

Categorizing The DOE-RL Response to The HOW 1997-98 Report

CRFSP staff have grouped the DOE-RL Response to the HOW 1997-98 Report into several categories, in the hope that organizing them in this way will be helpful to the HOW's discussion. Response categories include: 1) "We agree and are implementing /will implement," 2) "We believe this is already implemented," 3) "Please prioritize," 4) "Be more specific," and 5) "We disagree, because ..." In addition, several responses indicated that input from the HOW and/or the general public was invited, prompting us to create a "when and how?" category. Finally, DOE-RL asked the HOW to keep track of positive and negative examples from which they can learn. These categories are provided below, along with the recommendation numbers which seem to fit in each category and direct excerpts from DOE RL's response.

"We agree and are implementing/will implement."

1. RL commits to fund the HOW in fiscal year 1999 in an amount not to exceed \$20K.
7. RL believes that the HOW's definition is reasonable and represents the intent of the existing policy ... Future revisions of the Public Involvement Policy would provide the opportunity to formalize this definition of "adequate notice."
15. The RL Employee Concerns program is in agreement with this recommendation and is revising its employee concerns RL-ID (RL Implementing Directive) to incorporate the Nuclear Regulatory Commission (NRC) philosophy on "safety-conscious work environment."
18. RL will continue to support the Hanford Joint Council. In addition, RL has instituted, for federal employees at Hanford, a Differing Professional Opinion/Differing Professional View (DPO/DPV) procedure ... modeled after a similar procedure used by the Nuclear Regulatory Commission ... Although this program is currently limited to federal employees, there is a draft order at DOE Headquarters that would establish a Department-wide employee concerns program.
26. RL will implement your recommendation to monitor performance and measure employee trust. The Fluor Daniel Hanford Performance Expectation Plan ... includes a new expectation that the contractor will conduct such a survey.
27. RL supports this recommendation and suggests that ... the HOW work through the HAB's Health, Safety and Waste Management Committee, or identify the particular health and environmental information in which you are interested to Paul Kruger, Director of the Office of Environment, Safety, and Health at RL.
28. RL agrees to assess the need to update and redistribute a message annually.

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IS OPENNESS WORKING? A PROGRESS REPORT
HANFORD OPENNESS WORKSHOPS, FALL 1999

APPENDIX 7. CATEGORIZING DOE-RL'S RESPONSE TO THE 1998 REPORT

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29. RL has begun to implement this recommendation within the capabilities of the Hanford Declassification Project (HDP). A set of keywords will be used to search available bibliographic data on classified and declassified documents.

35. This recommendation is being implemented. Declassification of historical documents at Hanford has been fully funded for fiscal year 1999.

37. RL is implementing this recommendation ... Performance objectives, measures and expectations have been established for fiscal year 1999 to evaluate the declassification performance.

48b. The Hanford Information Systems Index is a part of RL's Y2K compliance upgrades. Posting it on the Hanford Home Page is expected to be completed in fiscal year 1999.

48c. This recommendation is being implemented; we are currently working on upgrades to DDRS ... The new viewer will allow for viewing multiple images ... a document can be printed in its entirety, instead of page by page. Other enhancements are in process, including the ability to search the text of certain frequently requested documents such as the "Green Run," "Mathias Diaries," etc.

50. We will implement this recommendation. It is RL's understanding that a workshop has been tentatively scheduled, and the Indian Nations Program Manager, Mr. Kevin Clarke, will work with the HOW to develop an agenda.

Three additional openness initiatives are described in the DOE-RL Response which do not respond to specific HOW Recommendations:

- The RL Office of Human Resources Management team ... will consider the addition of a specific element for all RL managers' appraisals that relates to their support of openness initiatives.
- The RL Freedom of Information Act office will soon post a Web site on the Hanford Home Page that will facilitate electronic submittals of Freedom of Information Act requests.
- The (revised) Hanford Home Page ... will include an electronic "resource center" ... which will provide easier access to information which exists electronically in a number of separate locations.

5. RL believes that it has implemented this recommendation by development of and adherence to its Public Involvement Policy.
8. The effectiveness of the public involvement process is evaluated annually.
9. RL mandates an environment of zero tolerance for retaliation for Hanford workers.
16. The RL Employee Concerns program has implemented this recommendation.
17. This recommendation has been implemented.
19. RL feels strongly that it has implemented this important recommendation.
25. RL believes this recommendation has been implemented.
26. RL has used employee concerns consultants, Nuclear Power Technology, Inc., and will use others to supplement our existing program.
30. Executive Order 12958, Section 1.5 limits classification to specific categories of information. National Security Information (NSI) that falls outside of these categories cannot be classified ... 12958 also requires that a concise reason for NSI classification be provided on each document.
38. This recommendation is current practice for all documents that are generated in a potentially classified area ... Although proper markings by the originator of unclassified documents would be ideal ... it is more realistic and cost effective to make the determination upon release.
39. This recommendation is the current practice.
41. The HDP performs declassification for Hanford contractors conducting work for the Hanford site.
42. The Declassified Document Retrieval System (DDRS) ... is another electronically available finding aid that can be useful in searching for specific declassified and publicly available documents. DDRS has just recently been upgraded to allow for scrolling and printing multi-page documents.
43. "(O)ne-stop-shop" authority eliminates numerous document clearance steps and streamlines the document declassification and release process ... The goal of DOE is to utilize one authorized reviewer as recommended along with a computer-aided artificial intelligence type review.

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"Please prioritize."

"Resources are not available to implement all recommendations which have merit. If the HOW will prioritize those projects, and funding should become available, the programs will know which are most important to your membership"—John Wagoner, letter to HOW, 12/31/98

48. RL will look for creative ways to accomplish these individual projects (which require an additional expenditure of resources and are not currently funded). It would be helpful for RL to know your priorities among these projects, as some will involve more resources than others.

"Be more specific."

"If my response to a particular recommendation is that RL has already implemented the recommendation, and the HOW disagrees, the recommendation in question is likely to be one of the broad ones ... (Y)ou will find that the more specific you can be, the greater the likelihood a recommendation can be adopted. If the HOW is unable to be more specific because it is not familiar with a particular program, please request a briefing." —John Wagoner, letter to HOW, 12/31/98

2. While these suggestions are all represent exemplary goals, they lack specificity and tangible, measurable outcomes ... We have based some of the new or expanded elements in the FY99 PEP upon the HOW's expressed interests ... and ask that you continue to help us refine the PEP with specific recommendations.

6. If the HOW could provide specific examples of requirements and under what circumstances they weren't met, we will address them.

19. If the HOW has specific recommendations for other employee communications which may either enhance or be more effective than those which we are using, please make them directly to the RL Manager, Karen Randolph, Director of the Office of External Affairs, or Paul Kruger, Director of the Office of Environment Safety and Health.

36. The HOW is encouraged to ... identify the kinds of documents which the HOW considers "essential to protect worker health and safety" and that have not already been made publicly available.

"We disagree, because ..."

2. RL has determined the PEP is an effective tool to obtain effective contractor performance in this area ... We do not agree with the HOW conclusion that substantial fee is the only way to incentivize a contractor.

14. (S)uspension or revocation of a contract would likely impact clean-up requirements to an unacceptable degree.

20. RL has no plans to institute a policy to make individual managers accountable for damages resulting from an act of reprisal, but will give this recommendation further consideration.

31. This recommendation would take considerable further study if the HOW is suggesting a review of records that is not based upon reading each document.

34. Blanket release is not possible under current DOE Orders.

40. Few documents protected by the Privacy Act are so marked.

49. The U.S. Government, i.e., DOE, is responsible for compliance with treaties and other federal obligations to Tribes (trust relationship) and cannot delegate this compliance responsibility to its contractors.

When and how to be involved?

2. We commit to consider all reasonable HOW recommendations for future iterations of the PEP.

7. Future revisions of the Public Involvement Policy would provide the opportunity to formalize this definition of "adequate notice."

9. RL is in the process of revising its Implementing Directive (RLID) which reinforces this policy

18. DOE-Headquarters has a draft Order that includes a section on Alternative Dispute Resolution and Concern Review Panels.

20. RL has no have plans to institute a policy to make individual managers accountable for damages resulting from an act of reprisal, but will give this recommendation further consideration.

32. Available information on documents that are separated by keywords ... will be provided to the stakeholders for declassification prioritization.

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37. Performance objectives, measures and expectations have been established for fiscal year 1999 to evaluate the declassification performance.

Positive and negative examples

"Concrete examples of when RL either 'did it right' or 'did it wrong' would help programs to model successful efforts or not repeat unsuccessful ones."—John Wagoner, letter to HOW, 12/31/98

5. If there have been incidents wherein the HOW feels RL could have done a better job, please work with directly with the Public Involvement Program Manager, Gail McClure. Please identify successful public involvement efforts to Ms. McClure, so that RL can try to learn from them.