

# IS OPENNESS WORKING? A PROGRESS REPORT

## HANFORD OPENNESS WORKSHOPS

*“A popular government, without popular information or the means of acquiring it, is but a prologue to a farce or tragedy or perhaps both.”*

*—President James Madison*

**FALL 1999**

## IS OPENNESS WORKING? A PROGRESS REPORT 1999 HANFORD OPENNESS WORKSHOPS

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## EXECUTIVE SUMMARY

### OVERVIEW

The Hanford Openness Workshops (HOW) are a collaborative effort among the US Department of Energy (DOE)-Richland Operations Office, the Consortium for Risk Evaluation with Stakeholder Participation (CRESP), the Oregon Office of Energy, the Washington State Department of Ecology and regional Tribal and citizen representatives. They are being conducted in order to partially fulfill DOE-Richland's commitment to institute DOE's openness initiatives (see **1998 HOW Report, Section II, A History of Openness at DOE**).

It is the mission of the Hanford Openness Workshops to resolve issues impeding the availability of information important to public health, the environment, understanding and decision making at the Hanford Nuclear Site in southeastern Washington state (see **Appendix 1, HOW Charter**). The workshops are designed to aid DOE-Richland on issues related to 1) declassification, 2) improving public access to Hanford information, 3) government and contractor accountability, 4) creating an open and transparent decision making process, and 5) institutionalizing openness throughout DOE-Richland and its contractors' activities.

This Executive Summary contains a synopsis of each section of the full report, which communicates the major topics of discussion, outcomes reached during the workshops, positive and negative examples and recommendations. In this summary, an abbreviated report of each section is offered, followed by a table containing the entire report's recommendations. Complete working group reports and recommendations are provided in the body of the report, beginning with Section III. The report is also available electronically.<sup>1</sup>

### IS OPENNESS WORKING?—A PROGRESS REPORT

The Hanford Openness Workshops decided to focus its 1999 series on the theme "Is Openness Working?" and to target working group efforts on interactive discussions with DOE-Richland program managers.

The intent was to focus on tangible outcomes that contribute to an environment in which openness *does* work at DOE. This Progress Report updates HOW work during the second series. The document is organized around reports from each Working Group.

### EMPLOYEE OPENNESS

The Employee Openness Working Group believes that openness relies on a commitment by the employers and contractors at Hanford to an open, retaliation- and reprisal-free workplace that promotes safety. The group focused on how employee concerns are collected, reviewed and prioritized; how safety is currently promoted in the DOE system; and on the training required to institute an improved safety culture.

The Working Group could not ascertain exactly how employee concerns are prioritized at each step of employee concern consideration, what percentage of employee concerns are resolved versus unresolved or what activities followed for unresolved issues. All of these issues point to the need for better accountability, transparency and performance approaches for addressing employee concerns.

The Working Group recognized that the current system of financially rewarding good safety records through performance fees has a built-in disincentive for reporting safety incidents. The Working Group decided that, while financial incentives are important, the focus needs to be shifted to rewarding appropriate behavior and nurturing an overall open employee environment. With this in mind, the Working Group suggested that the Hanford Joint Council for Resolving Significant Employee Concerns, as well as Nuclear Regulatory Commission and

private industry programs, could be used as avenues for safety culture training.

The Working Group identified examples of both positive and negative trends in employee openness which are found in **Section III, Employee Openness Working Group Progress Report**. This Working Group's recommendations (see **Table** at the end of this section or **Section III, Employee Openness Progress Report**) focus on application of institutional and personal accountability mechanisms to modify behavior and develop effective employee communication avenues. The Working Group's outcomes are aimed at understanding and using these systems to develop Hanford's safety culture.

### INFORMATION TOOLS

Access to information produced by DOE is a key component of openness and a major interest of HOW participants. This Working Group continued to focus on technologies that categorize the content of documents in better ways than simple index and search tools. The Working Group also looked at ways to make documents available electronically. These tools can 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. In addition to the appropriate application of technical resources, it is critical that information be presented in an easily understood manner. To these ends, the Working Group evaluated information tools during the second series of workshops.

In responding to a 1998 recommendation, DOE conducted key word searches based on a list of key words prepared by the HOW. The results of the key word searches were mixed. While the key words were not useful, once the documentation was located, some useful information (particularly to tribal nations) was identified by using document abstracts. Still, the Working Group confirmed its earlier discovery that titles alone are not particularly useful searching tools.

The Working Group continued its investigation of "data mining" technologies. Tools of this type analyze document content and cluster documents visually, without advance "knowledge" of content. This technological advance is important for helping automate the review and declassification process. Current DOE scanned images of the documents are not

of sufficient quality to be readable by data mining software without improvements in document scanning techniques. The Working Group believes that a solution to this dilemma exists and discussed several options (**Section IV, Information Tools Progress Report**).

The Working Group also attempted to track the movement of information through DOE's decision-making processes as a first step in evaluating the transparency of decision-making at DOE. To track decisions through the system, the Working Group elected to conduct three case studies: (A) the Columbia River Comprehensive Impact Assessment (CRCIA); (B) a proposal for a medical monitoring program; and (C) the HOW's 1998 Progress Report. The results of these case studies are found in **Section IV, Information Tools Progress Report**.

The Working Group developed a set of Information Tools positive and negative examples (**Section IV, Information Tools Progress Report**). It also made recommendations on searching documents by document abstracts and improving Optical Character Recognition capabilities (see **Table** at the end of this section, and **Section IV, Information Tools Progress Report**).

### DECLASSIFICATION

This Working Group focused on the theme of accessibility to documents. To truly support openness, declassification alone is not enough—documents must be available and accessible. The Working Group urges DOE to continue its work in exploring information technologies, as well as more low-tech methods, to improve the availability and accessibility of Hanford's documentation.

In this time of increased concern about security and possible espionage at the national laboratories, the Working Group is concerned that there is a very real danger of DOE slipping backward on its openness initiative by incorrectly equating openness with lax security. Indeed, some in the news media and Congress have suggested that “too much openness” led to foreign capture of nuclear weapons designs. However, as the Secretary of Energy’s Openness Advisory Panel has said, openness is about putting higher fences around a narrower range of information, thereby *increasing* security<sup>1</sup>. DOE strengthens its ability to secure sensitive information to the extent it earns public trust through accountability and openness.

The Working Group developed a set of positive and negative examples for declassification and recommendations (see **Section V, Declassification Progress Report**). Recommendations were made on plans for publicly releasing documents already reviewed through DOE legal obligations, funding of Hanford’s declassification work, policies for reviewing Hanford documentation prior to destruction, and document accessibility (see **Table** at the end of this section).

### PUBLIC INVOLVEMENT

The Public Involvement Working Group focused on five areas: 1) Integration and comprehensiveness of public involvement activities; 2) Transparency in decision-making; 3) Making meeting notices meaningful; 4) Timely disclosure and access to information needed to participate; and 5) Evaluation and accountability.

The Working Group found that public involvement activities at Hanford tend to be fragmented and driven by project-specific mandates. Rarely did the Working Group find instances where public involvement activities were integrated in any fashion. In addition, most activities lack transparency and had few clear decision points. This makes it difficult for the Working Group and DOE to identify areas for potential public involvement or evaluate the impact of input gathered from public involvement activities. Greater attention is needed to “setting the context” for public involvement within DOE’s decision making framework.

The Working Group identified DOE-Richland public involvement evaluation mechanisms as an area for improvement. Current mechanisms do not elicit

meaningful feedback from the public. The Working Group began work on the structure and content of an alternative evaluation mechanism. In its primary recommendation, the Working Group urged DOE to continue development of this evaluation plan (see **Table** at end of this section or **Section VI, Public Involvement Progress Report**). Lastly, the Working Group developed a list of positive and negative examples for public involvement (see **Section VI, Public Involvement Progress Report**).

### PERFORMANCE MEASURES

The HOW has maintained its focus on the challenges facing DOE in ensuring commitment to openness among its contractors. DOE policy holds openness as a top priority, but it has not been institutionalized through measurable, contractual mechanisms.

In the first series of workshops, the HOW pointed to DOE-Richland’s Project Hanford Management Contract (the prime contract at Hanford) as an excellent opportunity to introduce openness performance measures. The HOW recommended that five to six percent of the contractor’s fee be based on meeting openness targets. The Working Group was disappointed in DOE-Richland’s response, that its Performance Expectation Plan (PEP) provides adequate oversight of contractors’ openness activities.

In the HOW’s opinion, the PEP is an inadequate tool for instituting openness. In a letter to DOE-Richland (see **Appendix 15, Performance Measures Correspondence**), the HOW outlined its belief that the PEP’s expectations for openness are so general that it is difficult to imagine a

circumstance in which a contractor would be considered to have failed to meet its stated criteria.

## TRIBAL OPENNESS

This Working Group held a special Tribal Openness Workshop on June 2, 1999 and discussed information access, cultural resources, environmental protection and other aspects of open and transparent decision making at Hanford and across the complex in the context of the needs of tribal nations.

Tribal participants held that openness efforts to date have not been sensitive to tribal concerns and values. One of the most troublesome areas is declassification. The Working Group believes that the only way to adequately incorporate tribal concerns into the declassification system is to involve tribal representatives in the declassification process.

The Working Group identified continuing dialogue between DOE's declassifiers and the tribes as the most critical aspect of improving the tribal sensitivity of declassification efforts. As a result, DOE's Hanford Declassification Project (now called National Security Analysis Team) officials have committed to developing regular information sessions with each Hanford-affected tribe.

The above concern is heightened by tribal expectations of true government-to-government relations. DOE 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. Such a relationship makes tribal information sensitive not only from a cultural standpoint, but also from a governmental relations standpoint. Processes that involve tribes alongside "the public" do not honor government-to-government relations or legal obligations. DOE must also recognize the distinctness of each tribe and tribal nation and respect intertribal difference.

Positive and negative examples of Tribal Openness can be found in **Section VIII, Tribal Openness Progress Report**. The primary recommendation for tribal openness focused on the need to continue a dialogue between DOE declassification staff and tribal members.

### RECOMMENDATIONS:

#### EMPLOYEE OPENNESS

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

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

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

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

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

The current process has proven too complex for the Working Group to be able to successfully diagram and track, especially as far as Hanford contractors' and subcontractors' interactions with DOE-Richland and DOE-Headquarters are concerned. If the Working Group is confused, it is possible many in the workforce are as well. Key to such an open process is clear documentation and description. The Working Group calls on DOE to remember that visual materials, especially diagrams, communicate like many paragraphs of text cannot.

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

With the new Hanford management structure being split between DOE-Richland and the Office of River Protection, the Working Group is concerned that Office of River Protection contractors might be exempt from openness requirements. This scenario would be unacceptable.

## RECOMMENDATIONS:

### EMPLOYEE OPENNESS, CONT.

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

Anecdotal evidence appears to indicate that a large proportion of employee concerns are successfully addressed between the affected employee and his or her direct manager (the Working Group was given estimates of 80% or more). However, such a success story in employee concerns resolution cannot be confirmed because no database is kept for evaluation of these cases.

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

DOE is not adequately tracking contractor employee concern programs to ensure comparability or compatibility with DOE's employee concerns program. Contractors do not necessarily report adequate or complete information to allow DOE to accurately track employee concerns site-wide. At a minimum, all contractors should record how many concerns were reported, a description of the severity of the concern, action taken to resolve the concern, and the time taken for resolution. This data should go to DOE-Richland and DOE-Headquarters. Without such tracking systems, changes in training programs and incentive structures cannot be evaluated.

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

Currently, these employees have no clear mechanism by which to raise and resolve their concerns.

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

## RECOMMENDATIONS:

### EMPLOYEE OPENNESS, CONT.

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

Examples include application of institutional and personal accountability mechanisms to positively reinforce behavior changes from management through to individual managers and employees. The concern of underreporting is heightened in hostile workplace environments, making this recommendation all the more important.

### INFORMATION TOOLS

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

Searching of abstracts would likely be much more productive than searching titles only. Abstracts are more representative of the document and its key words.

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

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

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

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

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

## RECOMMENDATIONS:

### INFORMATION TOOLS, CONT.

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

NASA, the FBI, the Secret Service and other Federal agencies already use these techniques to recover information from blurry images for photo reconnaissance and for recovering information from still and video imagery for crime scenes.

### DECLASSIFICATION

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

These aids will allow the HOW and others to assist DOE in prioritizing the actual release of documentation.

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

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

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

Even the relatively small amount of useful information found during the key word searches would be difficult to use without an effective means for sifting through the documents, such as the SPIRE/STARLIGHT technologies described in this section.

## RECOMMENDATIONS:

### PUBLIC INVOLVEMENT

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

### PERFORMANCE MEASURES

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

### TRIBAL OPENNESS

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

## NEXT STEPS

It cannot yet be said that DOE-Richland and DOE in general are doing business in an open and transparent fashion. Openness is not yet truly institutionalized within the Department. However, there are many areas where progress is being made. Over the course of this year's workshops, several important and central ideas emerged about what needs to happen next to continue nurturing openness and making it work.

Openness work at Hanford must continue. Many of the initiatives that the HOW has set in motion have yet to be instituted. A monitoring mechanism is needed to ensure that the HOW's recommendations become a part of everyday business at Hanford. There is a need for the HOW to meet with the new Hanford leadership. The HOW feels it is important to hand deliver this report to DOE and, after DOE has a reasonable review and analysis period, meet with senior managers to discuss responses and

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implementation of the recommendations found in the report. Continued dialogue between managers, stakeholders and tribes is another positive element of improving openness at Hanford that should be ongoing.

This report marks the conclusion of two years of solid work on the part of the HOW and its participants. It is an appropriate time for HOW participants to consider the best path for moving forward with openness at Hanford and other DOE sites. The HOW's work represents only the first step toward openness. The task at hand now is to implement openness within DOE. While much responsibility rests on DOE, the HOW looks forward to continuing to collaborate with DOE. In recognition of DOE's ever-changing environment, the HOW and its members remain com-

mitted to monitoring and, when necessary, taking further actions to ensure openness works for the Department, its stakeholders, the tribes and the general public.

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<sup>1</sup> [www.hanford.gov/boards/openness/](http://www.hanford.gov/boards/openness/)

<sup>2</sup> *Responsible Openness; An Imperative for the DOE*. Openness Advisory Panel, Secretary of Energy's Advisory Board, U.S. Department of Energy, Washington, DC. August 25, 1997, p. 18.

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## I. INTRODUCTION—AN OVERVIEW OF THE HANFORD OPENNESS WORKSHOPS

The Hanford Openness Workshops (HOW) are a collaborative effort among the US Department of Energy (DOE)-Richland Operations Office, the Consortium for Risk Evaluation with Stakeholder Participation (CRESP), the Oregon Office of Energy, the Washington State Department of Ecology and regional tribal and citizen representatives. They are being conducted in order to partially fulfill DOE-Richland's commitment to institute DOE's openness initiatives (see **1998 HOW Report, Section II, A History of Openness at DOE**).

Funding for the Workshops is provided through a DOE-Richland grant to the Washington State Department of Ecology and a DOE cooperative agreement with CRESP. CRESP convenes and facilitates the Workshops and provides technical and administrative staff support.

It is the mission of the Hanford Openness Workshops to resolve issues impeding the availability of information important to public health, the environment, understanding and decision making at the Hanford Nuclear Site in southeastern Washington state (see **Appendix 1, HOW Charter**). The workshops are designed to aid DOE-Richland on issues related to 1)

declassification, 2) improving public access to Hanford information, 3) government and contractor accountability, 4) creating an open and transparent decision making process, and 5) institutionalizing openness throughout DOE-Richland and its contractors' activities.

Workshop participants were selected by a membership committee comprised of representatives from CRESP, the Oregon Office of Energy, the Washington State Department of Ecology and DOE-Richland in order to provide the perspectives of a wide variety of stakeholders and tribal nations (see **Appendix 2, Participant List**). Workshops are conducted under a charter and ground rules adopted by consensus (see **Appendices 1 and 3, HOW Charter and HOW Ground Rules**).

During the HOW's first series, four workshops were conducted from October 1997 to May 1998 in Richland, Washington; Seattle, Washington; and Portland, Oregon. The results of this series were reported in the 1998 HOW Final Report and five HOW Fact Sheets (see **Appendices 4, 5&7, 1998 Report Executive Summary, 1998 Recommendations and Categorizing the DOE-Richland Response to the 1998 Report**). The 1998 Report, Fact Sheets and DOE-Richland Response are available electronically from the HOW web site<sup>1</sup>. The HOW recently received a response from DOE-Headquarters to the 1998 Report. This response will soon be available on the HOW web page.

Working groups formed to address specific openness concerns during the first series. Several have continued their work in the second series.



These groups include Employee Openness, Information Tools, Declassification, Public Involvement and Tribal Openness.

The first series of workshops was quite successful and very well received. The Secretary of Energy Advisory Board's national Openness Advisory Panel conducted its first meeting outside Washington, DC in Richland in February 1998, in part because of the important model the Panel thinks the Workshops represent. The Hanford Advisory Board (HAB, a Federal Advisory Committee comprised of over 30 diverse organizations interested in Hanford) approved a Consensus Advice supporting the HOW and its recommendations (**HAB Consensus Advice #89**)<sup>2</sup>. The Board's Chair took copies of the 1998 HOW Report to a September 1998 meeting of Chairs and Vice Chairs of Site-Specific Advisory Boards from across the DOE complex, where it was received with considerable interest.

A second series of five workshops—the focus of this Progress Report—was held from February to September 1999. The first three workshops in this sec-

ond series took place in Richland, Washington, the fourth in Spokane, Washington and the fifth in Seattle, Washington (see **Appendix 8, 1999 Agendas**). This report communicates the major topics of discussion and outcomes achieved during the 1999 Hanford Openness Workshops. Several new fact sheets have also been developed and are available on the web site.<sup>3</sup>

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<sup>1</sup> [www.hanford.gov/boards/openness/](http://www.hanford.gov/boards/openness/)

<sup>2</sup> [www.hanford.gov/boards/hab/advice/adviceindex.htm](http://www.hanford.gov/boards/hab/advice/adviceindex.htm)

<sup>3</sup> [www.hanford.gov/boards/openness/](http://www.hanford.gov/boards/openness/)

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### II. IS OPENNESS WORKING?— A PROGRESS REPORT

The Hanford Openness Workshops decided to focus its 1999 series on the theme “Is Openness Working?” and to target working group efforts on interactive discussions with DOE-Richland program managers. The intent was to focus on tangible outcomes that contribute to an environment in which openness *does* work at DOE. This Progress Report updates HOW work during the second series. The document is organized around reports from each Working Group. Each Working Group report includes:

- Working Group discussions;
- Positive and negative examples of openness at DOE by Working Group topic. Such examples were requested by the DOE-Richland Manager in the cover letter to the response to the 1998 report (see **Appendix 6, Wagoner Cover Letter to DOE-Richland Response**);
- Working Group outcomes—tangible actions taken to promote openness. In some

cases, these outcomes are actions taken by the HOW. In others, they take the form of recommendations to DOE.

The first workshop in the 1999 series focused on DOE’s response to the 1998 Report and introductory meetings with DOE-Richland program managers. This workshop demonstrated how productive it can be simply to provide DOE, the public and the tribes a non-adversarial environment in which to exchange information and start a dialogue. It prompted participants to devote the second and third workshops in the series to more extensive discussions with DOE-Richland Program Managers, examining the elements involved in fostering open and transparent decision making. The fourth workshop was devoted to tribal openness concerns and the fifth to preparing this report (see **Appendix 8, 1999 Agendas**).





## III. EMPLOYEE OPENNESS PROGRESS REPORT

*EMPLOYEE OPENNESS WORKING GROUP—DEBI ABRAMSON, MARY LOU BLAZEK, TOM CARPENTER, GREG DEBRULER, DIANE LARSON, GERRY POLLET.*

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### EMPLOYEE OPENNESS WORKING GROUP DISCUSSION

In the second series of workshops, this working group focused its efforts on working with DOE-Richland Program Managers to institute the original recommendations. The group focused on how employee concerns are collected, reviewed and prioritized; how safety is promoted in the DOE system; and on the training required to institute an improved safety culture.

The Employee Openness Working Group spent time discussing how employee concerns are handled and tracked within the DOE system. The three primary questions of interest for the Working Group were: 1) Who receives employee concerns?, 2) Where does this information flow?, and 3) What measures of accountability are present to evaluate responses to these concerns? The Working Group initiated discussion with DOE-Richland program managers on how to make more transparent the processes by which employee concerns are identified, prioritized, reviewed and routed. Continuing such dialogue is critical to meeting openness goals.

Anecdotal information suggests that a large proportion of employee concerns are resolved through interaction between employees and their direct supervisors and safety representatives. However, there is currently no tracking of such interactions, so these successes are “lost.” Employee concerns that are not resolved at this initial level of interaction move up through senior managers, safety

councils and oversight safety councils within a given employer, contractor or subcontractor management system. At any time, an employee can also direct a concern to the DOE-Richland Employee Concerns Office.

Databases are maintained at several of these levels. However, it has been difficult for the Working Group to ascertain what specific prioritization approaches are used at each step. Also unclear is the percentage of resolved versus unresolved issues occurring at each step in addressing employee concerns, or what activities followed for unresolved issues. Again, successful resolutions are lost. Only the relatively few cases of unresolvable employee concerns ever make their way through the reporting system. All of these issues point to the need for better accountability, transparency and performance approaches for addressing employee concerns.

The Working Group recognized that the current system of financially rewarding good safety records through performance fees has a built-in disincentive for reporting safety incidents. As an example, the group cites reports of employees reporting work-related minor injuries to personal doctors, rather than to the appropriate employee contacts, in order to keep injury statistics low. The group identified a need to de



termine how to avoid driving reports “underground,” while still rewarding safety. The Working Group decided that, while financial incentives are important, the focus needs to be shifted to rewarding appropriate behavior and nurturing an overall open employee environment.



The Working Group explored ways to nurture a safety culture without negative incentives for the reporting of safety incidents. The group suggested that the Hanford Joint Council for Resolving Significant Employee Concerns could be used as an avenue for safety culture training. Looking to models that already exist is also desirable. Both private industry and the Nuclear Regulatory Commission have instituted voluntary programs that reward positive safety reviews rather than just penalizing incidents. Although workers report that “ice cream” rewards are nice, these are relatively trivial. Other examples of positive reward programs receiving some kudos from workers include employees rewarded with options for additional or new safety equipment from “safety stores.”

The Working Group believes that openness relies on a commitment by the employers and contractors at Hanford to an open, retaliation- and reprisal-free workplace that promotes safety. Safe work conditions can only be maintained by establishing such an environment. Prompt reporting and trackable responses to address potential issues—the practice of

openness—are key not only to the protection of worker health and safety, but also to public and environmental health. Prevention of adverse effects from site hazards requires a free exchange of information on exposures and effects so preventative measures can be implemented.

However, it is essential to protect the confidentiality of the individuals involved. Herein lies the challenge to employers and employees alike—how to maintain such an environment and truly nurture such a level of trust. Thus, it is essential for DOE and Hanford employers and employees to create and sustain a safety-conscious work environment.

In the 1998 HOW Report, the Working Group made multiple recommendations regarding employee openness (see **Appendix 5, 1998 HOW Recommendations**). The recommendations targeted systemic reforms to address a long-standing and entrenched culture of secrecy. The reforms included adopting key aspects of commercial industry’s safety-conscious work environment, applying institutional and personal accountability mechanisms to modify behavior, increasing training and developing effective employee communication avenues.

Consistent with 1998 HOW recommendations, the Working Group again recommends the application of institutional and personal accountability mechanisms to modify behavior and develop effective employee communication avenues. Rewarding new employee ideas has also proven successful in other environments. The Working Group’s outcomes are aimed at understanding and using these systems to develop Hanford’s safety culture.

## EMPLOYEE OPENNESS POSITIVE AND NEGATIVE EXAMPLES

The Working Group identified examples of both positive and negative trends in employee openness. These examples are in response to a request in a letter from DOE-Richland's Manager (see **Appendix 6, Wagoner Cover Letter to DOE-RL Response**). These examples do not represent a comprehensive list from the Working Group. Rather, they are examples indicative of trends the Working Group has observed.

Recent training by Billie Garde, a former whistleblower, is proposed as a good example of fostering a better work environment. This training was viewed as pertinent and the credibility of the presenter was enhanced by her "been there and know what you are feeling" perspective. The Working Group hopes training like this can be broadened and used more frequently at Hanford.

On the negative side, the Working Group is concerned by reports of workplace injuries being reported to personal doctors, rather than through the employee injury process. In addition to the impact on safety at Hanford, the Working Group is concerned that this may lead to reprisals for workers getting hurt and reporting it appropriately. In general, because of the lack of tracking at all levels of reporting employee concerns, the appropriate magnitude of the Working Group's concern could not be ascertained. This pointed to evaluation and accountability needs.

Another negative example is DOE's policy of paying litigation costs to defend contractors. This policy has a chilling effect on employee openness.

Recent reports of the Hanford Employee Concerns Hotline being compromised are extremely disturbing to the Working Group. Reports have held that managers involved in a suit had access to the recordings from the hotline. These reports not only have damaged the credibility of the hotline but also represent the antithesis of a retaliation-free workplace.

Lastly, the Working Group cites DOE's lack of responsiveness to the HOW's 1998 performance measures recommendations as a negative example. The HOW recommended that performance measures be implemented and, while initially responsive, DOE has ultimately failed to meet the HOW's expectations on this advice.

## EMPLOYEE OPENNESS OUTCOMES

Hanford employees need openness at the site to provide a safe and healthy working environment. They must feel free to raise concerns and have them addressed without fear of reprisal. This has been a central focus for the HOW throughout the first and second series. The 1998 HOW Report contained a set of recommendations intended to help foster such a work environment. During this second series of workshops, the Employee Concerns Working Group held interactive conversations with DOE-Richland program managers. They discussed how to implement these recommendations and other improvements in the employee climate. Together, they decided to pursue the following outcomes to begin to make progress on these issues:

- Diagram how Hanford employee concerns are handled.
- Describe how employee concern databases are linked.
- Review employee concern follow-up actions.
- Create recommendations regarding employee concern prioritization.
- Explore other organizations' "safety culture" methods.
- Send a letter to DOE-Headquarters on the subjects of "Incentives to Mediate" and creating a "Zero Tolerance for Retaliation" workplace.

The outcomes have been discussed further during a series of conference calls and one-on-one conversations. The first three have been gathered into a HOW Fact Sheet on Employee Concerns, available online<sup>4</sup> or via the HOW mailing address. The letter is found in **Appendix 9, Letter to DOE re: Incentives to Mediate and Zero Tolerance for Retaliation** and a summary of the text is below.

## “INCENTIVES TO MEDIATE” AND “ZERO TOLERANCE” FOR REPRISALS

The HOW sent a letter to DOE-Headquarters in October 1999 recommending DOE action on two important issues: 1) DOE’s policy of reimbursing Hanford contractors for litigation costs arising from their activities on site, and 2) the concept of “zero tolerance” for reprisals against employees who raise safety or other workplace concerns.

Reimbursing contractors for legal fees provides contractors with an incentive to litigate, even when they are in the wrong. As a result, “downwinder” lawsuits and litigation of whistleblower claims are almost always exhaustingly drawn-out by the contractor. DOE should reverse this policy. If contractors face the prospect of paying their own legal fees, they will have an incentive to mediate disputes—particularly in those cases where the contractor is unlikely to prevail in litigation. Valid whistleblower claims are likely to be resolved more quickly, which will aid DOE in the timely addressing of safety issues brought to light by whistleblowers. Lastly, more tax dollars will be available for cleaning up the legacy of weapons production rather than supporting legal battles.

The HOW’s letter also called for Secretary Richardson to make good on his commitment to a “zero tolerance” for reprisals workplace environment. DOE should articulate a more definitive proposal leading to the development of a workplace infrastructure that truly supports the goal of “zero tolerance” for reprisals. Good examples for providing such infrastructure could be obtained from “zero tolerance” programs in place at many organizations to combat sexual harassment.

## “SAFETY CULTURE” METHODS

To describe and understand other organizations’ “safety culture” methods and how they can be of use to DOE, the Working Group identified several ex-

RECOMMENDATIONS:
<b>99-1 DOE must reverse its policy of reimbursing contractors for litigation costs.</b>
<b>99-2 DOE must implement a workplace infrastructure supporting a “zero tolerance” for reprisals environment.</b>
<b>99-3 DOE needs to convene a meeting with senior managers and the HOW to discuss and strategize on how to achieve the goals delineated in the HOW reports.</b>
<b>99-4 DOE must conduct new employee orientation on the issue of openness.</b>

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## EMPLOYEE CONCERNS PROGRAM

The Working Group believes the goals of an effective employee concerns program should be for workers to understand (A) what employee concerns are; (B) how to voice concerns; (C) how concerns are tracked and resolved; and (D) how concerns are appropriately prioritized according to the degree of seriousness. Encouraging the raising and resolution of employee concerns without the fear of reprisal is also critical to any employee concerns program. The group sees DOE-Richland's current program as falling short of meeting these criteria and repeats its call for DOE to carefully consider and implement Employee Concerns recommendations included in the 1998 HOW Report (see **Appendix 5, 1998 HOW Report Recommendations**). In addition, several new recommendations have arisen as a result of this year's deliberations.

### RECOMMENDATIONS:

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

The current process has proven too complex for the Working Group to be able to successfully diagram and track, especially as far as Hanford contractors' and subcontractors' interactions with DOE-Richland and DOE-Headquarters are concerned. If the Working Group is confused, it is possible many in the

### RECOMMENDATIONS:

workforce are as well. Key to such an open process is clear documentation and description. The Working Group calls on DOE to remember that visual materials, especially diagrams, communicate like many paragraphs of text cannot.

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

With the new Hanford management structure being split between DOE-Richland and the Office of River Protection, the Working Group is concerned that Office of River Protection contractors might be exempt from openness requirements. This scenario would be unacceptable.

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

Anecdotal evidence appears to indicate that a large proportion of employee concerns are successfully addressed between the affected employee and his or her direct manager (the Working Group was given estimates of 80% or more). However, such a success story in employee concerns resolution cannot be confirmed because no database is kept for evaluation of these cases.

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

DOE is not adequately tracking contractor employee concern programs to ensure comparability or compatibility with DOE's employee concerns program. Contractors do not necessarily report adequate or complete information to allow DOE to accurately track employee concerns site-wide. At a minimum, all contractors should record how many concerns were reported, a description of the severity of the concern, action taken to resolve the concern, and the time taken for resolution. This data should go to DOE-Richland and DOE-Headquarters. Without such tracking systems, changes in training programs and incentive structures cannot be evaluated.

## RECOMMENDATIONS:

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

Currently, these employees have no clear mechanism by which to raise and resolve their concerns.

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

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

Examples include application of institutional and personal accountability mechanisms to positively reinforce behavior changes from management through to individual managers and employees. The concern of underreporting is heightened in hostile workplace environments, making this recommendation all the more important.

<sup>4</sup> [www.hanford.gov/boards/openness/](http://www.hanford.gov/boards/openness/)



## IV. INFORMATION TOOLS PROGRESS REPORT

*INFORMATION TOOLS WORKING GROUP—GREG DEBRULER, DIRK DUNNING, ANDY GORDON, JUDITH JURJI, ANGEL MCCORMACK, MAX POWER*

*OTHER DISCUSSION PARTICIPANTS AND TECHNICAL ASSISTANCE—YVONNE SHERMAN, RICK STUTHEIT, TERRI TRAUB, DOE-RICHLAND; KIM ENGLE, PACIFIC NORTHWEST NATIONAL LAB; MICHAEL KERN, CHRISTIE DREW, BILL GRIFFITH, CRESP; SHOMIT ALI, UNIVERSITY OF WASHINGTON*

### INFORMATION TOOLS WORKING GROUP DISCUSSION

Access to information produced by DOE is a key component of openness and a major interest of HOW participants. This Working Group continued to focus on technologies that categorize the content of documents in better ways than simple index and search tools. The Working Group also looked at ways to make documents available electronically. Such tools are needed to search for information regardless of image quality, misspellings, scanning errors and other inconsistencies. These tools can 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. In addition to the appropriate application of technical resources, it is critical that information be presented in an easily understood manner.

To these ends, the Working Group evaluated information tools during the second series of workshops. Declassification Document Tracking System key word and title searches, data mining software, data tracking, metadata and effective application of information tools were the primary discussion areas of the Working Group.

The 1998 HOW Report called on DOE to develop a system for declassification prioritization that would identify the types of material typically found in classes or types of documents. Examples include the location of radioactive or hazardous materials, disposal of such materials, releases to the environment and exposure of site employees. The Working Group is pleased that DOE-Richland has at least begun to

address this recommendation. The HOW forwarded to DOE a list of significant terms to be used in key word and title searches. DOE ran the searches and passed the results on to the Working Group, providing large stacks of document title lists.

The results of the key word searches were mixed. While the key words were not useful, once the documentation was located, some useful information (particularly to tribal nations) was located by using document abstracts. Still, the Working Group confirmed its earlier discovery that titles alone are not particularly useful searching tools (see **Section V, Declassification Progress Report** for more discussion on the results of the key word and title searches).

The Working Group continued its investigation of “data mining” technologies. Tools of this type analyze document content and cluster documents visually, without advance “knowledge” of content. This technological advance is important for helping automate the review and declassification process. Data mining software in which both DOE and the Working Group have been interested includes Spatial Paradigm for Information Retrieval and Evaluation (SPIRE) and an evolution known as STARLIGHT. In investigating SPIRE/STARLIGHT’s applicability to declassification efforts, the working group identified several weaknesses. According to DOE, SPIRE/STARLIGHT is not well suited for declassification, as it “reads” documents and then analyzes them. Much of the documentation to be declassified or accessed is old, with many visual flaws and inconsistencies. As a result, current DOE scanned images of the documents are not of sufficient quality to be read by SPIRE/STARLIGHT without improvements in document scanning techniques.

The Working Group believes that a solution to this dilemma exists and discussed several options. The Outcomes section of this Working Group Report focuses on determining more successful methods for mining data—by improving existing technologies or attempting to apply technology from other areas.

The Working Group also attempted to track the movement of information through DOE's decision-making processes as a first step in evaluating the transparency of decision-making at DOE. To track decisions through the system, the Working Group elected to conduct three case studies: (A) the Columbia River Comprehensive Impact Assessment; (B) a proposal for a medical monitoring program; and (C) the 1998 HOW Progress Report. The results of these case studies are found in the Outcomes section.

Much of the current focus in information tools is in the area of high-technology resources. The Working Group wants to emphasize its advocacy for the use of *the most appropriate, available and effective* information tools, not necessarily just the most technologically advanced. High-technology solutions are not always the most effective. Low-technology tools can also be of use. While many use computers and the Internet, others are more likely to use a 1-800 number. Newspapers can also reach those currently unaware or uninterested in the issues at hand. These tools are useful in that they are accessed by a larger cross-section of the general public.

In an effort to ensure DOE's information is understandable, the Working Group investigated the use of approaches to maintaining consistent descriptions and definitions within database records. One such approach is the use of "metadata." Metadata typically defines and describes the fields (categories of information) associated with each record in a database. It describes the meaning behind notations, abbreviations, or codes used in a database. In short, metadata explains the "database shorthand."

Often, DOE databases are made available to the public without such consistent documentation. This practice undermines openness because users are prevented from fully understanding the meaning of significant codes and keywords. For example, the Declassification Database Tracking System reports provided to the participants contained several entries that are undefined. One column is titled, "Document Status." It contains six possible entries: "pub-

licly available," "not publicly available," "classified," "in process," "unknown" and "document destroyed." Because none of the terms are defined, the reader could easily be confused by what they mean. In this instance, useful documentation would be information clearly defining each of the six possible entries.

The Hanford Geographic Information System Files are another area where documentation could be applied to make information more useful to the public. Many Hanford-oriented geographic reference files on the Internet contain interesting information. The Working Group commends DOE for making this information available. However, the Working Group is disappointed that many of the field names are undecipherable alphanumeric codes. Documentation defining the codes in understandable language is needed.

The Working Group provided input to DOE-Headquarters on its Central Internet Database via two conference calls (see **PEIS Settlement Conference Call Summaries** on the **HOW web page**<sup>5</sup>). This database is currently being developed by DOE-Headquarters as required under a lawsuit settlement agreement between DOE-Headquarters, the Natural Resources Defense Council and several other organizations. The online database is being created to provide specific information on almost all waste types and volumes currently stored or to be generated by DOE.

The Working Group is interested in the development of the database because it holds considerable potential to become a useful openness

information tool. Conversely, if developed poorly, the database could prove to be a disservice to openness. The group's desires for the database are that the information in it be comprehensive, accurate and current. Further, any online resource such as this database must be designed, presented and linked in a user-friendly fashion. In addition, documentation must be provided. Finally, the user needs data source information in order to evaluate the reliability of the data and to distinguish assumed data from actual data.

### INFORMATION TOOLS POSITIVE AND NEGATIVE EXAMPLES

Following are the positive and negative examples the Working Group has found in its work on information tools. Also included are a group of examples labeled "promising work." These examples represent positive work which, because they are ambitious in scope, can realize even greater success with further improvements. Continued funding for these projects is important. These examples are in response to a request in a letter from DOE-Richland's Manager (see **Appendix 6, Wagoner Cover Letter to DOE-Richland Response**).

#### INFORMATION TOOLS POSITIVE EXAMPLES

- A good example of an effective use of a low-technology information tool is DOE-Richland Deputy Manager Lloyd Piper's write-up of concerns collected during Fiscal Year 2001 budget development hearings held around the Northwest. He collected comments by attending meetings and listening. The comments were then written down in plain language and distributed to stakeholders in a timely fashion. Despite being simple and low-tech, this approach was appropriate and very effective in demonstrating agency public involvement in a pre-decisional process.

- **O p e n N e t** ([www.doe.gov/opennet/](http://www.doe.gov/opennet/)):

DOE created OpenNet to provide easy, timely access to recently declassified information, including information declassified in response to Freedom of Information Act requests. It has served well to allow

broad access to these documents by the general public. Insofar as possible, the full text of the documents is available as a collection of pages of graphic images retrieved from the Declassified Document Retrieval System. The database is searchable for words and phrases. When key words are found in a document, the individual pages are highlighted for easy reference. Because the pages are in graphic format, they are large, and downloading them is moderately difficult over a slow Internet connection. The low resolution of the documents leaves room for improvement. Non-Hanford documents on OpenNet are only available at the originating site. Recently, a number of the web page links in the references have ceased functioning.

- **DOE Information Bridge** ([www.doe.gov/bridge/home.html](http://www.doe.gov/bridge/home.html)):

Information Bridge works in a very similar manner to OpenNet. It contains a broader set of information, with about two million pages of documentation. At first, the site was protected by username and password and was not



accessible to the general public. This has been changed. DOE entered into a partnership with the Government Printing Office and the Office of Scientific and Technical Information to broaden access to the site. The site provides links to the Office of Scientific and Technical Information, the Government Printing Office and DOE sites for further searches.

- **Tank Waste Information Network System 2 (TWINS2)** ([twins.pnl.gov:8001/](http://twins.pnl.gov:8001/)):

This database allows easy access to characterization information on Hanford's tanks. The database is easy to use and understand. Selection of individual tanks or contaminants is easy, though the user needs appropriate spreadsheet or database software to make use of the products. The database provides the user with actual data, but does not give the user a good indication of the relative uncertainty in the data that results from the non-uniform composition of tank contents. A related useful data report set is the modeling done for tank leak estimates.

- **The Grand Junction Project Office Reports on Hanford Tank Farms** ([www.doegipo.com/programs/hanf/HTFVZ](http://www.doegipo.com/programs/hanf/HTFVZ)):

This is an exemplary site and exemplary work. These reports are in hypertext format, making them easy to access and use. This is in contrast to other reports on several tank farms that are linked from the Hanford web site. These reports include the graphics in the Portable Document Format (PDF) version, but fail to include graphics and visual components in the hypertext version. These PDF files are very large to download, making them much less accessible to the public than the hypertext format.

- <http://www.hanford.gov/docs/pnnl-11810/11810.htm>
- <http://www.hanford.gov/docs/pnnl-11809/11809.htm>

### INFORMATION TOOLS PROMISING WORK

- **Hanford Declassified Document Retrieval System** ([www2.hanford.gov/declass/d20pydeclass.asp](http://www2.hanford.gov/declass/d20pydeclass.asp)):

This site is important as the only locally developed

web site where the public can view declassified documents. It uses a different document system than OpenNet and DOE Information Bridge. It requires the user to download a special document viewer, and the Tagged Image File Format (TIFF) images are very large. These combine to make it difficult to find and view specific documents. However, the site has been upgraded to allow selection of a particular page, the first ten pages of a document, or an entire document, providing flexibility. The system has been modified to add text versions of documents, which have gone through Optical Character Recognition (OCR). The OCR is good, but imperfect. The site attempts to allow users to access both the OCR text format and image format methods. All documents in the System are scanned and available. However, many documents that can be found in the title search are inaccessible online. This includes documents declassified before 1996 and images from OpenNet. For these, the user is directed to visit the Hanford Reading Room.

- **Comprehensive Epidemiological Data Resource (CEDR) Program** ([cedr.lbl.gov/](http://cedr.lbl.gov/)):

This site begins to provide access to some of the Dose Reconstruction files for various sites. Some portions of the site require the user to login and have a password, due to state law requirements. In general, the site is difficult to understand. The site data is only beginning to be filled in and currently holds more promise than actual utility.

### INFORMATION TOOLS NEGATIVE EXAMPLES

- Last year, a DOE Hanford contractor (Mactec-ERS) developed a web site for DOE to display a large quantity of information about the movement of toxic and radiological wastes in the Hanford soils and groundwater. This was

an exceptionally well-done site. Benton County also hosted a separate copy. Neither was linked from the Hanford web pages. Both have gone out of existence.

- The DOE Grand Junction Project Office recommended releasing a large quantity of well logs and related information for the tank farms, to allow a much more comprehensive analysis of subsurface contamination using the tools they applied in their reports. To date, there is no apparent progress on this recommendation.
- The Hanford Openness Workshops recommended last year that DOE actively pursue using technology developed by the government for sieving massive quantities of data to find meaning. This technology



(SPIRE/STARLIGHT) has impressive capabilities, even on documents where the OCR quality is poor. Despite the Workshops' strong recommendations, there has been no progress in implementing this technology at Hanford.

- While improvements have been made, the public is still rarely invited in when DOE is in the information gathering and analysis stage. It is only after DOE has carefully filtered information that the public is allowed to view it. This is not consistent with DOE's openness policy. Work needs to take place that will truly implement an open door policy within DOE.

The Outcomes section below outlines recommendations aimed at improving the utility of information tools to promote openness. DOE should build on the positive examples by further refining these successes. The negative examples could be dramatically improved by tailoring improvements based on the posi-

tive examples.

### INFORMATION TOOLS OUTCOMES

#### TEST OF OPTICAL CHARACTER RECOGNITION ON OPENNET DOCUMENTS

The Working Group undertook an effort to evaluate the usefulness of Hanford's electronically scanned documents. At the third 1999 Hanford Openness Workshop, participants requested that DOE-Richland personnel prepare a CD-ROM containing a list of selected electronic documents, which a team at the University of Washington could then analyze. The documents were to represent the range of available documents with respect to readability, and were to include the key words that seemed of particular relevance to members of the Workshops. The selected key words and phrases were "Columbia River," "Fish," "Yakima River" and "Salmon."

Working Group members were impressed with the DOE-Richland declassification staff's response—a CD-ROM with 150 documents. The documents had been produced by several Hanford contractors: Douglas United, Hanford Works, the Pacific Northwest National Laboratory, Westinghouse and Lockheed Martin. Tracking numbers had been assigned to each document, which typically specified the organization submitting the document. For example, "DUN-105" is the Document Tracking Number for Douglas United Nuclear document 105.

Using document numbers and keywords, 70 documents were selected for analysis, ensuring examples from the four keyword categories and all the different organizations above.<sup>6</sup>

Omnipage Pro, the highest-rated, generally-available Optical Character Recognition (OCR) scanning software, was used for this task. The documents themselves clearly were never pre-

pared with the intention of electronic scanning. Many of the originals were hand written, prepared with poor typewriter ribbons, and/or wrinkled. On many, the core text had been covered with scrawls or rubber stamp images. While many of these can be deciphered with difficulty by a human reader, the vast majority do not lend themselves to optical character recognition. Even with the best generally available technology, all but a handful of documents could not be scanned successfully. Even in the best instances, the scanned files were typically only 50% usable. Furthermore, with Pentium Pro-level hardware scanning, a 20-page document, one file image at a time, would take over an hour to scan, even if the document was in good shape. This is because of the manual effort required to read-in separate image files, and the machine cycles the computer uses in attempting to interpret pages.<sup>7</sup> The assessed documents are listed and column titles explained in **Appendix 10, Information Tools OCR Test Documents and Key.**

Representatives from the Nez Perce Tribe reviewed the contents of the CD-ROM to assess what documents might be of interest to the Tribe. Tribal representatives have thus far only been able to begin a preliminary analysis of the CD-ROM; however, some issues are immediately evident.

First, the list of key words was prepared by Hanford staff, long before the Openness Workshops. As a result, the key word list is limited. Many of the key words are technical and of little use to most readers. Further, key words that might seem relevant to a particular audience (e.g. “fish” to tribal representatives) were often not found in the document’s title, despite being a subject of the document. An example of this is the detailed monthly contamination control reports that contain only unlabeled statistics on radiation.<sup>8</sup>

Second, from the perspective of the tribal representatives, there were very few documents with any substantive text relating to the key words. Making this determination was extremely time consuming, since the documents themselves have no index and often include three or four pages of preambles or distribution lists and other cover information.

In summary, it would likely take enormous time and resources to scan the huge collection of Hanford-related documents. Even if this were done, only a

small percentage of the documents would lend themselves to OCR recognition with current technology. Moreover, the contents of the vast majority of the documents are probably of little value to most constituents, and thus the procedure would not likely yield cost-effective results.

On the other hand, the majority of the documents contain an abstract or a first paragraph that is often a useful guide to the document as a whole. If the effort were made to find the single page containing the equivalent of an abstract, and that page were scanned or typed in, this much smaller and more useful assembly of readily accessible text would, we believe, be of considerable value to the public. If abstracts were online, in addition to the key words now available, openness would be far better served than it is now.

## TEST OF “DATA MINING” SOFTWARE

An example of data mining software that both DOE and the HOW have been particularly interested in is called Spatial Paradigm for Information Retrieval and Evaluation (SPIRE) and an evolution called STARLIGHT. Tools of this type analyze document content and cluster them visually without advance “knowledge” of con

### RECOMMENDATION:

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

Searching of abstracts would likely be much more productive than searching titles only. Abstracts are more representative of the document and its key words.

ment, or cultural or other biases. This is an important advance for helping to automate the review and declassification process.

In investigating SPIRE/STARLIGHT's applicability to declassification efforts, the Working Group identified weaknesses. According to DOE, SPIRE/STARLIGHT is not well suited for declassification as it "reads" documents and then analyzes them. Much of the documentation to be declassified or accessed is old, with many visual flaws and inconsistencies. As a result, DOE's scanned images of documents are not always recognized by SPIRE/STARLIGHT.

The Working Group believes that solutions to this dilemma exist and recommends that DOE resolve the issue. The Working Group discussed the possibility of increasing the resolution of the scanned images or using a more accurate multi-spectral scanning technology. Another solution may be the potential for using other image formats that allow a better image quality and also reduce the image size. At least two such technologies are commercially in use. Fractal compression and wavelet encoding use complex waveforms or mathematical functions to recreate a much more accurate image field than traditional scanning. These technologies also allow the images to be reproduced in a variety of sizes without creating scaling defects.

## INTEGRATION OF TRIBAL ORAL HISTORY PROJECTS

The Yakama, Nez Perce, and Umatilla tribal nations are each in the process of developing oral histories of their tribes. This project is a recognition that many

### RECOMMENDATIONS:

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

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

### RECOMMENDATIONS:

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

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

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

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

NASA, the FBI, the Secret Service and other Federal agencies already use these techniques to recover information from blurry images for photo reconnaissance and for recovering information from still and video imagery for crime scenes.

of the tribal members, particularly elders, are not comfortable with written forms of communication. An effort was initiated to integrate the tribes' oral history efforts and ensure they are well distributed to DOE-Richland and the public, but this has been delayed. The Working Group will continue to track the development of these oral histories.

## DOE-RICHLAND FREEDOM OF INFORMATION ACT WEB PAGE

The DOE-Richland Freedom of Information Act (FOIA) Officer is in the process of developing a web page that will allow members of the public to make FOIA requests online. This will greatly simplify the process of making such a request. The FOIA Officer committed to providing Work

shop participants with a draft or “beta” version of this web page so they could provide input and help ensure that it is as user-friendly and successful as possible. This outcome has been delayed, but it is still the intent of the FOIA Officer to involve Workshop participants in this review.

### ACCESS TO HANFORD OPENNESS WORKSHOPS INFORMATION

The Working Group decided to challenge itself to provide a positive example in the way the Hanford Openness Workshops manage information and make it available. To that end, all Workshop documents were given a tracking number (HOW-YYMMDD-#), to make them easy to trace and locate, for present and future reference. In addition, all Workshop products are available from the HOW web page<sup>9</sup> and via the mail by request. All workshops have been open to the public, conducted according to the Washington State Open Public Meetings Act, included public comment periods, and were advertised via press releases and newsletter articles.

### TRACKING DOE'S DECISION MAKING: THREE CASE STUDIES

Understanding how the internal DOE decision-making process works, both at Richland and Headquarters, is a first step toward developing transparent decision making processes. The Working Group investigated the traceability of DOE's decisions by conducting three case studies on decision making processes: (A) Columbia River Comprehensive Impact Assessment, (B) medical monitoring, and (C) The 1998 HOW Report. The Working Group attempted only to track how DOE received, routed and responded to each issue and how easy or difficult this process is to trace. The Working Group did not attempt to question the adequacy or substance of the responses—there is no assessment of whether DOE made good or bad decisions, just if how they made decisions is comprehensible.

### CRCIA CASE STUDY

The Case Study on the Columbia River Comprehensive Impact Assessment (CRCIA) has to do with Hanford Advisory Board advice. The Board, a broad group of stakeholders chartered under the Federal Advisory Committee Act, issues advice to DOE, the Washington State Department of Ecology and the US Environmental Protection Agency. DOE then formally responds to the written advice, as do the other two agencies. This case study is a look into the Board's advice process as it applied to the Impact Assessment.



CRCIA is an assessment of human, cultural and environmental impacts to the Columbia River resulting from Hanford's chemical and radiological contamination. It involves stakeholders, tribes, regulators and DOE. In 1996, a letter was sent from the Hanford Advisory Board to John Wagoner, the Hanford Site Manager, endorsing the Impact Assessment and many of its recommendations (HAB Consensus Advice #61).<sup>10</sup> The Advisory Board received a written response from Linda Bauer, DOE-Richland's Assistant Manager for Environmental Restoration.<sup>11</sup>

The response to the Advisory Board's advice raised two questions for the Working Group. First, DOE-Richland did not specify exactly why the response to the advice was delegated from the DOE-Richland Manager to the Assistant Manager for Environmental Management. Second, a similar delegation happened with the Board's suggestion that the Impact Assessment be elevated to the Deputy Manager level. In this instance, the Deputy Manager decided that the responsibility for the Assessment should remain on the Assistant Manager for Environmental Restoration level. The Working Group was unable to identify the exact rationale and decision processes behind these two delegations.

### MEDICAL MONITORING CASE STUDY

The medical monitoring funding decision case study focuses on efforts to provide medical monitoring to those who may have been exposed to radiation released from Hanford. A proposal was developed by the Agency for Toxic Substances and Disease Registry (ATSDR) and the Hanford Health Effects Subcommittee for a medical monitoring program<sup>12</sup>.

Through an unidentifiable decision process, DOE-Headquarters decided that funding for medical monitoring should be provided from DOE-Richland's existing cleanup funding<sup>13</sup>. DOE-Richland responded to Headquarters by saying there was no funding available for medical monitoring<sup>14</sup>. The DOE-Richland response was bolstered by Hanford Advisory Board advice stating that money should not be taken from Hanford cleanup for medical monitoring<sup>15</sup>. DOE-Headquarters attempted to have Congress reprogram funds to support medical monitoring<sup>16</sup>. This was unsuccessful. As a result, Headquarters did not provide funding for medical monitoring. In the next year, lobbying efforts resulted in Congress providing five million dollars for medical monitoring. To date, DOE has refused to release the medical monitoring funds.

In reviewing the convoluted decision route this issue has followed, the Working Group had difficulty identifying the decision mechanism at each step. Worse, the undefined decision process has not resulted in anything resembling an ultimate decision on the program. Medical monitoring remains in limbo, two years after the proposal was made. In short, this case study conveys a general impression of DOE decision making as a "pass-the-buck" bu-

reaucocracy that in no way resembles a transparent process.

### 1998 HOW REPORT CASE STUDY

In the summer of 1998, the HOW issued its Report with a set of recommendations. DOE-Richland provided a recommendation-by-recommendation response in December of 1998 (see **Appendices 5 and 7, 1998 Report Recommendations, and Categorizing DOE-RL's Response to the 1998 Report**). The development of this response was achieved by the DOE-Richland Manager's assigning one individual with responsibility for coordinating the agency's response. DOE-Richland's approach provided a clear, transparent process that ensured timely, substantive response. In addition, it provided an accountability mechanism for the HOW to trace the development of the response. DOE-Richland's response also included participation by program managers in follow-up meetings with the HOW to further dialogue on the report and the responses.

DOE-Headquarters responded to the 1998 Report in a letter from Carolyn Huntoon, Assistant Secretary of Environmental Management, dated September 24, 1999. The letter was accompanied by a recommendation-by-recommendation response. The DOE-Headquarters response arrived after the HOW's 1999 Progress Report had been approved. As a result, the HOW did not have time to review and incorporate the response into this report. However, the HOW looks forward to continuing dialogue with DOE-Headquarters. While disappointed that it took over a year for DOE-Headquarters to respond, the HOW is encouraged that the response indicates a continuing commitment to openness at DOE-Headquarters.

It appears to the Working Group that a lack of priority and the bureaucratic structuring of DOE-Headquarters are responsible for the slow response. The Working Group was unable to answer the following questions in the DOE-Headquarters decision-making process: Where was the Report received and how was it routed to where it currently sits? How many programs within DOE-Headquarters were required to respond? How many and which organizations have responded and which organizations have yet to respond? Why did it not receive adequate priority to result in a timely response?

The Headquarters decision-making process for this case is not transparent. It appears complicated, diffuse and relatively undefined. With the response now in hand, the HOW hopes to further determine why the response process took so long. It appears that the Headquarters process could benefit from the Richland example. A dedicated individual tasked with shepherding the response through the bureaucracy would have been a positive step. This personal commitment at DOE-Richland seems to the Working Group to have been a significant driver in eliciting a timely response.

for Environmental Management, "Transition of Program Activities of ATSDR to the Field."

<sup>14</sup> Letter, DOE-RL Site Manager John Wagoner to Al Alm, April 9, 1997, "Funding of CERCLA Activities Performed by ATSDR."

<sup>15</sup> HAB Consensus Advise #69, [www.hanford.gov/boards/hab/advice/adviceindex.htm](http://www.hanford.gov/boards/hab/advice/adviceindex.htm).

<sup>16</sup> Letter, James Owendoff, Undersecretary for Environmental Management, February 26, 1998, to Barry Johnson, ATSDR; Letter, DOE Secretary Peña, June 1, 1998 to The Honorable Joseph McDade, Chair, Senate Select Committee on Energy and Water Development.

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<sup>5</sup> [www.hanford.gov/boards/openness/](http://www.hanford.gov/boards/openness/)

<sup>6</sup> Each page on the CD is a separate .tif file, and there is no way to browse an entire document without opening and closing each separate .tif file, so reading and then scanning each document was very time consuming, as it would be for any user attempting to access these documents.

<sup>7</sup> There would be some efficiency gained by creating one .tif file for each document, rather than a separate .tif file for each page but, as explained below, we are not making this recommendation.

<sup>8</sup> No claim is made here that the documents are deliberately obscure or misleading, but rather that a document which is completely appropriate for one purpose or audience is often irrelevant, even to an audience that expects it to be germane.

<sup>9</sup> [www.hanford.gov/boards/openness/](http://www.hanford.gov/boards/openness/)

<sup>10</sup> [www.hanford.gov/boards/hab/advice/adviceindex.htm](http://www.hanford.gov/boards/hab/advice/adviceindex.htm)

<sup>11</sup> DOE letter #042776, available as response to HAB Advice #61 at [www.hanford.gov/boards/hab/advice/adviceindex.htm](http://www.hanford.gov/boards/hab/advice/adviceindex.htm).

<sup>12</sup> ATSDR Hanford Medical Monitoring Program: Background Consideration Document and ATSDR Decision, Atlanta, GA, U.S. Department of Health and Human Services, July 1997.

<sup>13</sup> DOE Memo, February 27, 1997, Al Alm, Undersecretary

## V. DECLASSIFICATION PROGRESS REPORT

DECLASSIFICATION WORKING GROUP—MARY LOU BLAZEK, GREG DEBRULER, DIRK DUNNING, ANGEL MCCORMACK, MAX POWER

OTHER DISCUSSION PARTICIPANTS AND TECHNICAL ASSISTANCE—YVONNE SHERMAN, RICK STUTHEIT, TERRI TRAUB, DOE-RICHLAND; KIM ENGLE, JOHN BUTCHER, WALT NICASE, PACIFIC NORTHWEST NATIONAL LABORATORY; MICHAEL KERN, CRESP

### DECLASSIFICATION WORKING GROUP DISCUSSION

This Working Group continued with the theme of accessibility to documents. To truly support openness, declassification alone is not enough—documents must be available and accessible. The Working Group stressed that simply referring informa-



tion requests to the DOE-Richland Reading Room meets neither the rigors of availability nor accessibility. Making declassified documents available and accessible will take significant work on the part of DOE and stakeholders. Many different resources, technologies and methods must be applied to truly make Hanford declassified documentation open, available and accessible. The Working Group urges DOE to continue its work in exploring information technologies, as well as more low-tech methods, to improve the availability and accessibility of Hanford's documentation.

In this time of increased concern about security and possible espionage at the national laboratories, the Working Group is concerned that there is a very real

danger of DOE slipping backward on its openness initiative by incorrectly equating openness with lax security. Indeed, some in the news media and Congress have suggested that “too much openness” led to foreign capture of nuclear weapons designs. However, as the Secretary of Energy's Openness Advisory Panel has said, openness is about putting higher fences around a narrower range of information, thereby *increasing* security<sup>17</sup>. DOE strengthens its ability to secure sensitive information to the extent it earns public trust through accountability and openness.

As Joseph S. Mahaley, Director of the Department's Office of Security Affairs, put it:

*Openness provides both a means to assure that the proper sensitive information is protected by classification but at the same time seeks to provide Departmental accountability to the public by not classifying information that does not have a demonstrable connection to national security (see **Appendix 11, 1999 Mahaley Memo re: Security and Openness**).*

This topic is more thoroughly explored in the HOW Fact Sheet “Openness and Security.”

### DECLASSIFICATION POSITIVE AND NEGATIVE EXAMPLES

Following are a select list of positive and negative declassification examples compiled by the Working Group. These examples are in response to a request in a letter from DOE-Richland's Manager (see **Appendix 6, Wagoner Cover Letter to DOE-RL Response**).

## DECLASSIFICATION POSITIVE EXAMPLES

One highly positive example in the declassification area is DOE's response to the HOW's letter on the Hanford Declassification Project (now known as the National Security Analysis Team). As explained in the following Outcomes section, the HOW sent a letter to both DOE-Headquarters and DOE-Richland supporting full funding for the Team (see **Appendix 12, 1999 HOW HDP Funding Letter**). According to DOE-Richland, the project has been fully funded for this fiscal year.

Another positive example is simply the vigor with which DOE-Richland has pursued declassification. The HOW have consistently found the declassifiers to be receptive and responsive to HOW requests for information and dialogue. This is evidenced by DOE-Richland's leadership role in the DOE complex in terms of declassification. Hanford is far ahead of most sites in its declassification efforts.

## DECLASSIFICATION NEGATIVE EXAMPLES

While DOE is well on its way in its declassification efforts, there is still much room for improvement in the areas of availability and accessibility. DOE has yet to be greatly successful in applying either high-tech or low-tech solutions to the challenges presented in making documentation accessible and available.

DOE has been required under lawsuits to review and release to litigants large numbers of documents. The Working Group has continued to discuss the potential openness opportunity presented by these reviews. For example, a non-disclosure statement was signed by litigants in the "downwinder lawsuit." This amounted to an agreement to keep documentation released to the litigants out of the public realm. It is unfortunate that this agreement did not consider future public release of this documentation. Any document review process that does not ultimately lead to public release is incomplete.

The documentation is important to ongoing studies and cleanup. Analysis of historical impacts and current contamination are hindered without the release of this documentation.

Potential exists for a negative example that would greatly dishearten the Working Group. As mentioned above, the HOW have supported continued funding for the National Security Analysis Team. The Team

currently estimates 2003 as the year in which it will complete its work. Failing to fund this project to its completion would do a great disservice to openness.

### RECOMMENDATION:

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

These aids will allow the HOW and others to assist DOE in prioritizing the actual release of documentation.

The HOW urge DOE to continue full funding of the project through completion.

## DECLASSIFICATION OUTCOMES

### FUNDING OF THE HANFORD DECLASSIFICATION PROJECT/NATIONAL SECURITY ANALYSIS TEAM

As stated above, the Working Group determined that one of the most important issues in the declassification process is the full funding of the Hanford Declassification Project (now known as the National Security Analysis Team). Full funding is necessary to ensure that documents are not only declassified but become accessible, thereby addressing declassified documents that have not yet been reviewed, as well as documents that have been declassified and reviewed but remain unscanned and unavailable. The HOW sent a letter to both DOE-Headquarters and DOE-Richland supporting full funding for the National Security Analysis Team and has since been notified that the project will be fully funded for Fiscal Year 2000.

## NATIONAL ARCHIVES RECORDS AND RECORDS AT OTHER SITES

In the past, communication between facilities and sites was limited, due to the classified nature of DOE's work. Still, some sharing of information was necessary and resulted in Hanford information being located at other DOE sites. DOE and its predecessors did a good job of retaining records from the 1940s to the 1960s. After this, they began destroying records that were deemed unimportant. Others were indexed by title, boxed and locked away either at the sites or at the National Archives. In the late 1980s, DOE imposed a document destruction ban at Hanford for all historical documents.

The National Archives maintains important historical documents. All are maintained for a fixed period of time. One year prior to the end of the scheduled retention period, a letter is sent back to the originating organization, noting the imminent destruction of these records and allowing the originators to extend retention. Many of these records are decades-old, meaning the originators are no longer with the organization. Often, the original organizations no longer exist. As a result, there may be no one left at the succeeding organization to identify whether or not the documents have value.

Since most of DOE's records were "born classified" and many will remain so, most of the records destroyed will never be viewed by the public. This is acceptable for some types of records, such as privacy information and details of the design and manufacture of weapons. However, it is foreseeable that, within 25 years, little of the nuclear design information that is now classified will need to remain classified. At that point, the records of weapons production and design become historically significant documents of public interest. In addition, many clean-up decisions revisit and use this type of older historical information. As a result, the imposition of simple, time-based retention and destruction schedules fails to ensure that these historically significant and potentially useful documents will be retained. An important part of the nation's history could be discarded without ever being publicly released.

Other records resulted from projects based at other sites. Some of these had Hanford as their sole or major topic. Yet, because the project was based at

another location, they are not considered by DOE to be Hanford records. These types of records exist at Nevada Test Site, Oak Ridge National Labs, Savannah River and possibly at other locations. These records are not currently subject to the record destruction prohibition in place at Hanford. Since there is no unified and comprehensive inventory of these records to compare between sites, it is not possible today to know what information related to Hanford is held solely at other sites and what duplicates information or records at Hanford. In some cases, there may be copies at other sites that are in superior condition to records held at Hanford. It is important for a safe Hanford cleanup that Hanford is provided the opportunity to review these records before they are destroyed.

## KEY WORD AND TITLE SEARCHES

### RECOMMENDATIONS:

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

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

The Working Group found that key word and title searches revealed some useful documentation. Still, the results were generally disappointing, due to several limiting factors inherent in the nature of key words and titles. Many of the documents were written decades ago and were of interest then for different reasons than now. As a result, authors did not always title documents in a way that allows easy identification of documents of interest today. In addition, many names (even Latin scientific names) have evolved over time, resulting in present-day names that are different from those used only a few decades ago. Lastly, key words are limiting because of the differing backgrounds and interests of the variety of involved parties. For example, declassifying personnel are likely not sensitive to all the key words that would be important to a specific tribal nation. As a result, the key word lists for the Declassified Document Tracking System are not entirely comprehensive.

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<sup>17</sup> *Responsible Openness; An Imperative for the DOE*. Openness Advisory Panel, Secretary of Energy's Advisory Board, U.S. Department of Energy, Washington, DC. August 25, 1997, p. 18.

### RECOMMENDATIONS:

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

Even the relatively small amount of useful information found during the key word searches would be difficult to use without an effective means for sifting through the documents, such as the SPIRE/STARLIGHT technologies described in this section.



## VI. PUBLIC INVOLVEMENT PROGRESS REPORT

*PUBLIC INVOLVEMENT WORKING GROUP—DEBI ABRAMSON, MARY LOU BLAZEK, GREG DEBRULER, ANDREW GORDON, JUDITH JURJI, DIANE LARSON, GERRY POLLET, MAX POWER*

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### PUBLIC INVOLVEMENT WORKING GROUP DISCUSSION

The Public Involvement Working Group focused on five areas: 1) Integration and comprehensiveness of public involvement activities; 2) Transparency in decision making; 3) Making meeting notices meaningful; 4) Timely disclosure and access to information needed to participate; and 5) Evaluation and accountability.

The first subject the Working Group addressed is integration. Public involvement activities at Hanford tend to be fragmented and driven by project-specific mandates. Rarely did the Working Group find instances where myriad public involvement activities are integrated in any fashion. The public is confused or quickly tires of the many DOE public meetings on very specific topics. Meetings are not coordinated in a way that provides an integrated, “big picture” look at Hanford. The Working Group believes that such an integrated approach requires a commitment from upper-level management.

The second area the Working Group focused on is the lack of transparency in DOE’s decision-making processes. It is often difficult for the public to determine how decisions are made and via what internal processes. In addition to a lack of transparency, decision making processes generally have few clear decision points. This makes it difficult for the Working Group and DOE to identify areas for potential public involvement or evaluate the impact of input gathered from public involvement activities. Greater attention is needed to “setting the context” for public involvement within DOE’s decision making frame-

work.

The third and fourth areas the Working Group discussed pertained to the need for a diversity of both decision-making and public involvement processes. At Hanford, for example, cleanup activities are greatly varied, and both decision making and public involvement approaches should reflect this variety. This variety should be reflected in the release and availability of information as well as meeting notices. The Working Group also found that very few of the many contractors at Hanford are linked directly to easily accessible Internet locations.

Lastly, the Working Group discussed evaluation and accountability in public involvement activities. At the conclusion of public involvement activities, it is important to collect information to evaluate the relative success or failure of the activity. The Working Group identified the DOE-Richland public involvement evaluation mechanisms as an area for improvement. Current mechanisms do not elicit meaningful feedback from the public. The Working Group began work on the structure and content of an alternative evaluation mechanism.

The Working Group found a lack of accountability for the five areas that were discussed. As a result, the outcomes and recommendations are an attempt to improve the public involvement situation at Hanford.

The group’s outcomes focus on the necessary components, reporting mechanisms and methods for involving additional partners in the evaluation process. It is important that the information collected is meaningful, but not so time consuming that meeting participants are unwilling to respond. In the past, stakeholder evaluation forms have been submitted to DOE-

Richland but the outcome of this advice has not been evident. In addition, DOE-Richland's credibility will be improved if evidence of responses to comments is provided to the public.

### PUBLIC INVOLVEMENT POSITIVE AND NEGATIVE EXAMPLES

Following are positive and negative examples of public involvement at DOE-Richland. These examples are in response to a request in a letter from DOE-Richland's Manager (see **Appendix 6, Wagoner Cover Letter to DOE-Richland Response**).

An overarching deficiency for the examples is the lack of adequate, timely agency response to comments. DOE, the Washington State Department of Ecology and the US Environmental Protection Agency<sup>18</sup> rarely address whether or not a comment or suggestion was implemented, nor do they offer rationale for why comments are not implemented. Dialogue before a decision is made is not possible without a timely response. The lack of responses is symptomatic of a "checklist" approach to comment periods, rather than meaningful public involvement.

In general the actions that resulted in the top ratings for involving stakeholders include:

- Early notification and involvement of stakeholders;
- Compelling and timely notice and advertising (see **Appendix 13** for an example);
- Notice which informs the public about what public values might be impacted by pending decisions;
- An inexpensive, easily accessed facility;
- Written materials that are easy to read and understand;
- Flexibility in format;
- Timely response to comments; and
- Presentation of multiple alternative views.

### PUBLIC INVOLVEMENT POSITIVE EXAMPLES

- **Tank Waste Remediation System Rebaselining Meetings (Summer 1994):** These meeting were effective in format: a 15-minute overview and explanation of the issue in small groups and then a large group discussion. Also, DOE-Richland came back a second and third time to report on actions

and public impact and to request more assistance/ advice.

- **Hanford Advisory Board Evening Public Meetings (1994-1998):** These meetings are productive because they are focused on one primary issue (e.g. Plutonium Finishing Plant, K Basins, tank waste, 200 Area cleanup).

- **100 Area and N Area Record of Decision Meeting (February 1999):** The notice for this Kennewick meeting was collaboratively designed and clearly explained how people's interests would be affected by the decision. The meeting was facilitated very effectively. The presentations were clear, despite the complex subject matter. Public feedback was positive and the meeting went well.

- **100 Area Record of Decision Meetings (August 1999):** These meetings were conducted in two parts, which made them very productive for the "most interested" public and the "general" public alike. The afternoon was a workshop format for the most interested public and risk assessment professionals. The evening was an educational session devoted to the general public. The meetings were successful because they provided a forum for dialogue on an issue of high importance to communities along the Columbia River.

- **Columbia River Comprehensive Impact Assessment Meetings (1996):** These meetings, which were conducted in four locations around the Northwest, were successful due to cooperation between the Impact Assessment Team and the agencies in meeting notification, preparation of information and meeting format.

The meeting resulted in strong support for the Impact Assessment.

- **Plutonium Disposition Road Show (Summer 1996):** The Road Show format, designed by Oregon, was very productive. It included editorial boards, a speaker for a civic group at noon, a focus group with community leaders in the afternoon, and an evening public meeting. This was repeated in eight communities. Ten more communities were reached via the Oregon Educational Network. DOE-Headquarters provided very good information for both the Road Show and the Roundtable. The material, provided ahead of the meeting where possible, was easy to read and well received by the public.

- **Scoping for the US Ecology Commercial Waste Facility Environmental Impact Statement (1997-1998):** Written materials distributed in advance of the meetings were straightforward, easy to read and informative. A group discussion format resulted in a very free-flowing exchange of ideas.

- **Hood River Meeting on Tank Farm and Vadose Zone Milestones (Spring 1998):** The Tri-Parties worked collaboratively with the interest groups to ensure a useful agenda, meaningful notice and informative presentations (although the agencies did not incorporate interest group input on text for the advertisements). The audience had full opportunity to ask questions of a range of panelists. Attendees at the Hood River meeting were enthusiastic about the variety of views represented on the panels. It appeared to stimulate debate. The agencies did a good job of having enough of the right people to give answers, rather than deferring questions for a later response.

- **Budget Meetings/Workshops (1999):** These meetings/workshops were very productive, indicating that DOE learned from its previous budget meetings (listed in the negative examples). Budget meetings in Richland were well attended. Smaller breakout groups in Portland were small but effective, productive and appreciated by the participants. The response to comment document was released in a timely manner, although there was no response to Portland workshop participants' comments.

### PUBLIC INVOLVEMENT NEGATIVE EXAMPLES

- **Tank Waste Environmental Impact Statement Meetings (Spring 1996):** The written material for these meetings was full of acronyms and jargon.

Oregon was given less than two weeks notice of the meeting. The meeting organizers did not involve Oregon or interest groups in arranging the meeting. DOE-Richland used a very expensive facility. Contractors refused to switch to an informal mode, after being asked directly and politely by the public. The overheads were difficult to read, contained jargon and acronyms and altogether too much material. More bureaucrats attended the meeting than public. DOE-Richland was asked by the public to stop using the overheads and begin a dialogue, but refused. As a result, some public attendees left.

- **Fast Flux Test Facility Meetings (1997-1998):** The Tri-Parties did not respond to thousands of public comments and took nine months to complete a summary of comments and responses. As of August 1999, the response document had not been sent to commenters. There was some concern that the system for grouping the comments did not adequately represent what occurred at the hearing. The notice for these meetings was not written in a manner that would gain public interest or accurately describe the issue in clear language or with interesting graphics. This negative example is worsened by recent regulator action. Ecology has chosen to hold the Tri-Party Agreement milestones in abeyance. This runs counter to the spirit of the Tri-Party Agreement.

- **Budget Meetings (1998):** DOE-Richland did not respond to comments for six months after these public meetings. The breakout groups were productive, but there were not enough experts to address comments in each group. Public questions were recorded, but DOE-

Richland did not respond. Around 30-40 comments from Seattle appeared to be lost (DOE-Richland explains that these comments referred to the Fast Flux Test Facility and were sent to that staff for response. The public has not received a response to those comments).

- **Tri-Party Agreement Negotiation Input Meetings (June 16, 1999; June 17, 1999; June 30, 1999):** These meetings were a failure on most counts. Notice for the meetings took place only days before they were held. Locations were poorly selected—meetings only took place in the Tri-Cities at obscure locations. As a result, the meetings were very poorly attended.

- **The Portland Plutonium Disposition Meeting (1998):** This meeting was not well organized. DOE-Headquarters made all the arrangements without input from Oregon or public interest groups. The result was a high cost facility and meeting arrangements (\$35,000 total meeting cost, including travel for DOE staff). Ultimately, the meeting was somewhat productive because DOE-Headquarters staff was flexible. A public interest group in Portland directly requested, and was denied, information about the public meeting, prior to the meeting.

- **Solid Waste Environmental Impact Statement Scoping Meeting (November 13, 1997):** Oregon saw little need for a public meeting in Pendleton and recommended against it. The meeting went forward. DOE's written materials were full of acronyms and jargon and were difficult to read and understand. Attendance at this meeting was very poor. Oregon ultimately requested three meetings in transport route communities, including another meeting in Pendleton, with better notification. Due to time constraints, DOE declined to conduct the meetings.

- **Tribal Involvement:** DOE has yet to institute a true government-to-government relationship with tribal nations (see **Section VIII Tribal Openness Progress Report** for more detail).

## PUBLIC INVOLVEMENT OUTCOMES

### PUBLIC INVOLVEMENT PLAN AND EVALUATION TOOLS

The Working Group identified public involvement evaluation tools as an area where DOE could improve. The Working Group began developing an evaluation plan containing a multi-level evaluation strategy:

- For the general public, evaluation of meetings on a simple three-by-five card or— if desired—more detailed forms.
- For the highly-involved stakeholder and regulator community, detailed evaluation response forms, focus groups and workshops to obtain direct feedback.
- An agency evaluation team to review comments annually, highlighting DOE public involvement strengths and weaknesses and reporting the results to the public.

Results from the above evaluation mechanisms could be reported periodically through traditional methods, as well as posted on the Internet.

The Working Group also developed a general model of a public involvement evaluation plan (see **Appendix 14, Public Involvement Draft Evaluation Plan**). The plan is based on analysis and recommendations from the 1998 HOW Report, others the HOW have communicated to DOE via correspondence, and 1999 Working Group conversations and dialogue with program managers. The plan focuses on important attributes that allow agencies to reach public involvement goals. In addition, the table outlines performance measures to provide feedback on the processes' relative success. The goals listed in the table include:

- Maintaining a flexible style and format for meetings.
- Determining the goals of a public involvement activity *prior* to the activity

(stakeholders and regulators should be involved in this process).

- Using creative methods to notify and educate the public (e.g. effective advertising).
- Ensuring that timing is right—involving the public early in the decision making process.
- Providing appropriate meeting materials.
- Providing effective speakers.
- Providing effective leadership, moderators, and facilitators.
- Getting good attendance.
- Providing timely feedback after meetings.
- Minimizing the number of agency staff and contractors.
- Working with local individuals to secure low cost meeting spaces.

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<sup>18</sup> Public involvement regarding Hanford cleanup activities is covered by the Tri-Party Agreement. Activities are jointly conducted by DOE and its regulatory agencies: the Washington State Department of Ecology and the US Environmental Protection Agency.

RECOMMENDATION:

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

# IS OPENNESS WORKING? A PROGRESS REPORT



## VII. PERFORMANCE MEASURES PROGRESS REPORT

*OPENNESS PERFORMANCE MEASURES WORKING GROUP—MARY LOU BLAZEK, GREG DEBRULER, DIRK DUNNING, GERRY POLLET*

The HOW has maintained its focus on the challenges facing DOE in ensuring commitment to openness among its contractors. DOE policy holds openness as a top priority, but it has not been institutionalized through measurable, contractual mechanisms.

In the first series of workshops, the HOW pointed to DOE-Richland's Project Hanford Management Contract (the prime contract at Hanford) as an excellent opportunity to introduce openness performance measures. The HOW recommended that five to six percent of the contractor's fee be based on meeting openness targets. The Working Group's concept highlighted the need for:

- Specific performance measures for openness.
- Incentives for achieving openness 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.

In addition, the Working Group offered several potential performance measures to institute its recommendations.

The Working Group was disappointed in DOE-Richland's response. DOE-Headquarters indicated acceptance and a DOE-Richland commitment to work with the HOW to "...take advantage of your suggestions, including your idea to include performance measures for openness, along with financial incentives and penalties, in future contracts." Despite this letter, DOE-Richland was unwilling to work with the HOW on further instituting its suggestions. Rather, DOE-Richland responded that its Performance Expectation Plan provides adequate oversight of contractors' openness activities.

In the HOW's opinion, the Performance Expectation Plan is an inadequate tool for instituting openness. In a letter to DOE-Richland (see **Appendix 15, Performance Measures Correspondence**), the HOW outlined its belief that the Plan's expectations for openness are so general that it is difficult to imagine a circumstance in which a contractor would be considered to have failed to meet its stated criteria.

RECOMMENDATIONS:

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



## VIII. TRIBAL OPENNESS PROGRESS REPORT

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In June 1999, the Hanford Openness Workshops hosted a Tribal Openness Workshop, focused on the unique concerns and priorities of tribes and tribal nations. Discussion topics included information access, cultural resources, environmental protection and other aspects of open and transparent decision making at Hanford and across the complex.

Tribal participants held that openness efforts to date have not been sensitive to tribal concerns and values. One of the most troublesome areas is declassification. Declassification efforts do not have a set of key words and concerns specifically designed to identify information that may be of importance to tribes. The Working Group believes that the only way to adequately incorporate tribal concerns into the declassification system is to involve tribal representatives in the declassification process.

The Working Group identified continuing dialogue between DOE's declassifiers and the tribes as the most critical aspect of improving the tribal sensitivity of declassification efforts. As a result, DOE's Hanford Declassification Project (now called National Security Analysis Team) officials have committed to

developing regular information sessions with each Hanford-affected tribe.

The Working Group also discussed the special sensitivities associated with tribal information that may be in DOE documents. Certain tribal information may be found in documents undergoing declassification that tribes would like to remain confidential (e.g. location of burial grounds, sites of spiritual significance, gathering sites). Efforts to declassify documents or further document Hanford's history (such as the Hanford Health Information Archives project)



must respect tribal wishes to keep certain information confidential.

The above concern is heightened by tribal expectations of true government-to-government relations. DOE 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. Such a relationship makes tribal information sensitive not only from a cultural standpoint, but also from a governmental relations standpoint. Processes that involve tribes alongside "the public" do not honor government-to-government relations or legal obligations. DOE must also recognize the distinctness of each tribe and tribal nation and respect intertribal difference.

## TRIBAL OPENNESS POSITIVE AND NEGATIVE EXAMPLES

### TRIBAL OPENNESS POSITIVE EXAMPLES

- DOE provides funding to the tribes to allow for meaningful and effective interaction concerning the Hanford Site, which affords DOE an opportunity to fulfill its consultation requirements.
- Acknowledgment by DOE of tribal treaty and traditional use rights in the Hanford area.
- The Tribal Openness Workshop was a positive step, because it provided a chance to meet with DOE leaders and staff to educate them on tribal beliefs and concerns.
- The upcoming meetings with Hanford declassification staff are a stepping stone in developing a true understanding of where the tribes are coming from and how they want to be involved with issues that affect them.

### TRIBAL OPENNESS NEGATIVE EXAMPLES

- DOE should provide enough funding for tribes to actively participate in Hanford projects to ensure that tribal priorities are not overlooked. In this way, tribes will be able to provide more meaningful deliverables, thereby affecting decisions at the upper levels of government.
- There is the need for a better understanding of the government-to-government relationship and of the different types and levels of consultation that it requires. Acknowledgement or sending a letter is not consultation. Consultation involves conversations and interactions at the proper levels of government and full consideration of all projects, activities and decisions that are taking place.
- Currently tribes are involved in DOE's processes in conjunction with the public. This exhibits DOE's lack of understanding or respect for the requirements of a government-to-government relationship. Tribes should be involved alongside the Tri-Party Agreement agencies—not the public.
- DOE's interpretation of tribal treaty rights is usually not in the best interest of the tribes because the tribes have not been given the chance to explain their perspective—tribal interpretation of tribal treaty rights has been consistent.
- There is a need for cultural sensitivity training throughout Hanford and DOE so that, when the

Department is dealing with the tribes, there is less judging and more understanding of where the tribes are, and why they feel as they do on certain issues.

- While the Hanford Declassification Project (now known as the National Security Analysis Team) is attempting to incorporate tribal values, it is unfortunate that the Team was two-thirds complete with its work before tribal consultation was initiated.

## TRIBAL OPENNESS WORKSHOP OUTCOMES

The Working Group's outcomes focus on ensuring that DOE's declassification, historical archive and openness activities involve tribes. Incorporation of tribal concerns and the protection of tribal sovereignty are critical to openness at Hanford.

The Working Group has planned to pursue involvement with DOE declassification staff to understand DOE's internal process and input tribal values to the process. The Working Group has held that input of tribal values must take place in a way that not only educates tribes on DOE's process, but also educates DOE personnel on tribal concerns. Incorporating tribal values means more than simply receiving a collection of comments—it means a genuine attempt on DOE's part to meet the tribes in their geographical and cultural context. DOE and the Nez Perce Tribe have held the first of these information sessions on September 2, 1999 in Lapwai, Idaho. Briefings with other tribes are currently being scheduled. In addition, the HOW Spokesperson will meet with a Hanford tribal cultural group.

## IS OPENNESS WORKING? A PROGRESS REPORT

### RECOMMENDATION:

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

- The Tribal Openness Concerns Fact Sheet was released in August, outlining the proceedings of the Tribal Openness Workshop.
- The Working Group is revising the educational resource packet provided at the Tribal Openness Workshop, to distribute it to a wider audience.

These will both be available from the HOW web site.

Two other Working Group outcomes focus on education on tribal concerns and values:





## IX. IS OPENNESS WORKING?— LESSONS LEARNED AND NEXT STEPS

Taken as a whole, the preceding Working Group reports indicate that we are not yet at the point where it can be said that DOE-Richland and DOE in general are doing business in an open and transparent fashion. Openness is not yet truly institutionalized within the Department. However, the reports do point to many areas where progress is being made, where program managers and other DOE leaders are taking steps—sometimes in collaboration with the HOW, sometimes independently—that foster openness.

Over the course of this year's workshops, several important and central ideas emerged about what needs to happen next to continue nurturing openness and making it work. Those "lessons learned" and next steps are included below.

### OPENNESS FOSTERS SECURITY

Much attention has been paid in 1999 to the protection (or lack of protection) of sensitive national security information at the Department of Energy. News media and congressional comments have suggested that "too much openness" led to foreign capture of nuclear weapons designs.

The HOW strongly believe that security concerns do not flow from DOE's openness initiatives. Rather, security is *reinforced* by openness activities. DOE's security problems resulted from: 1) fragmentation of responsibility and lack of accountability in DOE, 2) DOE's failure in defining and building "higher walls" around truly sensitive information, and 3) breakdowns in management of electronic, as opposed to paper, versions of information. Through identification of sensitive information and development of information control systems, openness ac-

tivities actually work to avoid these problems, not make them worse. In short, openness and security go hand-in-hand.

Most of Hanford's historical records contain information that is no longer regarded as sensitive and can be declassified. At the present pace, all the historically classified information on site will have been reviewed by 2003. This is much to the credit of the Hanford Declassification Project (now National Security Analysis Team).

With the focus on security, changes in DOE are likely. Those committed to openness must monitor such changes carefully, to make sure they focus appropriately on clarifying and strengthening the walls around truly sensitive information, while enhancing openness efforts (see **HOW Fact Sheet, Openness and Security**, for more details).

### MEETINGS WITH MANAGERS AND NEW HANFORD MANAGEMENT TEAM

One of the most important activities in this series of workshops was meeting with DOE-Richland managers. Normally, the route from a stakeholder's statement to a decision maker's ear and back is circuitous and results in inaccurate message delivery. This year's workshops have demonstrated that providing a forum in which stakeholders and tribes interact directly with decision makers leads to understanding and productive discussion. Openness is best served by this type of direct and collaborative interaction.

With turnover in nearly all of Hanford's high-level management positions, it is important to provide more opportunities for such meetings. Education of decision makers on the history of openness at Hanford is critical to maintaining momentum. Further, it is important for the HOW to understand the new management team's openness philosophy and plans for the future of Hanford openness activities. The HOW believe it is essential that the group meet with the

DOE-Richland Manager, the Manager of the Office of River Protection and other senior managers to discuss openness at Hanford.

### **THE HANFORD OPENNESS WORKSHOPS AND THE HANFORD ADVISORY BOARD**

To date, the HOW have operated independently from the Hanford Advisory Board (HAB, Hanford's chartered Federal Advisory Committee Act Site Specific Advisory Board), though the Board has supported the HOW's recommendations and the HAB's Public Involvement Committee continues to work on several issues also of interest to the HOW.

Some have suggested that Workshops' activities should be folded into the Board's work. It is important for the Workshops and the Board to interact closely. Indeed, HAB members interested in openness make up a significant percentage of HOW participants. Still, there are reasons why it currently makes more sense to retain the HOW as a separate entity.

The Hanford Advisory Board advises DOE, the State Department of Ecology, and the US Environmental Protection Agency on issues related to the cleanup of the Hanford site. Although openness clearly has an effect on cleanup, the Board is rightly very concerned about getting sidetracked and having its focus dissipated among many important Hanford-related issues that are not directly related to cleanup. The Board has, to date, regarded openness as one of these issues and expressed a reluctance to engage this set of issues.

A second reason for keeping the HOW separate from the HAB is the issue of time and resources. The Board currently has a very full agenda in attempting to address the entire Hanford cleanup. Adding the Workshops to the Board's responsibilities would overburden the Board and probably dramatically reduce the attention paid to openness.

In short, openness has been better served at Hanford by having a separate entity addressing this set of issues. The HOW agree that the situation should be revisited in the future if there is reason to believe that circumstances have changed to where openness could be correctly addressed within the HAB or some other forum.

### **OPENNESS BUILDS PUBLIC TRUST**

Programs that practice openness are successful; those that make decisions in isolation are not. The relationship of openness to success is rooted in public trust and credibility. Openness fosters public trust, ultimately creating a "safe" environment in which DOE is able to make honest mistakes, encounter problems and consult the public on the hard decisions. As a result, DOE makes better decisions, gains public support for its programs and creates a more trusting environment. In this way, openness remains one of the soundest investments DOE can make.

### **DOE MUST MEET LEGAL OBLIGATIONS**

In addition to openness building public trust, DOE must recognize the importance of meeting its legal obligations. Time and again, DOE makes positive strides in improving public trust and confidence, only to squander that trust by failing to meet an important legal obligation.

The lack of progress in releasing funding for legally mandated medical monitoring programs is a good example. Many have lost confidence due to DOE's confounding approach to medical monitoring. A second example is the Tri-Party Agreement's cleanup requirements. DOE is required to request adequate funding to meet all of its obligations under the Tri-Party Agreement. Despite this requirement, year after year, DOE requests less money than it estimates is needed. Worse, the areas where DOE lays budgetary shortfalls are often of most importance to stakeholders and tribes. Aggressively seeking the funding for compliance and streamlining bureaucracy to meet legal obligations would go a long way toward increasing DOE's public cred-

ibility. Finally, tribes and tribal nations continue to assert that DOE does not fully or consistently meet its legal obligations to them under treaties and trust doctrine.

### **CHANGES IN BUREAUCRACY SHOULDN'T IMPACT OPENNESS**

The recent dramatic alteration of Hanford's cleanup work concerns the HOW. The creation of a new bureaucratic entity—the Office of River Protection—separate from DOE's Richland Field Office could confuse current openness efforts. The HOW are committed, however, to holding DOE and all of its contractors accountable for continued openness across the breadth of Hanford activities.

### **FUTURE OPENNESS AT HANFORD AND ACROSS THE NATION**

The HOW remain a leader in stakeholder and tribal openness work within DOE. This presents an opportunity to begin "exporting" the HOW as a model for other DOE sites to institute openness. One of the next steps the HOW will be pursuing is whether such an effort would be beneficial and, if so, what steps should be taken for implementation.

Openness work at Hanford must continue. Many of the initiatives that the HOW have set in motion have yet to be instituted. A monitoring mechanism is needed to ensure that the HOW's recommendations become a part of everyday business at Hanford. There is a need for the HOW to meet with the new Hanford leadership. The HOW feel it is important to hand deliver this report to DOE and, after DOE has a reasonable review and analysis period, meet with senior managers to discuss responses and implementation of the recommendations found in the report. Continued dialogue between managers, stakeholders, and tribes is another positive element of improving openness at Hanford that should be ongoing.

This report marks the conclusion of two years

of solid work on the part of the HOW and its participants. It is an appropriate time for HOW participants to consider the best path for moving forward with openness at Hanford and other DOE sites. The HOW's efforts represent only the first step toward openness. The task at hand now is to implement openness within DOE. While much responsibility rests on DOE, the HOW look forward to continuing to collaborate with DOE. In recognition of DOE's ever changing environment, HOW members remain committed to monitoring and, when necessary, taking further actions to ensure openness works for the Department, its stakeholders, the tribes and the general public.



*The Hanford Openness Workshops are a collaborative effort among the US Department of Energy-Richland Operations Office, 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 information important to public health, the environment, understanding and decision making at the Hanford Nuclear Site in southeastern Washington state.*

## **HANFORD OPENNESS WORKSHOPS**

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This report is available electronically at  
**[www.hanford.gov/boards/openness/](http://www.hanford.gov/boards/openness/)**

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*About the front cover: James Madison was the fourth president of the United States and drafter of the US Constitution. The American Library Association has declared his birthday, March 16, "Freedom of Information Day."*

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