland, Oregon; and the third in Seattle, Washington. Each one-day workshop was open to the public (*see Appendix 2, Agendas*). Workshop participants were selected by a membership committee comprised of representatives from CRESA, the Oregon Office of Energy, the Washington Department of Ecology, and DOE-RL in order to provide the perspectives of a wide variety of stakeholders and Tribal Nations (*see Appendix 3, Participant List*).

To maximize efficiency, participants decided at the first workshop to establish a number of Working Groups to address specific openness concerns. These groups include Historical Documents, Performance Measures for Openness, Document Title Review, Information Technologies, Employee Climate for Openness, and Tribal Issues. A temporary Membership Working Group was formed between the first and second workshops to make recommendations on filling two vacant participant positions.

This report is intended to communicate the major topics of discussion and conclusions reached during the Hanford Openness Workshops. It includes a report from each working group, followed by recommendations. This report concludes by considering several "lessons learned" from the Workshop series and a series of recommended "next steps."

II. A History of Openness at DOE



(*Historical Documents Working Group—Greg deBruler, Tom Carpenter, Ruth Yarrow, Tim Takaro*)

Open/Openness, according to Webster's New World Dictionary, means

"not closed, not decided, not closed to new ideas, free from legal or discriminatory restrictions, not secret; public, frank; candid (an open manner), to make or become available for use, etc. without restrictions, willing to receive, discuss, etc., public knowledge."

For over 45 years, openness was not a word found in the vocabulary of the US Department of Energy (DOE) nor its predecessor agencies.¹ The Cold War was on and secrecy became a the way of life. The reason for this secrecy was to prevent the proliferation of weapons of mass destruction. Virtually all documents associated in any way with the production and development of nuclear weapons were classified. Government officials believed the information contained in these documents—if released—could jeopardize the security of the United States. For the most part, keeping the information related to nuclear weapons production secret achieved this goal. There were also abuses, however, in which information that had no national security significance was classified.



The climate of secrecy began to change in 1986 when DOE's Richland Operations Office (DOE-RL) released 19,000 pages of unclassified and once-classified

information. The agency was responding to public concern about Hanford's past releases of radioactive materials to the environment. One example is Hanford's infamous "Green Run," in which 11,000 curies of iodine and 16,000 curies of xenon were released in 1949, although disclosure to the exposed public did not occur until 1986.⁶ This was the dawning of a new era for DOE-RL. With the release of these documents, more questions were asked by the public, and the pressure for openness continued to escalate. As more doors were opened, more involvement was demanded by the public.

For the people of the Northwest, the next major step by DOE-RL came in 1989 with the signing of the Hanford Tri-Party Agreement (TPA).⁷ This agreement committed DOE-RL to clean up Hanford, the most-contaminated nuclear production site in the Western world. It also committed DOE to abide by all state and federal environmental laws. Then-Energy Secretary Admiral James Watkins stated that the Cold War was over and there was no further production mission for Hanford. This signaled a new era of openness and accountability to the American public. However, despite Secretary Watkins' promises of a new era at Hanford and across DOE, little was done immediately to develop openness policies.

The first major policy steps towards openness occurred during the early years of the Clinton administration when President Clinton stated,

"[It is] the fundamental principle that an informed citizenry is essential to the democratic process and that the more the American people know about their government the better they will be governed. Openness in government is essential to accountability."⁸

Watkins' successor, Hazel O'Leary, embraced the philosophy of openness. Secretary O'Leary realized that, if the administration was going to be successful in bringing about cultural changes within DOE, it would need the help and support of the public. At O'Leary's confirmation hearings, she committed to a Departmental culture of openness and straight talk.⁹ She later stated, "In order to change the way DOE does business, I need your help in changing this culture from one of secrecy to that of openness."¹⁰

On December 7, 1993, Secretary O'Leary unveiled a series of openness initiatives that the Department announced would "ultimately make fundamental changes to our classification policies and operations... The Secretary intends to move the Department of Energy from the secrecy of the past to an era where the watchword for the Department will be openness."¹¹ Throughout her term as Secretary, Hazel O'Leary continued to implement and expand openness initiatives by holding press conferences, releasing vast quantities of previously secret information such as the plutonium stockpile and details on most American nuclear weapons tests, and releasing records relating to past human radiation experiments performed under the auspices of DOE and its predecessor agencies.

During this period, then-Assistant Secretary of Energy Tom Grumbly helped set the tone by stating,

"Public involvement in decision making is perhaps the single most important thing the Department of Energy can do... DOE needs broad-based support and participation... DOE's activities directly affect public health and safety and the environment for which DOE must exercise stewardship and be responsive to the

public interest. Citizens must have the right to influence decisions about matters that affect them."¹²

The fundamental reason O'Leary and Grumbly reached out to American citizens was to gain support for their goals. They understood that openness is an essential element in the equation of democracy. The public has the right to know how federal agencies are spending their tax dollars. O'Leary stated, "Openness is open, ongoing, two-way communication, both formal and informal, between the Department of Energy and its stakeholders."¹³ Many times, the Secretary referred to the public as equal partners in the decision-making process. The challenge would be to make this new philosophy an institutional reality.

O'Leary's successor, Secretary of Energy Federico Peña, supported implementation of the openness initiative. In a December 1997 press conference on openness, he said, "The American people have a right to know about government actions that could affect their lives, their communities, and their future. A government that is open and honest with its citizens builds confidence and trust that is essential." He also announced three sets of actions intended "to ensure that the Department of Energy's openness initiative becomes business-as-usual." These actions are spelled out in *Appendix 4, DOE December 22, 1997, Press Release*.



The Secretary of Energy Advisory Board (SEAB) has established an Openness Advisory Panel (OAP) to offer advice to the Secretary concerning the status of and strategic direction for DOE's classification and declassification

policies and programs, and other Departmental efforts to enhance openness. The OAP issued a report entitled, *Responsible Openness: An Imperative for the Department of Energy*, on August 25, 1997. OAP member Thomas Cotton attended the third Hanford Openness Workshop (HOW) and reported back to the OAP a very favorable impression of the HOW's activities during the OAP's first-ever field meeting in February 1998. This meeting was held in Richland, WA, in part because of the significant progress OAP believes the HOW represent (*see Appendix 6, OAP February 13, 1998 Meeting Summary*).

Openness is when DOE works with stakeholders to find answers for problems that impede access to information and create decisions that are reflective of stakeholder needs. Openness is when all pertinent information is available for public review and understandable prior to decision-making. Openness is an open and transparent decision making process. Policy changes are the first steps in bringing about change, but only the first steps. Openness is successful only when the policies are institutionalized, creating a culture of openness. For DOE, this remains a major hurdle.

DOE openness policies are spelled out in greater detail in *Appendix 5, DOE Public Participation Policies and Guidance*.

III. Using Performance Measures to Promote Openness



(*Performance Measures for Openness Working Group—Gerry Pollet, Greg deBruler, Dirk Dunning*)

An important topic of conversation at the Hanford Openness Workshops (HOW) has been the challenge facing the US Department of Energy (DOE) to ensure that its commitment to openness be realized. At the second workshop (November 5, 1997), participants reached the consensus opinion that, although DOE has described commitment to openness as a top priority, this commitment has not yet been institutionalized through measurable, contractual mechanisms.

Workshop participants built upon the August 1997 recommendations of the Secretary of Energy's Advisory Board's (SEAB) Openness Advisory Panel (OAP) that,

"Openness should be a normal part of doing business in the Department...The challenge facing the Department today is to convert openness from a new initiative to a standard operating procedure." ¹⁴

Workshop participants developed specific suggestions for performance measures designed to ensure that openness is addressed in the same systematic, measurable, and enforceable manner as other DOE priorities.

Most site activities at Hanford are managed by the Fluor Daniel Hanford Corporation (FDH) under the Project Hanford Management Contract (PHMC). The contract is intended to be performance-based and cost-reimbursable. As such, the contract offers DOE an excellent opportunity to introduce performance measures for openness, including financial incentives and penalties for meeting or failing to meet openness targets. These incentives also should be included as contracts are negotiated for other Hanford functions.

In HOW discussions on institutionalizing openness, it was initially proposed that performance measures for openness should total 20% of a contractor's fee, because commitment to openness ("communicate information and build trust...with our stakeholders") is cited as one of three areas critical to success developed by DOE management², and one of six critical success factors ("include Tribal Nations, regulators and stakeholders in planning process...Champion the public's right to know with prompt, accurate information") developed by DOE-RL management,³ suggesting that openness be calculated at a corresponding significance in contracts. Ultimately, participants determined that a figure of five to six percent of project fee represents a more realistic range for implementation yet still reflects the significance that workshop participants feel is necessary for progress to be made.

This concept was presented to Secretary of Energy Federico Peña in a letter dated November 14, 1997, urging his consideration as he finalized contract negotiations at the site. The letter was accompanied by an attachment which outlined a concept presentation developed by the Performance Measures for Openness Working Group, that explained in detail mechanisms that could be used at Hanford to implement their approach (see *Appendix 7, Performance Measures Letter to Peña and Concept Presentation*, for the full set of recommendations and the *Recommendations section* of this report for an outline of the framework).

The working group's concept presentation highlights the need for:

- Specific performance measures for openness;
- Both incentives for achieving and penalties for not achieving openness;
- An environment in which decisions made without disclosure are subject to reversal;
- Traceable measures for citizen involvement in decision making;
- Independent mechanisms for review of compliance with openness objectives.

Also included in the presentation are possible performance measures that could be used in DOE contracts. The areas of suggested specific performance measures include:

- Creating a work and management culture that encourages the reporting of health, safety, environmental, or financial concerns with zero tolerance for retaliation, and mechanisms encouraging the early resolution of employee concerns;
- Declassification of records relevant to stakeholder and Tribal issues such as environmental, safety, and health concerns;
- Access to records relevant to environmental, safety, and health concerns;
- Meeting commitments to provide meaningful public involvement.

Workshop participants agreed that contractors must be required to implement openness within their existing fee structure. The inclusion of openness mechanisms should not be allowed to increase the cost of negotiated contracts.



Acting Deputy Assistant Secretary for Waste Management Mark W. Frei responded for Secretary Peña in a letter dated December 5, 1997, saying, "Your suggestions will help us...ensure that openness is addressed in the same systematic, measurable and enforceable manner as other DOE priorities...Mr.

John Wagoner and his staff at the Richland Operations Office will continue to work with you and take advantage of your suggestions, including your idea to include performance measures for openness, along with financial incentives and penalties, in future contracts."

However, DOE-RL leadership did not work with the HOW on this issue. Their response came in a letter from John Wagoner dated March 30, 1998, that stated, "RL has established requirements for evaluating contractor performance related to openness...in a document called the Performance Expectation Plan (PEP). Our expectations for openness, as articulated in the PEP, include ensuring that stakeholders receive information in a timely, accurate and complete manner, and facilitating public access to Hanford Site information through a variety of sources." The letter characterized this approach as "tell(ing) our contractors what we want them to do—not how to do it."

HOW participants think this exchange of letters helps illustrate why stakeholders do not always believe the DOE-RL decision-making process is open and transparent. After putting time, energy and care into specific, concrete, and workable recommendations, HOW participants were not invited by DOE-RL personnel to elaborate on their suggestions nor to participate in DOE-RL's decisions. DOE-RL's response did not include any information about how it reached its decision or why the HOW's suggestions were not incorporated. Instead, HOW participants submitted their suggestions and DOE-RL responded with its decision; everything that happened in-between remains a mystery.

HOW participants do not believe the PEP approach is adequate for institutionalizing openness, and expressed this belief in a letter to John Wagoner dated June 18, 1998. The PEP's expectations for openness are so general that imagining a circumstance in which a contractor would be considered to have failed to meet its stated criteria is difficult. HOW participants continue to believe that specific, measurable criteria with financial incentives and penalties will be required at all levels of DOE to institutionalize openness. Put simply, "what gets measured gets done." This point is made by DOE in its 1997 Strategic Plan:

"Measuring performance expands the concept of 'success' from the mere accomplishment of activities to that of delivering desired outcomes and results to customers...This concept of performance is cascaded through all of the Department's organizational levels, i.e., from the DOE Corporate level down to the contractor level. Ultimately, performance measurement provides a path of accountability between the Department's long-term vision and the day-to-day activities of individual Federal and contractor employees"²

One area of special concern to HOW participants is based on the first year of the PHMC. The current contract has a requirement that companies¹⁵ demonstrate leadership in utilizing the Hanford Joint Council for Resolution of Significant Employee Concerns and making it a sitewide forum. The Council's goal is the resolution of employee concerns relating to health, safety, and the environment, and the elimination of retaliation for expressing such concern. The current contract clause regarding the Council has no fee attached. Setbacks to the Council's activity in the past year seem to illustrate the fate of contract obligations to which no fee is at stake. Ironically, a November 1996 National Inspection and Consultants (NIC) audit was highly critical of all Hanford employee-council¹⁶—demonstrating the need to offer incentives for improvement in the area of employee concerns.

For DOE's commitment to openness to become a reality, contracts and management reviews must include specific performance measures. The first year of the PHMC at Hanford demonstrated the need for fee incentives and penalties to ensure that the site does better than "marginal" in areas covered by the openness commitments, and that there is not a repeat of Labor Department findings of retaliation against employees for engaging in protected speech on safety issues.

IV. Creating An Open Environment for Hanford Employees



(Employee Climate for Openness Working Group—Tom Carpenter, Gerry Pollet, Greg deBruler)

Openness begins with the employees at Hanford and their ability to be open about conditions at the site without fear of reprisal. The prompt reporting of potential issues—the practice of openness—is key to the protection of public and worker health and safety and the environment. Prevention of adverse effects from site hazards requires a free flow of information on exposures and effects. It is also important to protect the confidentiality of the individuals involved. Access to these data by scientists needs to be enhanced, and information given to people in an understandable manner. The recommendations outlined in this document relating to the employment environment at Hanford are necessary to reverse years of secrecy and a culture of reprisal against employees who raise "unpopular" concerns.

Two recent events represent steps in the right direction by Hanford management for improving the employee climate at Hanford. First, an employee advocate and former whistleblower was brought in by the US Department of Energy-Richland Operations Office (DOE-RL) to provide a week of training to over 600 managers and workers on creating a retaliation-free work environment. In a separate event, DOE-RL rewarded workers for identifying the cause of recent explosions in the 300 Area.

However, Hanford has a long history of controversy regarding the issue of employee freedom to raise concerns, either internally or externally, without fear of reprisal, and recent developments have contributed to the perception that the Hanford employment climate discourages disclosure by employees of significant issues such as safety, security, and other issues. These developments include:

- The publication of a highly critical audit in November 1996 by the National Inspection and Consultants company, commissioned by DOE to audit the employee-concerns systems in place at Hanford;¹⁶
- The acknowledged mishandling of concerns raised by employees following the May 14, 1997, Plutonium Finishing Plant explosion, and the fact that many of these employees have publicly complained about reprisals for questioning the adequacy of follow-up care and related issues;¹⁷
- Findings by the US Department of Labor in three separate cases that Hanford employers illegally discriminated against and/or terminated Hanford employees because of their disclosures about safety, health, and environmental issues in 1997;¹⁸
- An August 1997 investigation by DOE's Office of Employee Concerns that found that concerns raised by several Battelle laboratory employees were valid;¹⁹
- The final report of a DOE headquarters investigation into allegations of reprisal for raising safety and management concerns about the operation of the Hanford Tank Farms, which found that employees were reluctant to raise concerns.²⁰

Additionally, the high-profile nature of some of these cases, reported in the media in some instances, has added to worries of a workforce facing significant downsizing. It is the opinion of the Working Group that layoffs at Hanford do not appear to be based upon objective and identifiable criteria, such as seniority. Management discretion regarding who should be subjected to layoff could easily be abused to include perceived "troublemakers."

Given the context of nuclear waste and the dangers inherent in its clean up, it is essential that DOE and Hanford employers create and sustain a safety-conscious work environment. Several affirmative steps are necessary to achieve such an environment at Hanford.

Contrast Hanford with the commercial nuclear industry: the industry has a long history of dealing with the issue of employee concerns. It has experienced a 15-year evolution of principles and procedures towards establishing work environments that encourage safety reports and prohibit retaliatory conduct. The primary regulator of the nuclear industry is the Nuclear Regulatory Commission (NRC), which defines its mission as the protection of the public safety and health in its regulation of commercial nuclear facilities. Beginning in the 1980s, the NRC's regulatory posture towards the protection of employee reporting of safety and health concerns has evolved toward greater sophistication and prescription.



The NRC has consistently held that persistence of an environment where employees are reluctant to raise safety concerns can erode the safety consciousness of the workplace, thereby affecting safety. The NRC has made it clear that it expects licensees to create and maintain a safety-conscious work environment in which employees feel free to raise concerns both to their own management and to the NRC without fear of retaliation. Such concerns are promptly reviewed, given the proper priority based on their potential safety significance, and appropriately resolved with timely feedback to employees. Such an environment is critical to a licensee's ability to safely carry out licensee activities in the work place.⁴

The NRC has made a clear determination that the ability of employees to raise concerns is integral to the protection of public health and safety. DOE shares the same mission of protecting public health and safety, and the hazards at DOE nuclear facilities such as Hanford are no less pressing than at commercial facilities. Yet, throughout the DOE complex, hostile working environments and reprisals against employees continue.

The Working Group made multiple recommendations regarding employee climate, which can be found in the Recommendations section of this report. The recommendations target systemic reforms that address a long-standing and entrenched culture of secrecy and reprisal. The reforms include adopting key aspects of the commercial industry's safety-conscious work environment, applying institutional and personal accountability mechanisms to modify behavior, increasing training, and developing effective employee communication avenues.

V. Using Document Titles to Prioritize Declassification



(Document Title Review Working Group—Mary Lou Blazek, Deirdre Grace, Max Power)

The US Department of Energy (DOE) estimates that it has more than 7 billion pages of documents, including about 32 million pages of classified information nationwide. There are an estimated 3.4 to 4.1 million total pages of Hanford classified information, and currently 1.1 million pages of classified information still requiring a declassification review. The cost to declassify this material using today's methods (two manual reviews of each document) could be hundreds of millions of dollars and thousands of person-years of labor. To increase progress, DOE should develop strategies that incorporate the use of technology, improve the efficiency of the declassification process, and improve the release of documents that have little chance of damaging national security. New ways to allow public access to this information must be found which:

- Save money;
- Reduce labor;
- Provide public access to the greatest number of records;
- Reduce the time required to review and release records to the public;
- Protect truly sensitive information;
- Restore public confidence in DOE; and
- Fulfill the President's commitment to openness:

"I remind agencies that our commitment to openness requires more than merely responding to requests from the public. Each agency has a responsibility to distribute information on its own initiative, and to enhance public access through the use of electronic information systems. Taking these steps will ensure compliance with both the letter and spirit of the Act."—President William J. Clinton, October 4, 1993⁸



The Document Title Review Working Group's main objective was to develop a prioritized list of Hanford documents for declassification. To facilitate this task, the Richland Operations Office (DOE-RL) provided a database containing titles, authors, and dates of all classified

Hanford historical documents as of October 1995.

Past efforts to accomplish this goal focused on identifying pertinent documents through their titles. The Document Title Review Working Group did an initial review and found that information contained in a document may not be reflected in the title. The working group concluded that, even with the tools provided, a prioritized list could not be developed without more information. In general, using classified document title lists to prioritize document declassification is not efficient.

Since using classified document titles to prioritize document declassification is not efficient, the working group decided to take a more global look at document declassification and how to prioritize declassification efforts. The recommendations related to document declassification reflect the group's findings, which focus on: 1) limiting classification, simplifying declassification, and ensuring easy public access; and 2) the clear role for stakeholders to help DOE-RL reach their goals of better, cheaper, faster document declassification and public access.

VI. Using Information Technologies to Improve Access and Openness



(Information Technologies Working Group—Yvonne Sherman, Dirk Dunning, Tom Carpenter, Greg deBruler, Tim Takaro)

Access to information within the files of the Department of Energy (DOE) is a key component to openness and a major interest of Hanford Openness Workshops (HOW) participants. Workshop participants were impressed by demonstrations of new technologies that categorize the content of documents in ways that are far more usable than simple index and search tools, and help make them available electronically. One example is a software tool called Spatial Paradigm for Information Retrieval and Evaluation (SPIRE), currently being tested for application at DOE-Headquarters (HQ) and other government agencies. SPIRE clusters documents visually by related content. Tools of this type analyze document content and cluster them without advance "knowledge" of content, an important advance for helping to automate the review and declassification process, and for allowing researchers to locate information without needing to know exactly what they are looking for and under which titles and keywords it will be found.

Tools like SPIRE, and others being explored under the DOE-HQ Declassification Productivity Initiative, are needed to build on new approaches and ideas about how to search for information, regardless of quality, misspellings, scanning errors, and other inconsistencies. These tools may help identify both classified information, which needs protection, as well as environmental, safety, health, and other information needed by workers, the public, and decisionmakers, in keeping with the Department's new focus on building "high fences around narrow areas"²¹ to maximize public release of information.

Presentation of information in an easily-understood manner is another key component of openness. Much of the voluminous data at Hanford, and throughout DOE, is incomprehensible to non-experts, even if it were accessible. Therefore, this Working Group is also interested in the development and use of tools for better presentation of complex material.

The Working Group posted a Hanford Openness Workshops Web Page to provide information and receive feedback on the HOW and to provide related Web links of interest at the following address: <http://www.hanford.gov/boards/openness/index.htm>.

In addition to application of technical resources to declassification and access issues, the Working Group made several recommendations regarding ways in which existing data at Hanford could be

made available, after appropriate reviews, to be used by the public as finding aids.

VII. A Tribal Perspective on Openness



(Tribal Issues Working Group—Russell Jim, Angel McCormack, J.R. Wilkinson)

The Hanford Openness Workshops created a separate working group on American Indian issues because it recognizes that the Tribes have unique concerns related to openness at Hanford, and that Tribal concerns cannot always be adequately addressed as part of an overall effort (*see Appendix 8, Nuclear Secrecy's Legacy: Dislocating Native Peoples and Destroying Lands and Heritage, Russell Jim*). This working group is charged with addressing fast-track release of documents containing information that may reveal adverse effects on the health and welfare of Indigenous People.

The federally recognized Tribes affected by Hanford include the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Yakama Indian Nation. These Tribes are concerned because they do not know of any experts reviewing Hanford documents with an eye to Tribal cultural effects. The model initially created during the Hanford Environmental Dose Reconstruction (HEDR) project, for example, initially failed to consider the unique situations and possible exposure pathways of Native Americans in the pursuit of their traditional way of life. Important questions remain unanswered regarding releases and impacts. This model did not initially assess Tribal risks and concerns, which include special diet and living habits. Because many Tribal members maintain subsistence lifestyles and traditional cultural activities intimately and directly connected to an environment, and because these individuals are more likely to remain in that environment for most or all of their lives, Native Americans can be exposed to environmental risks many times greater than the mainstream population.

It is important to point out that existing exposure models do not adequately consider cultural diversity of many types, not just Native Americans. Historically, most biomedical studies have focused on white males and did not capture the breadth of humanity. This means that the data gathered via these models are not applicable to all people and that crucial decisions are made, therefore, on the basis of inaccurate information.

The Tribes feel there is also a need for independent information on the Hanford site. Information from those industries currently or previously involved in running the site has only limited credibility with Tribes (as it does with many stakeholders).

Most importantly, US Department of Energy (DOE) personnel must recognize and implement the government-to-government relationship between the United States and the American Indian Tribes reflected in the DOE American Indian Policy.⁵ The goal of this policy is to establish and maintain an effective and open working relationship between DOE and individual tribes. The Working Group made several recommendations based on this and other central points discussed in this section.



VIII. Recommendations



The Hanford Openness Workshops (HOW) charter (*see Appendix 1, Hanford Openness Workshops Charter*) states "the need for openness activities after July 1998 will be evaluated and recommended in the final report of all workshops. The participants will estimate funding requirements if future work is recommended." It is the participants' consensus opinion that, while holding four workshops over a one-year period allowed solid progress—in coming together as a group, identifying key issues and elements that need to be addressed to promote openness at Hanford, and developing specific recommendations for implementation—there is much that remains to be done.

For this reason, workshop participants' first recommendation is that US Department of Energy's Richland Operations Office (DOE-RL) continue to support this work in FY 1999. A Proposed Budget and Scope of Work for a second series of workshops are included as *Appendix 9, Proposed FY 1999 Openness Panel Scope of Work and Budget*. These "next steps" are discussed in the Conclusion section of this report. This second series would begin to lay out a clear, concrete path for implementing openness and establishing trust between DOE-RL and its stakeholders.

One thing that HOW participants believe DOE must accept is that openness is an asset to the Department, both at the leadership and, especially, at the field level. DOE decision-makers can be among the largest group of beneficiaries if they put their full effort and support behind the openness initiative and help ensure it is a success. Resources invested in openness activities will pay for themselves many times over by resulting in less contentious and more effective policy decisions that are supported by stakeholders and better achieve their goals.

Implementing openness and a transparent decision-making process is an essential part of DOE-RL's efforts to meet its obligations in an efficient and cost-effective manner. The HOW provide DOE-RL with an invaluable asset—the energy, perspective, and resourcefulness of a variety of regional stakeholders and Tribal Nations. The HOW also provide these diverse interests a way to interact with DOE-RL in a collaborative and proactive—rather than adversarial and reactive—manner. As such, the HOW represent a very good investment for DOE-RL.

Following are specific recommendations for implementing openness suggested by the Hanford Openness Workshops and its working groups. Each recommendation has been assigned a unique number for easy identification, but the recommendations are not rank-ordered. Recommendations directed specifically at the Richland Operations Office appear in the left-hand column only. Those

directed at DOE Headquarters appear on the right only. Recommendations directed at both the Richland Operations Office and Headquarters cover both columns.

31	<p>Develop as a pilot project at DOE-RL a system to separate written materials and records into classes. Criteria should be based on the likelihood that materials contain sensitive information as described under the new classification guides.</p> <p>Suggested classes are:</p> <ul style="list-style-type: none"> • Certain to contain restricted data (such as atomic weapons data) • May contain restricted data • Unlikely to contain restricted data • Probably does not contain restricted data • Certain to not contain restricted data 	
32	<p>In addition to the above segregation, rank records, with stakeholder participation, for declassification and public release.</p>	
33	<p>Give priority to records containing information on radioactive, hazardous, or potentially dangerous materials involving:</p> <ul style="list-style-type: none"> • Human tests • Animal tests • Releases to the environment from operations • Criticalities, accidents, incidents, and abnormal occurrences • Chemistry and radio-physics information involving the fate, transport, effects, or chemical reactions of radio-isotopes in water, air, soils, or biological systems. 	
34	<p>Blanket release all records classified "Restricted," "Official Use Only," or other low level or administrative classifications. DOE should release any records with a classification below "Confidential," as well as documents available from other sources, without additional classification review.</p>	
35	<p>Continue to budget for declassification of records and documents and give this activity high priority.</p>	
36	<p>Preserve and release in a timely manner the records essential to protect worker health and safety during cleanup of contaminated sites, to protect the public health and safety, and to protect the environment.</p>	
DOE-RL		DOE-HQ
Using Document Titles to Prioritize Declassification, cont.		
37	<p>Base contract performance and award fees in part on contractor performance in assuring the appropriate maintenance of records, including indices, archiving, preservation, declassification and release of records, and maintenance of public and regulator access to these records (see above section on Using Performance Measures to Promote Openness).</p>	
38	<p>Develop policies and systems of marking that readily identify the sensitive information in documents that need protecting and the laws which apply. These should be referenced in the master indices to allow for easier declassification of records and documents in the future.</p>	
39	<p>Develop a standard index of trademarks, service marks, and copyrights. These should be referenced and incorporated for all existing records, thereby removing the need for a document-by-document review.</p>	
40	<p>Identify newly generated documents of records which require protection under the Privacy Act.</p>	
41	<p>Ensure declassification and openness policies apply to all Hanford-related records, including those held, administered, or controlled by contractors or sub-contractors.</p>	

44		Examine and incorporate technology that will aid in the identification and assessment of information contained in documents to allow better prioritization.
45		Develop systems to read, index, and categorize documents—so that it is easy to determine whether documents contain classified or restricted information.
46		Develop systems to perform "data mining"—looking for patterns of information relevant to a variety of searches.
DOE-RL		DOE-HQ
Using Information Technologies to Improve Access and Openness, cont.		
47		Develop technical means to preserve physical documents and records as well as the content of the records.
48a	Provide Internet access, in a manner that is user-friendly yet cost effective, to a number of existing databases, including the following: <ul style="list-style-type: none"> Records Transfer Forms—Records Transfer Forms accompany each box of material retired from all DOE sites and, therefore, this initiative may have application across the DOE complex. Newer, retired records are entered into a database which has potential for full-text searches of descriptive fields. 	
48b	<ul style="list-style-type: none"> Hanford Information Systems Index—This index of existing Hanford databases could be made available to the public through the Hanford Home Page, with potential for complex-wide application. 	
48c	<ul style="list-style-type: none"> Hanford Environmental Dose Reconstruction Project Indices—Different databases were created by organizations involved in the Dose Reconstruction Project. Making them available in a searchable format on the Hanford Home Page would provide additional research tools for information related to environmental releases at Hanford. Most, if not all, of these documents are already publicly available. 	
48d	<ul style="list-style-type: none"> Hanford Downwinder Litigation Databases—Databases have been created during the course of the Downwinder litigation that hold promise as finding aides. 	
48e	<ul style="list-style-type: none"> Declassified Document Retrieval System—This system contains scanned images of documents newly declassified at Hanford. It is linked to a DOE Headquarters system called OpenNet, and both are available electronically on the Internet. This system would be easier to use by installing a viewer that is easier to use than the current viewer; providing a list of keywords; offering additional keyword search options; providing the capability to scroll and print an entire document rather than page-by-page; and improving the interface with OpenNet. 	
DOE-RL		DOE-HQ
A Tribal Perspective on Openness		
49	Include incentives in performance measures for openness (see above section on Using Performance Measures to Promote Openness) to address compliance with treaties and other federal obligations to the Tribes.	
50	Conduct a special workshop devoted to Tribal-specific Hanford openness concerns.	
51	Recognize and implement the government-to-government relationship between the United States and American Indian Tribes reflected in the DOE American Indian Policy.	

IX. Conclusion: Lessons Learned and Next Steps



Over the course of the Hanford Openness Workshops (HOW), a number of central themes emerged from the participants' discussions. Presented below, these "lessons learned" are not specific recommendations, but rather overarching and central messages of importance to all those involved in openness issues within the US Department of Energy (DOE).

1. To establish and maintain a genuine climate for openness, all DOE employees and contractors must be knowledgeable about and accountable for adhering to the principles established by DOE's openness initiative and public participation policies and guidance documents.
2. DOE has made progress in declassifying documents and providing public access, but recent trends in reduced funding for declassification, coupled with increased classification of documents, are ominous signs that much remains to be done to maintain positive momentum for declassification.
3. There is a clear role for stakeholders and Tribal Nations in openness issues and decisions. Stakeholders and Tribal Nations can help the Richland Operations Office (DOE-RL) set and reach goals of better, cheaper, faster document declassification and public access. DOE needs the assistance of stakeholders and Tribal Nations to create and instill a culture of openness.
4. All DOE personnel must recognize and implement the government-to-government relationship between the United States and the American Indian Tribes reflected in the DOE American Indian Policy. The goal of this policy is to establish and maintain an effective and open working relationship between DOE and individual tribes.
5. Many stakeholders are concerned that DOE's commitment to openness is waning, that openness is not being actively pursued, and that the initiative will be over before it has really begun.
6. Unless the HOW are able to also engage headquarters and have an effect at the national level, this work is not sustainable. The HOW need to have a more official status and/or be affiliated with a larger, perhaps national, entity.
7. Openness is an essential part of DOE's and DOE-RL's efforts to meet their obligations in an efficient and cost-effective manner. Resources invested in openness activities will pay for themselves many times over in the short, medium, and long terms.
8. During these workshops, it has become clear to the participants that openness is more than declassification (though declassification is important) because declassifying a document means little if that document is not readily accessible to the public. Further, openness is more than ready access to information in user-friendly formats, though this is important. Openness is really about fostering and maintaining an open and transparent decision making process in which input from citizens, stakeholders, Tribes, and others is actively and eagerly sought out and meaningfully considered when decisions are made.

There is no shortage of Hanford openness issues left to address and DOE-RL stands to benefit greatly from having a group such as the HOW helping it navigate these issues. The HOW's proposed next steps—a second series of workshops—are designed to systematically examine and address unresolved openness concerns and provide DOE-RL with practical and workable solutions.

The first workshop would involve planning for the upcoming series and receiving an update from DOE-RL decision makers on how they are responding to this report. The second and third workshops would examine elements of creating an open and transparent decision-making process,

including access to public documents, preservation of public documents, and defining criteria and openness performance measures. The fourth workshop would be devoted to Tribal openness concerns. The final workshop of this second series would be titled *Is Openness Working?* and would involve developing a "report card" on openness activities for DOE from its stakeholders to assist the agency in evaluating its own progress and mapping future approaches (*see Appendix 9, Proposed FY 1999 Openness Panel Scope of Work and Budget*, for more details and deliverables on these workshops).

Footnotes:

- 1 The Manhattan Engineer District (1942-46), the Atomic Energy Commission (1946-74), the Nuclear Regulatory Agency, and the Energy Research and Development Administration (1974-77). Source: DOE Home Page, www.energy.gov.
- 2 U.S. Department of Energy, 1997 DOE Strategic Plan, DOE/PO-0053, http://energy.gov/engine/content.do?BT_CODE=AD_SP.
- 3 U.S. Department of Energy, Hanford Strategic Plan, DOE/RL-96-92.
- 4 U.S. Nuclear Regulatory Commission, Freedom of Employees in the Nuclear Industry to Raise Safety Concerns without Fear of Retaliation; Policy Statement, Federal Register 61, no. 94 (14 May 1996): 24336.
- 5 U.S. Department of Energy, American Indian Tribal Government Policy, DOE Order 1230.2 (8 April 1992). Washington, DC, 1992.
- 6 Robkin, Maurice A., The Green Run Source Term Study: Special Report of the Hanford Dose Reconstruction Project, Department of Ecology, December 1995.
- 7 Washington (State) Department of Ecology, U.S. Environmental Protection Agency, U.S. Department of Energy, Hanford Federal Facility Agreement and Consent Order, 89-10. [Tri-Party Agreement] Olympia, WA: Washington (State) Department of Ecology, 1989.
- 8 President, Memorandum, Administration of the Freedom of Information Act, Memorandum for Heads of Departments and Agencies, 4 October 1993.
- 9 U.S. Senate Committee on Energy and Natural Resources, The Nomination of Hazel O'Leary to Be Secretary of Energy: Hearing before the Committee on Energy and Natural Resources, 103rd Congress, 1st session, 19 January 1993.
- 10 Hanford Summit I, December 7, 1993.
- 11 U.S. Department of Energy, Press Release, December 7, 1993.
- 12 U.S. Department of Energy, Public Participation Policy Manual, 1995.
- 13 O'Leary, Hazel, Guidance on Implementation of the Department's Public Participation Policy: Critical Policy Elements, U.S. Department of Energy Policy DOE P 1210.1, Public Participation (29 July 1994). Washington, DC, 1994.
- 14 Secretary of Energy Advisory Board (SEAB) Openness Advisory Panel (OAP), Responsible Openness: An Imperative for the Department of Energy, August 25, 1997.
- 15 PHMC companies include 6 primary subcontractors reporting to Fluor Daniel Hanford and an additional tier of 6 Enterprise companies, totaling 13 companies under the PHMC.
- 16 National Inspection and Consultants, Inc., Independent Assessment of the Hanford Site Employee Concerns Program, November 1996.
- 17 Accident Investigation Board, Report on the May 14, 1997, Chemical Explosion at the Plutonium Reclamation Facility, Hanford Site, Richland, Washington, July 26, 1997.

- 18 Davis v. SESC, et al., Letter, from Richard Terrill, Regional Director, Occupational Safety and Health Administration, to Technical Steering Panel, Olympia, WA: Washington (State), Jerry Davis, Complainant, (Findings of Labor Dept. Investigation) ; Ruud v. Westinghouse Hanford Co., ARB Case No. 9608, ALJ Case No. 88-ERA-33, Nov. 10, 1997 ; Holbrook, et al. v. Fluor Daniel Northwest (involving seven separate complainants) US Department of Labor, Letter, from Richard Terrill, Regional Director, Occupational Safety and Health Administration, to Terry Holbrook, Complainant, (Findings of Labor Dept. Investigation)
- 19 Department of Energy-Richland Operations Office, Employee Concerns Program Office, Investigation Report on Employee Concern #960150, Filed by Employees of the Pacific Northwest National Laboratory, September 5, 1997.
- 20 Review of the Federal Management of the Tank Waste Remediation System (TWRS) Project at the Department of Energy's Hanford, WA Site, delivered to Secretary Peña and John Wagoner, January 15, 1998.
- 21 National Academy of Sciences, Review of Department of Energy Classification Policy and Practice, 1995.

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URL: <http://www.hanford.gov/boards/openness/trac-0818/trac-0818.html>

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