

HANFORD OPENNESS WORKSHOPS 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

SUMMER 1998

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This report is available electronically at

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EXECUTIVE SUMMARY

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 **Section II., A History of Openness at DOE**).

It is the mission of the Hanford Openness Workshops to resolve issues impeding the availability of any information important to public understanding and decision making at the Hanford Nuclear Site in Eastern Washington while protecting national security or privacy information (see **Appendix 1, 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. Four workshops were conducted from October 1997 to May 1998.

This Executive Summary contains a synopsis of each section of the full report, which is intended to communicate the major topics of discussion and conclusions reached during these workshops. The summary includes an abbreviated report from each working group, followed by key recommendations and a series of recommended next steps. Complete working group reports and recommendations are provided in the body of the report. The complete report is available electronically at <http://www.hanford.gov/boards/openness/index.htm>.

A HISTORY OF OPENNESS AT DOE

For over 45 years, openness was not a word found in the vocabulary of DOE nor its prede-

cessor agencies.¹ The Cold War was on and secrecy became a 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. For the most part, keeping the information related to nuclear weapons production secret achieved this goal. There were also abuses, however, through which information that had no national security significance was classified.

The climate of secrecy began to change in 1986, when 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. This was the dawning of a new era for DOE-RL.

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). 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.

Watkins' successor, Hazel O'Leary, embraced the philosophy of openness. On December 7, 1993, Secretary O'Leary unveiled a series of openness initiatives. Throughout her term as Secretary, Hazel O'Leary continued to implement and expand the openness initiatives by holding press conferences, releasing vast quantities of previously secret information such as the plutonium stockpile, and releasing records relating to past human radiation experiments performed under the auspices of DOE and its predecessor agencies.

O'Leary's successor as Secretary of Energy, Federico Peña, supported implementation of

the openness initiatives. In a December 1997 press conference on openness, he 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 detail in **Appendix 4, DOE December 22, 1997, Press Release.**

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.

USING PERFORMANCE MEASURES TO PROMOTE OPENNESS

At the second workshop (November 5, 1997), HOW 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. 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 a performance-based, cost-reimbursable contract. 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.

This concept was presented to Secretary of Energy Federico Peña in a letter dated November 14, 1997. 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).

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. HOW participants submitted their suggestions, and DOE-RL responded with its decision; everything that happened in-between remains a mystery. In addition, HOW participants are concerned that the PEP approach is not adequate for institutionalizing openness. Its 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 “...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.”

CREATING AN OPEN ENVIRONMENT FOR HANFORD EMPLOYEES

Openness begins with the employees at Hanford and their ability to be open without fear of reprisal. Two recent events represent steps in the right direction by Hanford management. First, an employee advocate and former whistleblower was brought in by 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. A number of recent developments (see **Section IV., Creating An Open Environment for Hanford Employees**) have

contributed to the perception that the Hanford employment climate discourages employee disclosure of significant issues such as safety and security.

Contrast Hanford with the commercial nuclear industry: the industry has a long history of dealing with employee concerns. The Nuclear Regulatory Commission (NRC), the primary nuclear industry regulator, has made it clear that it expects licensees to create and maintain a 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.⁴ DOE shares with the NRC the 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.

This Working Group’s recommendations target systemic reforms that address a long-standing and entrenched culture of secrecy and reprisal. The recommendations include adopting key aspects of the commercial industry’s safety-conscious work environment. Also included are applying institutional and personal accountability mechanisms to modify behavior, increasing training, and developing effective employee communication avenues.

USING DOCUMENT TITLES TO PRIORITIZE DECLASSIFICATION

DOE estimates that it has more than 7 billion pages of documents, including about 32 million pages of classified information nationwide. There is an estimated total of 3.4 to 4.1 million 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 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.

The Document Title Review Working Group's main objective was to develop a prioritized list of Hanford documents for declassification. The working group did an initial review and found that the information contained in a document may not be reflected in the title. The group concluded that, in general, using classified document title lists 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 goals of better, cheaper, faster document declassification and public access.

USING INFORMATION TECHNOLOGIES TO IMPROVE ACCESS AND OPENNESS

Access to information within the files of DOE is a key component to openness and a major interest of the HOW. Workshop participants were impressed by demonstrations of new technologies that categorize the content of documents in ways that are far more usable and valuable than simple index and search tools. One example was 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. Tools of this type analyze document content and cluster them visually without advance "knowledge" of content, or cultural or other biases, an important advance for helping to automate the review and declassification process.

Tools like SPIRE, and others being explored

under the DOE-HQ Declassification Productivity Initiative (DPI), are needed 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 decision-makers. This Working Group is also interested in the development and use of tools for presentation of complex material in an easily-understood manner. In addition, 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.

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

A TRIBAL PERSPECTIVE ON OPENNESS

The HOW created a separate working group on American Indian issues because it recognizes that the Tribes have unique concerns related to openness at Hanford. Tribal concerns cannot always be adequately addressed as part of an overall effort. 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. Important questions remain unanswered regarding releases and impacts. 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.

Most importantly, 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 has made several recommendations based on this and other central points discussed in this section.

RECOMMENDATIONS

The 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, the HOW’s first recommendation is that 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**. 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, at both the leadership and, especially, 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 make it 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 that 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.

Below are key recommendations for implementing openness suggested by the HOW and its working groups. Each recommendation has been assigned a unique number for easy identification, but the recommendations are not rank-ordered. Those directed specifically at DOE-RL appear in the left-hand column only. Those directed at DOE-HQ appear on the right only. Recommendations directed at both the Richland Operations Office and Headquarters cover both columns. It is important to note that the following key recommendations are a subset of the total recommendations forwarded by the HOW. That is why their numbers are not contiguous. The full set of recommendations is provided in **Section VIII., Recommendations**.

HANFORD OPENNESS WORKSHOPS REPORT

| | DOE-RL | | DOE-HQ |
|---|---|--------------|---|
| FUTURE OPENNESS ACTIVITIES | | | |
| 1 | Continue the HOW to: <ul style="list-style-type: none"> • Build trust between DOE-RL and stakeholders/Tribal Nations; • Identify and clarify priorities for declassification; • Aid in reviewing declassified and unclassified documents to determine relevance to stakeholder and cleanup needs; • Aid in identifying for preservation historically important information and documents; • Ensure that openness is a long-term commitment between DOE and stakeholders/Tribal Nations; • Help resolve problems identified during declassification efforts; • Support continued funding of openness/public participation and declassification; • Develop performance measures on openness and annually review and report on DOE/contractor performance. | | |
| USING PERFORMANCE MEASURES TO PROMOTE OPENNESS | | | |
| 2-RL | Include incentives of five to six percent for achieving openness goals and penalties for not achieving goals in contracts. | 2-HQ | Include incentives for achieving openness goals and penalties for not achieving goals in contracts. |
| 5-RL | Evaluate adequacy of public participation by project or decision through review conducted by a panel including states, Tribes, and stakeholders (review is advisory, so DOE does not delegate its contract fee review authority). Evaluate based on specific measures and expectations outlined in HOW performances measures concept presentation (see Appendix 7). | 5-HQ | Establish independent mechanisms for review of compliance with openness objectives. Guidance should require all sites to use an advisory panel. |
| CREATING AN OPEN ENVIRONMENT FOR HANFORD EMPLOYEES | | | |
| 11 | Suspend and/or revoke contracts if a contractor has engaged in whistleblower reprisals or maintained an environment hostile to employees reporting concerns. | | |
| 12 | Emulate and incorporate NRC methodology relating to a "safety-conscious work environment" for protecting employee concerns at Hanford. | | |
| 14-RL | Continue to provide training for supervisory employees and workers by employee-concerns experts. | 14-HQ | Provide training for supervisory employees and workers by employee-concerns experts. |
| 17 | Institute a "personal accountability" rule to hold individual managers accountable for reprisals. | | |

HANFORD OPENNESS WORKSHOPS REPORT

| DOE-RL | | DOE-HQ |
|--|--|---|
| USING DOCUMENT TITLES TO PRIORITIZE DECLASSIFICATION | | |
| 28 | <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 | |
| 29 | In addition to the above segregation, also rank records, with stakeholder participation, for declassification and public release. | |
| 32 | Ensure declassification and openness policies apply to all Hanford-related records, including those held, administered, or controlled by contractors or subcontractors. | |
| USING INFORMATION TECHNOLOGIES TO IMPROVE ACCESS AND OPENNESS | | |
| 33 | Increase the number of documents and finding aids electronically available. OpenNet is a good start in this direction, but more needs to be done. | |
| 35 | Continue to budget for declassification of records and documents and give this activity high priority. | |
| 41 | | Examine and incorporate technology that will aid in the identification and assessment of information contained in documents to allow better prioritization. |
| 43 | | Develop systems to perform "data mining"—looking for patterns of information relevant to a variety of searches. |
| A TRIBAL PERSPECTIVE ON OPENNESS | | |
| 46 | 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. | |
| 47 | Conduct a special workshop devoted to tribal-specific Hanford openness concerns. | |
| 48 | Recognize and implement the government-to-government relationship between the United States and the American Indian Tribes reflected in the DOE American Indian Policy. | |

NEXT STEPS

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 step—a second series of workshops—is 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 decisionmakers 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. (See **Appendix 9, Proposed FY 1999 Openness Panel Scope of Work and Budget** for more details and deliverables on these workshops.)

¹The 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.doe.gov.

²U.S. Department of Energy, *1997 DOE Strategic Plan*, DOE/PO-0053, www.doe.gov/policy/doeplan.htm.

³U.S. Department of Energy, *Hanford Strategic Plan*, DOE/RL-96-92, www.hanford.gov/hsp/index.htm.

⁴U.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.

⁵U.S. Department of Energy, *American Indian Tribal Government Policy*, DOE Order 1230.2 (8 April 1992). Washington, DC, 1992.

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 1, 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 CRESP, 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 offi-

cial 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.**

¹The 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.doe.gov.

⁶Robkin, Maurice A., *The Green Run Source Term Study: Special Report of the Hanford Dose Reconstruction Project*, Department of Ecology, December 1995.

⁷Washington (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.

⁸President, *Memorandum, Administration of the Freedom of Information Act*, Memorandum for Heads of Departments and Agencies, 4 October 1993.

⁹U.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.

¹¹U.S. Department of Energy, *Press Release*, December 7, 1993.

¹²U.S. Department of Energy, *Public Participation Policy Manual*, 1995.

¹³O’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.



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"*²²

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.

²U.S. Department of Energy, *1997 DOE Strategic Plan*, DOE/PO-0053, www.doe.gov/policy/doeplan.htm.

³U.S. Department of Energy, *Hanford Strategic Plan*, DOE/RL-96-92, www.hanford.gov/hsp/index.htm.

¹⁴Secretary of Energy Advisory Board (SEAB) Openness Advisory Panel (OAP), *Responsible Openness: An Imperative for the Department of Energy*, August 25, 1997.

¹⁵PHMC companies include 6 primary subcontractors reporting to Fluor Daniel Hanford and an additional tier of 6 Enterprise companies, totaling 13 companies under the PHMC.

¹⁶National Inspection and Consultants, Inc., *Independent Assessment of the Hanford Site Employee Concerns Program*, November 1996, available at <http://www.hanford.gov/doe/ecp/ecp.htm>.

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.

⁴U.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.

¹⁶National Inspection and Consultants, Inc., *Independent Assessment of the Hanford Site Employee Concerns Program*, November 1996, available at <http://www.hanford.gov/doe/ecp/ecp.htm>.

¹⁷Accident Investigation Board, *Report on the May 14, 1997, Chemical Explosion at the Plutonium Reclamation Facility, Hanford Site, Richland, Washington*, July 26, 1997, available at http://www.hanford.gov/safety/accident/prf_a109/summrpt.htm.

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), available at <http://www.accessone.com/gap/www/jdavisdec.htm>; *Ruud v. Westinghouse Hanford Co.*, ARB Case No. 9608, ALJ Case No. 88-ERA-33, Nov. 10, 1997, available at <http://www.accessone.com/gap/www/ruuddec.htm>; *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), available at <http://www.accessone.com/gap/www/pipefitdec1.htm>.

¹⁹Department 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, available at <http://www.hanford.gov/twrs/mgmtreport.htm>.

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.

⁸President, *Memorandum, Administration of the Freedom of Information Act*, Memorandum for Heads of Departments and Agencies, 4 October 1993.

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.

²¹National Academy of Sciences, *Review of Department of Energy Classification Policy and Practice*, 1995.

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.

⁵U.S. Department of Energy, *American Indian Tribal Government Policy*, DOE Order 1230.2 (8 April 1992). Washington, DC, 1992.



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.

HANFORD OPENNESS WORKSHOPS REPORT

| DOE-RL | | DOE-HQ | |
|---|--|-------------|--|
| FUTURE OPENNESS ACTIVITIES | | | |
| 1 | Continue the HOW to: <ul style="list-style-type: none"> • Build trust between DOE-RL and stakeholders/Tribal Nations; • Identify and clarify priorities for declassification; • Aid in reviewing declassified and unclassified documents to determine relevance to stakeholder and cleanup needs; • Aid in identifying for preservation historically important information and documents; • Ensure that openness is a long-term commitment between DOE and stakeholders/Tribal Nations; • Help resolve problems identified during declassification efforts; • Support continued funding of openness/public participation and declassification; • Develop performance measures on openness, and annually review and report on DOE/contractor performance. | | |
| USING PERFORMANCE MEASURES TO PROMOTE OPENNESS | | | |
| 2-RL | Include incentives of five to six percent for achieving openness goals and penalties for not achieving goals in contracts. | 2-HQ | Include incentives for achieving openness goals and penalties for not achieving goals in contracts. |
| 3-RL | Provide award fees and penalties tied to contractor and subcontractor performance in providing timely public, regulator, state, and Tribal notification of and access to records. | 3-HQ | Create a standard contract clause stating that the six percent of fee for all projects to which a fee is attached may be withheld if information is not made available to the public and regulators for review in a timely manner to allow for informed participation in decision-making, and for notice to the public of major issues affected by such decisions. |
| 4 | Add contract performance measures to give incentives to contractors who identify records relevant to pending decisions/projects, provide for access in a timely manner, and meet meaningful public involvement goals. Include failure penalties as a percentage of project fee. | | |
| 5 | Design early and comprehensive public comment processes, including meaningful early notice, use of advisory boards, and seeking input before internal decisions are made. | | |
| 6 | Meet requirements for records access and notification, early disclosure of problems, safety issues, past releases, conflicting professional opinions, and other relevant information. | | |
| 7 | Define adequate notice as "notice designed to inform someone reasonably desirous of notice of the impact to his or her interest(s), of the potential risks, or impact to values of stakeholders." | | |

HANFORD OPENNESS WORKSHOPS REPORT

| DOE-RL | | DOE-HQ | |
|--|---|--------------|---|
| USING PERFORMANCE MEASURES TO PROMOTE OPENNESS, CONT. | | | |
| 8-RL | Evaluate adequacy of public participation by project or decision through review conducted by a panel including states, Tribes, and stakeholders (review is advisory, so DOE does not delegate its contract fee-review authority). Evaluate based on specific measures and expectations outlined in HOW performances measures concept presentation (see Appendix 7, Performance Measures Letter to Peña and Concept Presentation). | 8-HQ | Establish independent mechanisms for review of compliance with openness objectives. Guidance should require all sites to use an advisory panel. |
| 9 | To ensure a retaliation-free workplace and zero tolerance of retaliation, have standard contract clause for projects to lose all incentive fees and to receive a standard penalty for any adverse external adjudicatory finding of retaliation or discrimination. | | |
| 10 | Make regular declassification and release of records a part of all DOE contracts with operating contractors. | | |
| 11 | Declassify and provide through contract language access to records relevant to environmental, safety, and health concerns. | | |
| 12 | Meet commitments to provide meaningful public involvement. | | |
| CREATING AN OPEN ENVIRONMENT FOR HANFORD EMPLOYEES | | | |
| 13 | Require DOE management to promote a safety-conscious work environment. | | |
| 14 | Suspend and/or revoke contracts if a contractor has engaged in whistleblower reprisals or maintained an environment hostile to employees reporting concerns. | | |
| 15 | Emulate and incorporate NRC methodology relating to a "safety-conscious work environment" for protecting employee concerns at Hanford. | | |
| 16 | Address "hot spots" based upon the investigative reports of the Labor Department and the news media accounts of reprisal—and where there may be a strong perception among employees that there will be a reprisal. | | |
| 17-RL | Continue to provide training for supervisory employees and other workers by employee-concerns experts. | 17-HQ | Provide training for supervisory employees and other workers by employee-concerns experts. |
| 18 | Continue to support the Hanford Joint Council for Resolving Significant Employee Concerns as well as other mechanisms, such as the Differing Professional Opinion process. | | |

HANFORD OPENNESS WORKSHOPS REPORT

| DOE-RL | | DOE-RL |
|--|--|---|
| CREATING AN OPEN ENVIRONMENT FOR HANFORD EMPLOYEES, CONT. | | |
| 19 | Develop effective employee communication avenues to be used to inform employees of their rights, to dispel rumors, and to provide factual information about proposed actions or actions that have been taken. | |
| 20 | Institute a "personal accountability" rule to hold individual managers accountable for reprisals. | |
| 21 | | Enhance the procedural rights of employees filing for whistleblower protection pursuant to 10 C.F.R. Part 708, and speed up response times. |
| 22 | | Establish Departmental policy prohibiting the institution or maintenance of a work environment that discourages employees from reporting health, safety, or environmental, and other employee concerns, at DOE-owned sites. |
| 23 | | Institute rules, procedures and regulations requiring DOE managers and supervisory personnel, as well as contractor and subcontractor employers, to maintain a work environment where employees are free to raise concerns without fear of reprisal. |
| 24 | | Require the Department of Energy's Office of Oversight, Environment, Safety and Health, to ascertain, through its normal inspection duties, or upon request from the Office of Employee Concerns, whether a "chilling effect" on employee concerns exists at a specific facility, or within any DOE division, and to order corrective actions to remedy such environment. |
| 25 | Enhance sensitivity through policy and training to the importance of the allegation process as a valuable tool for accomplishing the cleanup mission. | |
| 26 | Develop expert resources to help establish and monitor effective performance indicators for measuring employee trust and confidence in management's ability to resolve employee concerns without fear of discrimination. | |
| 27 | Increase availability of health and environmental information by facilitating access to data for approved health and environmental studies. | |
| 28 | Issue a policy statement consistent with these recommendations regarding employee climate issues and concerns, and distribute to employees annually. | |
| USING DOCUMENT TITLES TO PRIORITIZE DECLASSIFICATION | | |
| 29 | Develop and employ a system, with input from stakeholders, for prioritization that will identify the types of material typically found in classes or types of documents, such as the location of radioactive or hazardous materials; disposal of such materials; releases to the environment; exposure of site employees or records that contain information on site accidents or incidents involving hazardous materials. | |

HANFORD OPENNESS WORKSHOPS REPORT

| DOE-RL | DOE-HQ |
|--|--|
| USING DOCUMENT TITLES TO PRIORITIZE DECLASSIFICATION, CONT. | |
| 30 | Limit the categories and numbers of newly classified records. Provide justification for all classification actions. |
| 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 | In addition to the above segregation, rank records, with stakeholder participation, for declassification and public release. |
| 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 | 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. |
| 35 | Continue to budget for declassification of records and documents and give this activity high priority. |
| 36 | Preserve and release in a timely manner the records essential to protect worker health and safety during cleanup of contaminanted sites, to protect the public health and safety, and to protect the environment. |

HANFORD OPENNESS WORKSHOPS REPORT

| DOE-RL | DOE-HQ |
|--|--|
| USING DOCUMENT TITLES TO PRIORITIZE DECLASSIFICATION, CONT. | |
| <p>37 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> | |
| <p>38 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> | |
| <p>39 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> | |
| <p>40 Identify newly generated documents of records which require protection under the Privacy Act.</p> | |
| <p>41 Ensure declassification and openness policies apply to all Hanford-related records, including those held, administered, or controlled by contractors or sub-contractors.</p> | |
| USING INFORMATION TECHNOLOGIES TO IMPROVE ACCESS AND OPENNESS | |
| <p>42 Increase the number of documents and finding aids electronically available. OpenNet is a good start in this direction, but more needs to be done.</p> | |
| <p>43 Streamline declassification. All steps of declassification and review prior to the release of documents and records should be done by one reviewer and one agency.</p> | |
| <p>44</p> | <p>Examine and incorporate technology that will aid in the identification and assessment of information contained in documents to allow better prioritization.</p> |
| <p>45</p> | <p>Develop systems to read, index, and categorize documents—so that it is easy to determine whether documents contain classified or restricted information.</p> |
| <p>46</p> | <p>Develop systems to perform "data mining"—looking for patterns of information relevant to a variety of searches.</p> |

HANFORD OPENNESS WORKSHOPS REPORT

| 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 | <p>Provide Internet access, in a manner that is user-friendly yet cost effective, to a number of existing databases, including the following:</p> <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).

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. 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.

HANFORD OPENNESS WORKSHOPS

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Seattle, WA 98105

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This report is available electronically at

<http://www.hanford.gov/boards/openness/index.htm>

Additional copies of this report are located at:

Department of Energy Public Reading Room

2770 University Drive

CIC, Room 101L

P.O. Box 999, mail stop H2-53

Richland, WA 99302

Consortium for Risk Evaluation with Stakeholder Participation (CRESP)

Department of Environmental Health

University of Washington

4225 Roosevelt Way NE #100

Seattle, WA 98105-6099

Printed on recycled paper

Hanford Openness Workshops Charter

CHARTER

I. MISSION STATEMENT, PURPOSE, AND GOALS:

The Hanford Openness Workshop membership shall consist of a balanced mix of diverse interests associated with the U.S. Department of Energy's (USDOE) initiative on openness and accountability. Members will be chosen by the Consortium for Risk Evaluation with Stakeholder Participation (CRESP) on the basis of demonstrated interest and involvement. CRESP will determine interest and involvement of potential participants with input from stakeholders.

The workshops provide a path to implement USDOE's commitments from Hanford Summit II. The workshops have two purposes: 1) to aid the Department of Energy Richland (RL) on openness issues including declassification of documents containing information relating to environmental releases of radioactive materials and 2) to improve public access to Hanford information. Of particular interest to workshop participants is information critical to public and regulator understanding of risk. Workshops will address openness and access to unclassified and declassified information, and information not legally precluded from release. Access to classified information requires a clearance and need to know.

It is the mission of the Hanford Openness Workshops to resolve issues impeding the availability of any information—whether classified, unclassified, or sensitive—needed to enable informed Tribal and Stakeholder participation in the DOE decision-making process.

The workshops will enable participants to:

- provide suggestions for how the Department of Energy RL can assure that staff and contractors are accountable to the openness initiative;
- recommend how the Department of Energy RL can improve systems, orders, rules and procedures used to access Hanford records
- improve the climate for employees to communicate openness issues
- recommend document declassification priorities

II. SCOPE OF ISSUES:

Issues to be addressed by participants in the Openness Workshops include:

- (1) evaluation of systems currently available for public access to information about past and present Hanford operations.
- (2) identify and recommend new channels for the public to access information, and ways to improve and enhance existing information access mechanisms. This may include suggested improvements to the Tri-Party Agreement Community Relations Plan.
- (3) prioritize document declassification.
- (4) approaches to resolve specific issues raised by participants, citizens or employees relating to access.

Hanford Openness Workshops Charter

Page 2

III. WORKSHOP LOGISTICS

A total of four workshops will be conducted between July 1997 and July 1998. 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.

Two workshops will be conducted in conjunction with Hanford Advisory Board meetings. Workshop participants will select dates and locations for the remaining two workshops. Participants will attempt to coordinate all workshops with Hanford Advisory Board meetings to reduce costs.

Each workshop will include specific deliverables.

IV. MEMBERSHIP AND RESPONSIBILITIES:

The Hanford Openness Workshop participants will represent a balanced mix of diverse interests associated with the Openness Initiative. Membership shall include representatives nominated from, and representing the following shareholders:

- Public interest organizations, (3 total)
- The Tribal Nations, (3 total; 1 each from Umatilla, Yakama and Nez Perce Tribes)
- Whistle blower advocate representative, (1)
- Oregon and Washington states, (2 total)
- Down-winder community representative, (1)
- Columbia River protection representative, (1)
- Academic representative, (1)
- Ad Hoc Member, (1) (e.g. journalist, historian, League of Women Voters, teacher)
- Current or former Hanford employee with relevant recent experience, (1)

One representative should be designated as a liaison to the Hanford Advisory Board.

USDOE RL or contractor staff will attend as needed. The workshop leader will be selected from the membership by the workshop participants.

The Hanford Openness workshop participants will be well-informed and active, focus on problem solving and provide input on openness to USDOE RL. Members will be dedicated to improving communications between and among themselves, sponsoring agencies, and the public.

All major recommendations and major issues resulting from the Hanford Openness workshops requiring resolution shall be decided upon by way of consensus voting. Forwarding recommendations with alternative views attributed to an individual member or members will be an option when consensus is not obtained.

Procedural or operational issues not specified in this Charter may be decided upon by majority vote at workshops for which proper notice has been issued and a majority of members are present. USDOE RL agrees to respond in writing and with direct dialogue, to written Workshop recommendations forwarded to USDOE RL prior to committing resources or taking actions on the subject of recommendations or workshop participant's views.

Hanford Openness Workshops Charter

Page 3

V. FUNDING CONSIDERATION:

Funding for the logistics of the Hanford Openness Workshops are to be provided by the Department of Energy through a grant to Washington State Department of Ecology, and a cooperative agreement with CRESP. Funding, not to exceed the budgeted amount, will be provided by USDOE RL to cover:

- (1) administrative costs such as workshop meeting space, document duplication, mailings, telephone and computer use costs, and other costs associated with meetings;
- (2) standard per diem, to be paid to Workshop participants, to cover travel expenses incurred to participate in the workshops and/or work sessions.

CRESP will provide in kind services to convene four workshops, provide technical consultation, and prepare fact sheets and reports resulting from the workshops. Details:

- (1) CRESP will assist with coordinating meeting logistics. This will entail locating (but not financing) free or low cost meeting space and establishing dates and times for the workshops with input from workshop participants. CRESP will provide workshop participants with the final meeting schedule, workshop agendas, and workshop materials.
- (2) CRESP will provide technical consultation to the workshop participants. This consultation may include, but will not be limited to, information on archiving documents, assessment of data quality, and data accessing techniques. Further technical consultation will be considered based on requests from workshop participants.
- (3) CRESP will prepare fact sheets (estimated at approximately four) and a final report summary of the workshop participants recommendations.

Washington State Department of Ecology will provide travel administrative support for regular workshop participants under its grant from DOE RL. RL will fund travel and per diem for the workshops as described in this Charter.

VI. MEETINGS, PUBLIC INVOLVEMENT, AND PRESS INQUIRY:

All Hanford Openness Workshops shall be open to the public and shall be conducted in accordance with the Washington Open Public Meetings Act. Opportunity to comment will be provided to the public for a minimum of one formal comment period during the course of each workshop. Additional opportunities for public comment will be offered at the discretion of the Workshop leader.

A mailing list of persons interested in the Hanford Openness Workshops shall be maintained and shall be used to provide notice of all Workshops. Effort will be made to notify the public prior to workshops, by the most effective and cost efficient means. Workshop participants will help identify low cost publication tools for meeting notices.

When initiating contact with, or responding to inquiries from the media, all Workshop participants shall agree to refrain from characterizing views expressed by other participants. Workshop findings or recommendations shall be communicated to the media by the workshop leader, CRESP or USDOE RL. CRESP and/or USDOE RL will transmit written workshop materials to include fact sheets and reports to interested parties.

Hanford Openness Workshops

Workshop 1—October 8, 1997 8:00AM–5:00PM

Bechtel Hanford—3350 George Washington Way, Rm. 1B02, Richland, WA

Meeting Topic: Organization, Work division, Data location and access

| | | |
|---------|--|---|
| 8:00AM | Opening Remarks Introductions | Gerald van Belle |
| | Organization Review and adopt charter; designate a chair; operational structure; agree on scope of work, format, and deliverables; set workshop schedules | Participants |
| 10:00AM | Break | |
| 10:15AM | Review Secretary O'Leary's Openness commitments | Greg deBruler |
| | Review History of DOE-RL Commitments to Openness Status of FOIA requests Nov. '95 meeting Status of request for public access Downwinder litigation computer system Applicability to other issues Other access issues | Participants Tom Carpenter Gerry Pollet |
| | Response to FOIA and other access issues | Yvonne Sherman |
| | Location of documents, destruction of documents | Linda Jarnagin |
| 12:00PM | Public Comment | |
| 12:15PM | Lunch (On your own. Please plan to bring your lunch or dine in the cafe in the building. Be advised that public comment may run into time scheduled for lunch.) | |
| 1:00PM | USDOE-RL presentations HQ/Field declassification actions RL declassification strategy Release, access, budget Hanford Declassification Project Document declassification tracking system demo Document inventory database demo OpenNet demo | Rick Stutheit Kim Engle |
| 2:30PM | Break | |
| 2:45PM | Document access issues | Participants, CRESP |
| 4:00PM | Discuss meeting products, participant assignments. Establish subgroup(s), if needed. | Participants |
| 4:45PM | Public Comment | |
| | Adjourn | |

**Hanford Openness Workshops
October 1997–May 1998 Final Report**

Appendix 2, Agendas

Hanford Openness Workshops

Workshop 2—November 5, 1997 9:00AM–5:00PM
Monarch Hotel—12566 S. E. 93rd Ave. Clackamas, Oregon 97015

- 9:00AM **Introduction and meeting business** Michael Kern
- Report from Membership working group** MaryLou Blazek, Tom
Carpenter, Approve and welcome new participant(s) Max Power
- As Roger Heusser needs to leave at 11:30, the DOE-HQ presentation will be first on the agenda.*
- 9:30 **DOE-HQ Office of Declassification Presentation** Roger Heusser
 Secretary of Energy Advisory Board (SEAB) Openness Panel
 Relationship to local panels and workshops
 Secretary Peña's commitment to openness
 Procedures for management accountability
- 10:15 **Break**
- 10:30 **DOE-HQ Presentation, continued** Roger Heusser
 Status of Classification Regulation (10 CFR 1045)
 Status of Fundamental Classification Policy Review
 Updating classification guidance
- 11:15 **Response/follow-up to questions and concerns raised by participants at Workshop 1**
 Status of OpenNet Database Roger Heusser
 Status of CIA Satellite photos Roger Heusser
 Status of Litigation database Paul Davis
- 11:45 **Public Comment**
- 12:00PM **Working Lunch—Working groups will present strategic plans**
 Information Technologies Yvonne Sherman, Dirk Dunning, Tom Carpenter, Greg deBruler
 Historical Information/Bibliography Greg deBruler, Tom Carpenter, Ruth Yarrow, Tim Takaro
 Employee Climate Tom Carpenter, Susan Leckband, Gerry Pollet, Greg deBruler
 Document Title Review Mary Lou Blazek, Deirdre Grace, Max Power
- 1:00 **Report from Management Tools working group** Greg deBruler, Gerry
Pollet Recommendations for PHMC contract Dirk Dunning
- Response to questions raised at Workshop 1*
- 1:45 **Review of DOE-RL Classification guides** Yvonne Sherman
 (copy included in Pre-Meeting Packet)
 Review categories of protected information
 (matrix will be available as handout at Workshop)
- 2:30 **Public and researcher access to information**
 Document storage, retrieval, and associated costs Yvonne Sherman
- 3:15 **Break**

| | | |
|--------|---|--|
| 3:30 | Public and researcher access to information, continued Participants' experiences accessing information | Participant discussion |
| 4:00 | Discuss final workshop products Finalize working group assignments Develop draft agenda for Workshop 3 | Participant discussion Participant discussion |
| 4:45 | Public Comment | |
| 5:00PM | Adjourn | |

Hanford Openness Workshops

Workshop 3—February 4, 1998 9:00AM–5:00PM

The Commons—Parrington Hall, University of Washington, Seattle, WA 98195

| | | |
|--------|--|----------------|
| 9:00AM | Introductions | Michael Kern |
| 9:10 | Openness Advisory Panel presentation | Thomas Cotton |
| 10:30 | Break | |
| 10:40 | Declassification Productivity Initiative | Tom Curtis |
| 11:20 | SPIRE Demonstration | Gus Calapristi |

WORKING LUNCH

| | | |
|---------|---------------------------------------|--------------------|
| 12:00PM | Presentation on NARA/FRC | Candace Lein-Hayes |
| 12:15 | Technological Solution to Info Access | David Keyes |
| 12:30 | Public Comment | |
| 12:45 | Break | |

END OF WORKING LUNCH

| | | |
|--------|--|-----------------------------------|
| 1:00 | Report from Information Technology Working Group | Greg de Bruler, Yvonne Sherman |
| 1:20 | Report from Tribal Working Group | Russell Jim |
| 1:50 | Report from Document Title Review Working Group | Mary Lou Blazek |
| 2:15 | Break | |
| 2:25 | Report from Historical Information Working Group | Greg de Bruler |
| 2:45 | Workshop business | |
| | Adopt summaries | |
| | Discussion of Deliverables and Products | |
| | Recommendations and Unresolved Issues | |
| | Review assignments for final workshop | |
| 4:45 | Public comment | |
| 5:00PM | Adjourn | |

Hanford Openness Workshops

Workshop 4—May 18, 1998 8:30AM–4:30PM

Gallery, Richland Public Library—955 Northgate Drive, Richland, WA 99352

| | | |
|---------|---|--|
| 8:30AM | Privacy and confidentiality issues | Helen McGough, UW Human Subjects Division |
| 9:00 | Introduction and meeting business | Michael Kern |
| 9:15 | Openness Advisory Panel (OAP) Richland Meeting Update | Max Power |
| 9:30 | Adoption of working group reports Historical Documents Performance Measures for Openness Employee Climate for Openness | Participants |
| 10:45 | Break | |
| 11:00 | Adoption of working group reports (continued) Document Title Review Information Technology Tribal Issues | Participants |
| 12:00PM | Working Lunch (please see attached menu) Public Comment The Openness Workshops: Lessons Learned | Participants |
| 1:00 | Adoption of Next Steps, Unaddressed/ Continuing Issues, Recommendations | Participants |
| 3:00 | Break | |
| 3:15 | Discussion of report development schedule and distribution/presentation plan | Participants |
| 4:15 | Public Comments | |
| 4:30 | Adjourn | |

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Appendix 4

- [DOE December 22, 1997, Press Release](#)
- [Fact Sheets](#)

Department of Energy Public Participation Policies and Guidance

Environmental Management Public Participation Policy:

The Environmental Management (EM) Public Participation Policy describes the context in which the Department of Energy (DOE) decisions are made and why public participation is needed, outlines EM's overall public participation goal and objectives, and requires the preparation of public participation plans by EM headquarters and field organizations.

An effective public participation program is essential to the success of the EM program. EM's public participation objectives include:

- soliciting the public's help in identifying EM-related problems and issues and the related environmental, economic, social, and cultural values;
- involving the public in identifying alternative approaches for addressing problems and issues, facilitating the resolution of any conflicts, and working toward the development of broad-based consensus, both on EM's objectives and how to achieve those objectives;
- increasing public understanding of the complex environment in which DOE operates and the need to balance a variety of interests and considerations;
- coordinating, integrating, and communication information about EM public participation activities;
- providing a range of participation opportunities that meet the needs and interests of the public;
- providing timely feedback on how and why input was used or not used in decision making, and;
- fulfilling the letter and spirit of legal, regulatory, negotiated, and policy requirements relating to EM public participation.

"Public participation" is defined as the process by which the views and concerns of the public are identified and incorporated into DOE's decision making. Public Participation includes:

- identifying public concerns and issues;
- providing information and opportunities for the public to assist DOE in identifying EM-related issues and problems and in formulating and evaluating decision alternatives;
- listening to the public; incorporating public concerns and input into decision making, and;
- providing feedback on how decisions do or do not reflect input received.

"Public information" supports public participation through the provision of clear, objective, and timely information to enable the public to effectively participate in the EM program.

Environmental Management's public participation goals—The Environmental Management Policy challenges DOE employees to meet the following goals:

- To ask for your help in identifying EM issues as well as your values as they relate to those issues.
- To ask for your help in identifying a full range of alternative approaches to addressing issues.
- To provide you with opportunities to help EM make decisions.
- To provide you with current, accurate, and complete information.
- To coordinate efforts so that you aren't receiving disjointed information about public participation activities.
- To offer a range of public participation opportunities to meet the needs of a variety of people.
- To always be open and responsive to your ideas.
- To tell you how your comments and suggestions affected DOE's decisions.
- To provide an opportunity for you to assist in defining problems and describing solutions.
- To act responsibly and comply with any legal, regulatory, and policy requirements:

Department of Energy Public Participation Policies and Guidance

Page 2

U.S. Department of Energy - Policy DOE P 1210.1, 7/29/94:

Subject: Public Participation

Public Participation: Public participation is open, ongoing, two-way communication, both formal and informal, between the Department of Energy and its stakeholders. This steady interactive communication enables each party to learn about and better understand the views and positions of the other. The Department recognizes the many benefits to be derived from public participation, for both stakeholders and DOE. Public participation provides a means for the Department to gather the most diverse collection of opinions, perspectives, and values from the broadest spectrum of the public, enabling the Department to make better, more informed decisions. Public participation benefits stakeholders by creating an opportunity to provide input and influence decisions.

Policy: Public participation is a fundamental component in program operations, planning activities, and decisions-making within the Department. The public is entitled to play a role in a Departmental decision-making.

Purpose: This policy is intended to ensure that public participation is an integral and effective part of Departmental activities and that decisions are made with the benefit of important public perspectives. This policy provides a mechanism for bringing a broad range of diverse stakeholder viewpoints and values early into the Department's decision-making processes. The early involvement enables the Department to make more informed decisions, improve quality through collaborative efforts, and build mutual understanding and trust between the Department and the public it serves.

Scope: This policy is designed to function as a general framework within which all Department programs shall operate. While it applies to all levels of DOE, its intent is development and implementation of effective public participation programs at each site. In conjunction with its stakeholders and field manager, each site shall develop and implement a public participation program that promotes openness and two-way communication and is tailored to meet specific program, site, and stakeholder needs. This policy is not intended to affect legal requirements imposed by law, regulation, or contractual agreement; neither does it modify and legal rights available to the public under current law.

Definition: Under this policy, the Department actively seeks, considers and incorporates or otherwise responds in a timely manner to the views of its stakeholders, thereby providing them an opportunity to influence decisions. Stakeholders are defined as those individuals and groups in the public and private sectors who are interested in and/or affected by the Department's activities and decisions. Public participation is defined as open, ongoing two-way communication, both formal and informal, within the DOE Complex and between the Department and its stakeholders. This communication will vary widely in nature and scope and may include, but is not limited to, informal conversations, scheduled meetings and workshops, legally required hearings, and Federal-State-local-Tribal agreements.

Goals: The goals of the Department's Public Participation Policy are:

- I. The Department actively seeks and considers public input, and incorporates or otherwise responds to the views of its stakeholders in making its decisions.
- II. The public is informed in a timely manner about and empowered to participate in the Department's decisions-making processes, which are open, understandable, and consistently followed. Access points for public input are clearly defined from the earliest stages of a decision process and provide adequate time for stakeholders to participate.
- III. Credible, effective public participation processes are consistently incorporated into the Department's program operations, planning activities, and decisions-making processes, at

**Hanford Openness Workshops
October 1997-May 1998 Final Report**

Appendix 5, DOE Public Participation Policies and Guidance

Department of Energy Public Participation Policies and Guidance

Page 3

headquarters and in the field. Every employee within the DOE Complex shares responsibility to promote, practice, and improve public participation.

Core Values: Though program-specific public participation activities may vary throughout the DOE Complex, each program will be characterized by the following core values:

- **Accessibility:** Known avenues to Department leaders who are available, approachable, and open to the public.
- **Accountability:** Responsibility to the public for its decisions and a willingness to provide explanations for the rationales behind its decisions.
- **Accuracy:** Commitment to truth.
- **Communication:** Open, two-way exchange of information, knowledge, and perspectives between the Department and its stakeholders.
- **Consistency:** Stakeholder interactions marked by regularity and continuity.
- **Fairness:** Objectivity and freedom from favor toward any side.
- **Honesty:** Commitment to fairness, trustworthiness, and straightforwardness.
- **Innovation:** Introduction of new ideas, methods and approaches.
- **Openness:** Ready accessibility and a willingness to listen to, consider, and respond to stakeholders.
- **Peer Review:** Reexamination of key issues and decisions by internal and external peers.
- **Respect:** Consideration and deference in the treatment of stakeholders.
- **Responsiveness:** Timely and empathetic consideration of and response to the needs, wants, and concerns of stakeholders.
- **Scientific Credibility:** Commitment to the pursuit of sound, dependable, leading edge science.
- **Sincerity:** Openness, frankness, and truthfulness in all stakeholder communications.
- **Time/Timeliness:** Adequate amount of time for stakeholders to participate in Department decisions-making processes. Timely responses to stakeholder input and requests. Timely Departmental decisions-making processes supported but not hindered or delayed by public participation.

Accountability: Senior departmental, program, and field managers are accountable for assuring that public participation activities meet the goals of this policy and the needs of the stakeholders; are fully coordinated; and reflect Departmental principles and values. Managers are responsible for implementing plans that assure that public participation needs for their programs or projects are identified and satisfied in the decision-making process. Public participation is a performance element of these managers.

By Order of the Secretary of Energy

**The Openness Advisory Panel
Minutes from the Sixth Meeting (February 13, 1998)**

Doubletree Hotel (Hanford House), Richland, WA

I. INTRODUCTION.

Dr. Meserve opened the sixth meeting of the Openness Advisory Panel (OAP) at 8:40 AM. He expressed the Panel's appreciation to their Richland/Hanford hosts for their excellent work on behalf of the Panel. Dr. Meserve also thanked the Richland Operations Office and for the very informative site briefings on February 12, 1998.

Dr. Meserve then briefly summarized the key elements of Secretary of Energy's December 22, 1997 Openness Press Conference, in which he and Dr. Narath participated. The key elements mentioned included the new regulation on classification (10 CFR Part 1045), actions regarding the Fundamental Classification Policy Review (FCPR), new regulations regarding whistleblowers, and the release of additional test films. He also pointed out that his participation was predicated on activities of the OAP and its continuing efforts to engage the public in helping to focus the Panel's activities. He then introduced the first agenda subject -- a trip report by OAP member, Tom Cotton, on his observations of the Hanford Openness Workshop meeting of February 4, 1998 in Seattle, Washington.

II. SUBGROUP REPORT: Observations from the February 4 Meeting of the Hanford Openness Workshop.

Tom Cotton introduced his oral report with a few words about the Hanford Openness Workshop's charter, membership, and funding. Dr. Cotton attended the third of four prescribed Hanford Openness Workshop meetings. He thought the meeting was very constructive and produced a focused, useful exchange. Dr. Cotton reported the following observations:

There is a level of dissatisfaction with the lack of a "public advocate" on the OAP. (At the meeting, Rich Lyons from the Office of Declassification, provided the group with the history of the development of the OAP.) Tom Cotton agreed that the increased perspective might be beneficial, but questioned how this would result in a meaningful change within the OAP.

Regarding classification, the Workshop's focus has evolved from purely classification issues to accessibility to records management. Also, progress has been made in contract reform by including relevant classification and openness requirements in contracts and through recommendations for the establishment of performance measures affecting fee awards. The latter proposals have been forwarded to Richland Operations Office (RL) management for consideration, and it was suggested that the OAP consider a follow-up to decide if additional actions are warranted.

The functions of the Workshop and the OAP are different but complementary. The OAP is focused on getting information out to the stakeholders, while the Workshop listens to the stakeholders' responses to the information provided or the actions influenced through OAP activities. Through coordination, therefore, a useful response loop may be established.

The clear utility of the Hanford Openness Workshop pilot program suggests that there might be great advantage in expanding the idea to other DOE sites.

The OAP agreed to follow up on both the Workshop proposals concerning contractor performance measures and the idea of establishing Workshop-type entities at other sites.

**The Openness Advisory Panel
Minutes from the Sixth Meeting (February 13, 1998)**

Doubletree Hotel (Hanford House), Richland, WA

Page 2

III. PRESENTATION & DISCUSSION: Hanford Openness Workshop Overview -- Objectives, Issues, Observations & Status.

Max S. Power, a representative of the Hanford Openness Workshop, provided a report on the Hanford Openness Workshop. He prefaced his briefing by explaining that he was substituting for Mary Lou Blazek, who was unable to attend.

He first pointed out that openness is important, not only to Hanford, but to the Department of Energy, because:

- Trust and confidence are necessary to enabling sustainable, implementable decisions;
- The culture of secrecy, once necessary, now excludes consideration of broad social values; and,
- Employees must feel that they can "commit to openness."

Dr. Powers then provided the OAP with a background briefing of the Hanford Openness Workshop, a summary of key events shaping the evolution of openness at Hanford, and a description of the Workshop's charter. The current focus areas of the Workshop were described as declassification, records access, and culture change. He then summarized progress and problems in each of the three focus areas. Among the continuing problems highlighted by the Hanford Openness Workshop were:

- Declassification Problems
 - Access to "Work for Others" documents which require release approval from another agency, or agencies;
 - Obtaining copies of Richland Operations Office (RL) documents held at other sites;
 - The limited utility of title lists as finding aids.
- Record Access Problems
 - Providing access to unclassified documents (full text).
- Culture Change Problems
 - Need remains to institutionalize "openness."

Based on questions from the OAP members, the following insights were made by Dr. Power:

Regarding the problem of access to "Work for Others," the problem has been the reluctance of other agencies to release (their) information. Additionally, there is a general lack of information on what files may exist and where they are.

Regarding the problem of obtaining RL documents possibly at other sites, there is concern that some of the documents may be important. The problem is exacerbated by the lack of complete inventories and finding aids to permit the identification of existing documents and their locations.

Regarding the problem of access to unclassified publicly-releasable material, while some documents are available in full text on-line, the majority are not. OpenNet, for example, does help identify items of possible interest and points to the location of hard copy, but it is still not a user friendly source of full text for researchers.

**Hanford Openness Workshops
October 1997-May 1998 Final Report**

Appendix 6, OAP February 13, 1998 Meeting Summary

**The Openness Advisory Panel
Minutes from the Sixth Meeting (February 13, 1998)**

Doubletree Hotel (Hanford House), Richland, WA

Page 3

Regarding culture change, while progress has been made, much remains to be done. There is a consensus that contract incentives, management requirements, and performance measures are essential.

There was general agreement with Dr. Powers' conclusions that while much has been accomplished, there was more to be done; that the efforts of organizations such as the Hanford Openness Workshop and the OAP were essential to continued progress; and that access to information must go hand-in-hand with an open decision making process to achieve the essential goals of openness.

In response to the Chairman's call for comment, two individuals requested time to speak, Gregory deBruler, Technical Consultant to the Columbia River United (CRU) organization, and Dirk Dunning, a member of the Oregon State Department of Energy. Greg deBruler pointed out that he became interested in current OAP issues by way of concern with the pollution of the Columbia River. His initial concern led not only to his association with CRU, but also to his interest in Hanford, the openness issue (access to information), his subsequent visits to and interviews with people at various sites (concern with obtaining facts), and by that to the current concern with openness as a way of doing business. He acknowledged the foundations laid by Secretary Watkins, and the great strides made by Secretary O'Leary. However, he said that his visits to DOE sites showed that while some sites were involved, others appeared clueless regarding the necessity for change. Further, he expressed his concern that Hanford, once a showcase site, was in a process of retrograde from its earlier focus. He provided the OAP with a copy of a report he wrote based upon his experiences, and emphasized the necessity of getting management involved with stakeholders for the benefit of all.

Dirk Dunning expressed his concern with the potential domino effect of inaccurate data, promulgated intentionally or accidentally by official sources, leading to erroneous conclusions by subsequent study groups or individual analysts. He mentioned some examples that he believes are now part of the general base of data accepted as "fact." He personally holds the belief that much of the erroneous data was introduced to hide the real data in the interest, at the time, of national security. His essential point was that, with the change of focus today, it is imperative that any database we use in the drawing of analytical conclusions and subsequent decisions on courses of action must contain facts.

IV. STATUS REPORT: Records Management Implementation Strategy & Status Report.

Howard Landon, DOE Office of Information Management, provided an update on progress since the last OAP meeting. He reported that through the increased focus on information management brought by the OAP, budget increases are forthcoming. In addition, progress has been made on the development of corporate standards for automation, enhancements to finding-aids, a review of automation options for information management, and the development of pilot programs. In addition, he noted that a full survey of current document management systems and applications is underway. Mr. Landon also reported that in the near term future, budget options will be examined, a website for finding aids will be developed, and records inventories will be completed.

Mr. Landon reported that even with this progress, more effort is needed to stimulate the support of top management, and to institutionalize openness. DOE, and other agencies, are constrained in some records management actions by problems at the National Archives and

**The Openness Advisory Panel
Minutes from the Sixth Meeting (February 13, 1998)**

Doubletree Hotel (Hanford House), Richland, WA

Page 4

Records Administration (NARA). They must resolve the administrative records schedule issue (GRS-20 issue), and they are faced with the same budget constraints as we are in executing their records management tasks. Mr. Landon concluded with the observation that the OAP has a continuing role to play in helping improve records management. He requested their increased involvement with the Records Management community, and expressed the hope that the OAP might provide active participation in the next Records Management Conference, scheduled for July 20, 1998 at the Mayflower Hotel in Washington, D.C.

[At this point, while not on the formal agenda, the Chair recognized Roger Heusser, Deputy Director of the DOE Office of Declassification, who wished to make a few remarks before his departure to another commitment.]

Mr. Heusser provided a quick update on some matters of interest to the Openness Press Conference which occurred since their meeting in December. He reported that:

The IAEA had succeeded in tracking and recovering the small quantity of plutonium which the U.S. had inadvertently left behind in Vietnam (as reported at the Press Conference);

Review of the Seaborg diaries was completed with 97% being released. Now a request has been made for review and release of handwritten diaries;

Rapid progress is being made on FCPR declassification recommendations;

The general ratio of numbers of declassifications to numbers of classifications is still good (a slight rise in classification numbers is attributable to some specific issues in the stockpile maintenance/stockpile stewardship area, but is just a blip);

The "higher fences" issue is under discussion with the Department of Defense (DoD) (concerns revolve around costs);

The Highly Enriched Uranium (HEU) report development is progressing well. The target is still the July/August period, and the report should provide lots of information.

The Office of Declassification (OD) is making good progress on the generation of new guidance. Page changes to current guides should be in the field by April; then OD will coordinate new guides with DoD.

V. STATUS REPORT: Declassification Implementation Strategy & Status.

Following the lunch break Richard Lyons from the DOE Office of Declassification (OD) reviewed key milestones and the progress of OD action on OAP/FCPR recommendations since the last OAP meeting. He reported that:

The Openness Press Conference in December highlighted the signing of the new regulation on classification (10 CFR Part 1045) which was published in the Federal Register on December 31, 1997. This regulation incorporated several OAP recommendations, including the change in strategy from risk avoidance to risk management, requiring positive action to classify information as Restricted Data, and requiring the segregation of unclassified and classified elements of reports.

**The Openness Advisory Panel
Minutes from the Sixth Meeting (February 13, 1998)**

Doubletree Hotel (Hanford House), Richland, WA

Page 5

Training materials have been updated to reflect the changes in the regulation.

Technical guidance is being updated: first through page changes to current guides, then by revamping of guidance system.

Procedures for resolving interagency disputes have been developed and will be exercised.

A proposed amendment to the Atomic Energy Act (AEA) has been developed and is under review by DOE's General Counsel (OGC). The proposal amends the definition of Restricted Data (RD) to explicitly require a positive decision to classify information as RD. OD is also working with OGC to determine the best approach to amending the AEA to allow information currently designated as Formerly Restricted Data (FRD) to be designated as either RD or as National Security Information (NSI). The change would allow the elimination of the Formerly Restricted Data category.

Efforts to constrain the use of the designation Unclassified Controlled Nuclear Information (UCNI) are now under discussion to resolve legal issues.

During a question period following the report, Dr. Meserve requested that the OAP receive a briefing on the various issues and problems involved with the modifications to UCNI, and Mr. Lyons said that OD would honor the request.

VI. PUBLIC COMMENT PERIOD.

No public comments were forthcoming at this time.

VII. PANEL DISCUSSION: Declassification & Records Management Issues: A Path Forward.

OAP members were joined by a panel providing a crosscutting representation of site interests and responsibilities. The members, introduced by Dr. Meserve, included: a representative of the Hanford Openness Workshop, Max Power; the Deputy Manager of the Richland Operations Office, Lloyd Piper; the Richland Operations Office FOIA Officer, Yvonne Sherman; the Richland Operations Office Records Officer, Linda Jarnigan; the Richland Operations Office Classification Officer, Rick Stutheit; and, the Documentation and Records Manager for Lockheed Martin Services at Hanford, Tom Anderson. Dr. Meserve welcomed the guest panel and said that the OAP came to Hanford because it is an important site, with important issues, and that his panel hoped to get information from the guest group which would help form OAP recommendations to help in advancing the mutual "openness" agenda.

In the resulting discussion the following points emerged:

As other groups have stated, funding levels constrain the progress in records management -- inventories, application of automation, improving accessibility.

The establishment of an identifiable line item in the budget would be of great help.

In moving forward, the community must examine all options, see what others have done or are doing in areas of common requirements, and try to leverage resources across DOE.

**The Openness Advisory Panel
Minutes from the Sixth Meeting (February 13, 1998)**

Doubletree Hotel (Hanford House), Richland, WA

Page 6

Collectively, we must improve the identification of user needs regarding information, complete finding aids.

The future and also the past must be considered when planning "systems."

Flexibility is important since future uses may be unknown now.

VIII. PUBLIC COMMENT PERIOD.

Concluding comments from the assemblage included the following points:

Any FOIA request at any site should be immediately communicated to other sites.

Databases should be developed by each site for information about that site.

The OpenNet should be made more user-friendly.

Every effort must be made to institutionalize openness.

Additional members should be added to OAP to diversify perspectives.

Transparency in decision making is essential. Everyone needs to understand the decision making process. Secretary O'Leary sought out the advice from stakeholders. If that advice is not taken, then the stakeholders should be advised of the reasons for such decisions.

At the conclusion of the discussion, Dr. Meserve thanked the guest panel, the Richland/Hanford hosts, and other attendees for their participation in the meeting, and their assistance to the Openness Advisory Panel.

IX. ADJOURNMENT.

There being no further business to conduct, the Chairman thanked those present for their participation and adjourned the meeting.

Hanford Openness Workshops

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The Hanford Openness Workshops are a collaborative effort among the U.S. Department of Energy-Richland Operations Office, the Consortium for Risk Evaluation with Stakeholder Participation, the Oregon Office of Energy, the Washington Department of Ecology, and regional Tribal and citizen representatives.

November 14, 1997

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

Dear Secretary Peña:

The Hanford Openness Workshops are a collaborative effort among the US Department of Energy-Richland Operations Office (DOE-RL), the Consortium for Risk Evaluation with Stakeholder Participation, the Oregon Office of Energy, the Washington Department of Ecology, and regional Tribal and citizen representatives. Recently, the participants of the Hanford Openness Workshops met and discussed some of the challenges facing the Department of Energy (DOE) ensuring that its commitment to openness be realized across the complex. It is the participants' consensus that, although the DOE has stated commitments to openness as a top priority for the Department, these commitments have not yet been institutionalized through measurable, contractual mechanisms.

Building upon the August 1997 recommendations of the Secretary of Energy's Advisory Board's Openness Advisory Panel 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,"

our workshop participants developed specific suggestions to ensure that openness is addressed in the same systematic, measurable, and enforceable manner as other DOE priorities.

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

In our discussion, it was initially proposed that performance measures for openness should total 20% of fee, because commitment to openness is one of five priorities developed by DOE-RL management. Ultimately, the participants determined that a figure of 5% - 6% of project fee represents a more realistic range for implementation and would still reflect the significance that the openness workshop participants feel is necessary for progress.

The Performance Measures working group of the workshop developed a concept presentation that is enclosed with this letter. This presentation highlighted the need for:

- Specific performance measures for openness
- Both incentives and penalties for openness
- An environment in which decisions made without disclosure are subject to reversal
- Trackable measures for citizen involvement in decision-making
- Independent mechanisms for review of compliance with openness objectives

**Hanford Openness Workshops
October 1997-May 1998 Final Report**

Appendix 7, Performance Measures Letter to Peña and Concept Presentation

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

1. 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;
2. declassification of records relevant to stakeholder and Tribal issues such as environmental, safety, and health concerns;
3. access to records relevant to environmental, safety, and health concerns;
4. meeting commitments to 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.

One area of special concern is based on the first year of the PHMC. The current contract has a requirement that the PHMC companies demonstrate leadership in utilizing the Hanford Joint Council for Resolution of 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, and the 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. In November, 1996, the National Inspection and Consultants (NIC) audit was highly critical of all Hanford employee concern programs, with the exception of the Hanford Joint Council—demonstrating the need to offer incentives for improvement in the area of employee concerns.

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

We urge your consideration of these specific suggestions as you finalize your contract negotiations at the site. Please note that while this letter represents the consensus of the participants, the attachment has been developed and reviewed in detail by a subset of interested parties (the Performance Measures working group) due to time constraints. If you would like additional information on these measures, we would welcome your inquiry and the opportunity to assist you in their further development. Please contact Mary Lou Blazek, spokesperson for the workshop participants, at 503/378-5544, or Gerry Pollet, coordinator of our working group on performance measures, at 206/382-1014.

Sincerely,

The Participants of the Hanford Openness Workshops:

Mary Lou Blazek, Oregon Department of Energy

Diane Larson, Former Hanford Worker

Norma Jean Germond, Oregon League of Women Voters

Gerry Pollet, Heart of America NW

Max Power, WA Dept. of Ecology

Ruth Yarrow, Physicians for Social Responsibility

Tim Takaro, University of Washington

Russell Jim, Yakama Indian Nation

Greg deBruler, Columbia River United

Tom Carpenter, Government Accountability Project

Coordinators: Deirdre Grace and Elaine Faustman, Ph.D., Consortium for Risk Evaluation with Stakeholder Participation (CRESP) at the University of Washington

cc: A. Alm
J. Wagoner

**Hanford Openness Workshops
Performance Measures Working Group
11/5/97 Presentation**

Openness Commitments Require Accountability

Public access to information

- Enhance the early public access to relevant records

Employee protections

- Support the Hanford Joint Council

DOE and contractor accountability for openness

- DOE and contractor evaluation in part based on their performance in fostering openness

Contract reform to foster openness and accountability

- Prove that openness has a real value to DOE by awarding or retaining 5-6% of contractor's fee based on their performance in regard to openness

Tri-Party Agreement (TPA) modifications to foster openness and accountability

- Provide enforceable penalties related to openness
- Provide for the public accessibility of relevant records

Areas Lacking Accountability

Open work culture

- Free of fear of retaliation for raising health, safety, environmental, regulatory or waste concerns

Meaningful and proactive public involvement

Public access to information

Access to and use of relevant information for hazard identification and public review

Contract Reform

Openness is a stated top priority for DOE. It must have a value to ensure contractor performance.

Openness should be valued at 5-6% of the contract fee.

- The award of this fee should be based on an evaluation of the contractors and subcontractors performance in achieving openness by:
 - incorporating public comment into decision making and where necessary changing designs or choosing alternatives that meet public concerns;
 - designing early, iterative, and comprehensive public comment processes, including meaningful early notice, use of advisory boards, and seeking input before internal decisions are made;
 - meeting requirements for record access and notification, early disclosure of problems, safety issues, past releases, conflicting professional opinions and other relevant information;
 - employee freedom to report and resolve safety, legal, financial, and environmental concerns; and
 - the requirements and recommendations noted below.

**Hanford Openness Workshops
Performance Measures Working Group
11/5/97 Presentation
Page 2**

Contractor performance measures should be added to:

- Require project contractors, subcontractors, and record custodians to identify potentially relevant documents relating to past releases, incidents, material handling concerns, and other risk issues and to publish an index of such records and how they may be accessed.
- Require project contractors, subcontractors and record custodians to provide the means for the public, states, and Tribes to access these records.
- Provide fee incentives to contractors and subcontractors to separate releasable nonclassified records from classified or non-releasable documents to release data in support of decision making and legal comment periods on decisions.
- Provide award fees and penalties tied to contractor, and subcontractor, performance in providing timely public, regulator, state, and Tribal notification of the existence of and access to relevant records.
- Require contractors and subcontractors to identify deficiencies and costs required to correct past deficiencies in record management to meet the requirements above.
- Encourage a retaliation-free work environment

Require identification of all records used, relied upon, or pertinent to decision making.

Penalize abuse of attorney-client privilege or classification to inhibit disclosure of records and provide for penalties upon discovery of such abuse.

Provide contract mechanisms to require contractors to seek relevant information from other site contractors and penalties for failure to do so.

Provide contract mechanisms to require adequate review of records by contractors relevant to decisions or actions of other contractors, in accordance with the legal constraints on classified and restricted records.

Provide for penalties upon discovery of failure of a contractor to adequately search for relevant records or to provide timely access to such records. (The existence of a relevant classified record should be disclosed even if the record itself cannot be disclosed for any legal reason.)

Provide contract mechanisms and penalties for state, public, and Tribal notification and access to such records at the same time and in the same manner, in accordance with the legal constraints on classified and restricted records.

Specify limits on copying charges not to exceed either the actual costs involved or the prevailing rate for such services available at local commercial facilities. Costs for custodial care of records, providing access to records, and record handling shall be born by the Contractor as a regular cost of business and shall not be passed on to the public, states, or Tribes.

| |
|-------------------------------------|
| Public Access to Information |
|-------------------------------------|

Public access to all relevant information:

- Builds public confidence and DOE credibility
- Allows for better decisions which may save lives and better protect the environment
- Reduces the risk of penalties
- Reduces the likelihood that decisions will be made that will have to be revised at potentially huge cost

**Hanford Openness Workshops
Performance Measures Working Group
11/5/97 Presentation
Page 3**

"The concept of openness must embrace public accessibility to unclassified information and documents . . ."

Openness Advisory Panel, *Responsible Openness: An Imperative for the Department of Energy*, pp. x; 1997.

"The Secretary should place a high priority on enhancing and institutionalizing openness throughout DOE and its contractor community."

Openness Advisory Panel, *Responsible Openness: An Imperative for the Department of Energy*, pp. 3; 1997.
[Emphasis added]

Ways to foster access and meet DOE's openness commitments:

- Create incentives and penalties;
- Create enforceable mechanisms;
- Make it clear and binding that decisions made without disclosure of pertinent information are subject to reversal;
- Allow for citizen enforcement and/or citizen, state, and Tribal involvement in credible evaluations

Specify that failure to disclose, or to make accessible for review, relevant information from any source (unclassified, declassified, UCNI, stored with classified documents to limit access, inappropriately filed with legal files, etc.) in a timely manner is subject to stipulated TPA penalties as well as contract penalty.

- penalty to equal up to 6% of fee attached to the specific project or objective in question.

Define "relevant information" as any record with environmental, release, chemical, or physical data with a rational relationship to scope or degree of cleanup, characterization of hazards, potential for release, etc.

- e.g., discussion of past fires, explosions, or releases in a facility or from handling/storing a chemical relates to potential for repetition, hazards likely to be present and physical area requiring investigation.

Create a standard contract clause stating that the 6% of fee for all projects to which fee is attached may be withheld if "relevant" information is not made available to the public and regulators for review in a timely manner to allow for informed participation in decision making and for design of notice to the public of major issues impacted by such decision.

Record custodians, e.g., Battelle, must have negative and positive fee incentives for providing timely access to relevant records early in decision making periods for projects.

Require project contractor and record custodian to identify potentially-relevant documents relating to past releases, incidents, material handling concerns, other risk issues, and to publish an index of such records with how they may be accessed.

If records are stored with classified documents, fee incentives must exist to ensure that the contractors release data during decision making and comment periods.

Penalize abuse of attorney-client privilege or classification to hide or fail to disclose relevant records via a negative incentive worth 20% of annual fee, and applicable by government recovery upon discovery of such abuse.

- Discovery of such abuse in future should still subject contractor to stiff financial penalty under

**Hanford Openness Workshops
Performance Measures Working Group
11/5/97 Presentation
Page 4**

contract.

Where clean-up work plan is responsibility of one contractor, and documents are in the control of another, contracts should specify that failure to adequately request review/search and failure to provide access will both result in loss of specified percentage of fee.

- Add a standard clause to each performance measure/objective for both projects and record custodians; e.g. Battelle.

Employee Protections

Support the use of independent employee concern resolution mechanisms, including the Hanford Joint Council for Resolution of Significant Employee Concerns. Place a value on this use by including a specific performance measure tied to contract award fees and valued at 2-3% of the award fee.

- Include performance objectives for implementing an independently-designed program to inform employees of their rights to raise concerns without retaliation, including the right to stop work and seek alternatives for resolving concerns, including legal rights.
- Create an annual performance objective for an independently-designed survey of the workforce to determine whether employees feel free to raise concerns, are knowledgeable of their rights to stop work, and related issues.

Include a positive fee incentive of 1% for correcting deficiencies found in cooperation with the Hanford Joint Council, unions, and regulators.

Add a negative incentive to the "Mega fee" pool for utilizing layoffs to chill protected speech.

Require that contractor and subcontractor reductions in force be based on objective criteria (such as seniority, skill requirements, numerical evaluation) with a negative incentive for failing to have approved criteria.

Environmental, Safety and Health (ES&H) plan performance objectives should specify how contractors will foster a safety conscious work environment in which workers feel free to raise concerns, internally or externally, provide for the prompt review and resolution of concerns with feedback to workers, and disclosure to the public and regulators except to the extent that such disclosure is prohibited by law (due to classification, national security needs, etc.).

The ES&H plan should follow the Nuclear Regulatory Commission (NRC) model to designate an independent third party to review and issue binding recommendations on employee raised safety, financial, and environmental concerns related to a retaliation-free workplace.

Public Participation

Full disclosure for each project, including meeting requirements for record access and notice (defined as notice designed to inform someone reasonably desirous of notice of the impact to their interest(s), of potential risks or impact to values of Stakeholders)

- includes historical record, alternative views, advices
- establish by review to be conducted by panel including states, Tribes, Environmental Protection Agency (EPA), and 1 or 2 Stakeholders. Review is advisory, so USDOE does not delegate its contract fee review authority

Hanford Openness Workshops
Performance Measures Working Group
11/5/97 Presentation
Page 5

Six percent of each performance objective or project fee pool should depend on meeting public involvement objectives for the project including:

- incorporating public comment into decision making, and, if necessary, changing design or choosing alternatives that address public concern
- designing early, iterative public comment processes, including meaningful early notice, use of advisory boards, seeking input before internal decisions, etc.
- disclosure of problems, safety issues, past releases, conflicting professional opinions, etc. in a manner timely enough to allow for public notice of these concerns to be incorporated into notice materials and involvement mechanisms, such as advisory board discussions.
- Six percent of potential project fee should be forfeited if contractor fails to provide records, and indices of relevant records, at specified repositories and other locations (including electronically) in a timely manner—long enough in advance of comment period to allow public interest reviewers to ascertain key issues, historical risks, examine risk assumptions, etc. and to request and obtain access to controlled records.

DOE and Contractor Accountability

"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."

Openness Advisory Panel, *Responsible Openness: An Imperative for the Department of Energy*, pp. 3; 1997.

Make openness a normal part of "doing business" and "a standard operating procedure" by requiring standard contract performance measures tied to fee.

"Mega fee" objectives must include an evaluation of performance on fostering openness, because openness cuts across programs. Evaluate openness based on the measures identified in the contract reform discussion below and value this performance at 5-6% of the contract fee.

Create "Mega fee" incentives for use of independent employee concern resolution mechanisms, including the Hanford Joint Council for Resolution of Significant Employee Concerns.

Emphasize to managers and supervisors that they may be held personally liable when they cause discrimination. Adverse findings of discrimination by a manager or supervisor, or knowledge of such discrimination by managers, in either a judicial or administrative forum should result in direct personnel action. Bonuses must be denied to any contractor or DOE manager with knowledge of discrimination who fails to act to resolve the problem. Discrimination includes actions that inhibit employees from identifying health, safety, or environmental concerns to regulators or the public.

Senior DOE management should be trained in regard to employee and Stakeholder concerns through workshops involving face-to-face discussions with current or former whistleblowers, recommended advocates, and organized Stakeholder forums.

Senior DOE Site management should be evaluated in part by assessing the number and severity of findings of retaliation in the workplace, with invited input from regulators, the Hanford Joint Council and other informed parties, including the Labor Department.

Senior DOE managers should be rewarded for encouraging and fostering a retaliation free workplace.

**Hanford Openness Workshops
Performance Measures Working Group
11/5/97 Presentation
Page 6**

Identify and prioritize funding for records management and declassification to provide access and indices of records.

Ensure that requirements on contractors also apply to their subcontractors and subsubcontractors by requiring incorporation of a flow through clause in contracts.

| |
|--|
| Tri-Party Agreement Modifications |
|--|

Specify that failure to disclose, or to make accessible for review, relevant information from any source in a timely manner is subject to stipulated and contract penalties.

Specify what, where and how relevant information will be available to the public for review. Regulators should deny any change to the Tri-Party Agreement or other regulatory action sought if access is not provided.

Define "relevant information" as any record containing information related to the environment or public health, releases of hazardous or radioactive chemicals to the environment or facilities, any chemical or physical data with a relevant to the scope or degree of cleanup, characterization of hazards, potential for release, or relevant to the evaluation of fate and transport of these materials, and historically important information.

Specify that the public has the same rights to access and review relevant information as the regulator.

Create a mechanism for citizens, states, or Tribes to obtain administrative rulings indicating that they are or were denied access to such relevant information.

Comments for Seminar 1
Nuclear Secrecy's Legacy:
Dislocating Native Peoples and Destroying Lands and Heritage

for

Openness and Secrecy:
A Symposium on Establishing Accountability in the Nuclear Age
May 18-19, National Press Club

by

Russell Jim, Manager
Yakama Indian Nation
Environmental Restoration/Waste Management Program

**Hanford Openness Workshops
October 1997–May 1998 Final Report**

**Appendix 8, Nuclear Secrecy's Legacy: Dislocating Native Peoples and Destroying Land
and Heritage, Russell Jim**

Secrecy is the withholding of truth. We must be careful not to separate the question of secrecy from honor and justice. If secrecy is permitted, those responsible for society's secrets must be strictly accountable, and must be held to a high standard of honor and justice.

In the Yakama society, no written secrets were kept. All knowledge was passed on by the spoken word, and the power and strength of those words depended on the honor of the speaker. These words continue to form the basis of the Yakama culture, as they have since time immemorial.

The mainstream society faces a problem with secrecy, because those entrusted with the power of concealed information are not held accountable for their actions. We are asked to trust those with extraordinary knowledge, who may not have extraordinary wisdom.

For Native Americans, the issue of secrecy is only a part of the issue of honor and justice. Deception and manipulation of the truth have probably harmed the Native American people more than secrecy. This has occurred, and continues to occur, because of gross misunderstandings of the legal rights, the history, and the culture of the first inhabitants of this land.

For example, in 1943, the Manhattan Project chose a site within the ceded land boundaries of the Yakama Nation for the world's first plutonium production reactors and chemical separation plants. The site was chosen based upon its remoteness and access to abundant electricity and pure water. This site, called Hanford, has particular significance to the Yakama people, because it was the ancestral wintering ground and home to the world's largest salmon runs. For this reason, the Yakama representatives at the Treaty signing retained perpetual rights to the resources on this land. The river which supplied the electricity and pure, cold water for Hanford is called En-Che-Wana in our language.

When government officials arrived at Hanford in 1943, they began a process of buying and leasing land from the estimated 1,500 farmers and ranchers at a cost of about 5.5 million dollars. The purpose of establishing this restricted zone of 560 square miles was to establish secrecy regarding plutonium production, and to control the radiation release area.

Yakama fishermen were told that the land would be "borrowed" for patriotic purposes and

that they could return to their ancestral sites at the end of war. They buried their nets on the shore of En-Che-Wana, also called the Columbia River. Neither the Yakama fishermen, nor the Tribal members who traditionally gathered foods and medicines at the Hanford Site, have returned to this day. The Yakama Nation has carefully drafted a proposal to Congress for the return of one sacred portion of the Hanford Site to the Yakama to be managed as a cultural preserve; unfortunately, at present, local DOE officials appear to be leaning towards transfer of this excess land to the BLM (Bureau of Livestock and Mining).

Information is now coming to light which shows the darkest side of the secret Hanford weapons culture. A declassified document dated July, 1950 written by Hanford scientist H.M. Parker indicates that the government was considering the level of acceptable radiation release to humans and animals, and at which levels compensation for damage might be necessary. At this point, nearly all of the 700,000 plus curies of I-131 had already been released to the environment, exposing Yakama people in ways which are still not understood.

After more than a decade, efforts by the Yakama Nation and regional agencies and interest groups led to the 1986 declassification of 19,000 pages of Hanford radiation release information. These documents not only showed that people had been exposed to harmful levels of radiation, but that DOE had covered up this information to protect itself.

Sadly, the same attitudes which promote this culture of secrecy and arrogance are with us today. In 1988, the Hanford Environmental Dose Reconstruction Project was established to disclose the full truth regarding Hanford radiation releases. In 1994, this project had spent over \$26 million, and fearful that its credibility was in doubt, the project Chairman cancelled all public questions and comments at the presentation of its final report in April. The radiation dose report is based upon a model which underestimates actual radiation levels and does not account for detailed weather data or topography. Is this bias the inevitable outcome of a DOE contractor being hired to do the dose estimation work? Possibly so. Native Americans are not considered in this report, even though scientists have recognized the unique exposure pathways of Tribal people. The Yakama Nation has requested technical participation in all radiation health studies which may

affect our people.

The insidious effects of the secret nuclear culture at Hanford will be with us for hundreds of generations unless we take bold actions to restore this damaged land. Already, DOE and its contractors are proposing half-measures which would leave tens of millions of curies of long-lived radionuclides buried in the soil. In this sense, secrecy is not the culprit, but it is short-sighted thinking which passes burdens from one generation to the next.

In the end, the Yakama Nation must push for full disclosure of the truth regarding the events which may have affected our people. In a sense, overcoming the legacy of secrecy will be the beginning. The larger task is to educate the people of this land, and especially the children, about the heritage, the rights, and the culture of the Native people.

Thank you.

FY 1999 Openness Panel Scope of Work

Workshop Subject

Deliverables

1 DOE-RL Response to the HOW Report, Planning for Upcoming Workshops

Strategic Plan for FY 1999 to identify unresolved issues

2 Creating an Open and Transparent Decision-making Process: Access to Public Documents

Access to Documents

- At Hanford
- At other sites
- Inter-site FOIA/search requests
- Electronic access/search tools
- Budget for openness activities
- Notice of records availability/existence

Preservation of Documents

- Historic preservation
- Physical preservation
- Information preservation (microfiche, electronic storage, other media)
- Recalling Hanford documents to Hanford
- Changing national archives procedures (to ensure important documents are not destroyed and are declassified and available to the public).

3 Creating An Open and Transparent Decision-making Process: Defining Criteria and Measurables

Openness Measures

- Managerial performance measures
- Contractor performance measures
- Retaliation free work environment
- Procedural structures
- Integrating with national actions

4 Tribal Concerns

- Cultural aspects
- Religious aspects
- Key areas and issues
- Foodstuffs
- Future impacts

5 Is Openness Working? A Report card from Stakeholders

- Implementation
- Assessment
- Integration
- Evaluation/Testing
- Additional work needed

Report/Fact Sheet on:

- Electronic scanning
- Data sieving
- Indexing
- Ranking for declassification/search
- Declassification

Report/Fact Sheet on:

- How information is preserved, including recommended improvements or changes

Report/Fact Sheet on:

- Evaluation effectiveness and recommending improvements for openness accountability
- Recommending opportunities for improved coordination between local and national programs

Report/Fact Sheet on:

- Tribal recommendations for modifying priorities for declassification
- Tribal openness issues

Report Card to DOE-RL & Secretary's Openness Advisory Panel on:

- Implementation of recommendations
- Progress in declassifying documents
- Progress in releasing documents
- Accessibility of documents to the public
- Retaliation free work environment
- Management performance
- Integrating information into cleanup analyses/decisions
- Increased speed of document declassification and release
- Decreased unit cost for declassification/document release

FY 1999 Openness Panel Proposed Budget

The proposed budget for the
FY 1999 Openness Panel is pending.