DEFENSE NUCLEAR FACILITIES SAFETY BOARD

BUSINESS MEETING:
WORK PLAN AND STAFFING PLAN
FOR FISCAL YEAR 2015

OCTOBER 30, 2014

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
625 INDIANA AVENUE, NW
WASHINGTON, DC 20004
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BUSINESS MEETING

DR. WINOKUR: Good morning. My name is Peter Winokur, and I’m the Chairman of the Defense Nuclear Facilities Safety Board. I’ll preside over this public business meeting. I’d like to introduce my colleagues on the Safety Board. To my right is Ms. Jessie Roberson, the Board’s Vice Chairman. To my immediate left is Mr. Sean Sullivan. We three constitute the Board.

Having established a quorum of three Board members, this public business meeting will now come to order. Mr. John Batherson of the Board’s Office of the General Counsel, who is seated to my immediate right, will serve as the parliamentarian for this meeting and will advise me on any points of procedure.

This business meeting was noticed in the Federal Register on October 22nd, 2014. The meeting is held open to the public per the provisions of the Government in the Sunshine Act, also known as the Sunshine Act, as well as the Board’s regulations implementing the Sunshine Act.

The Board is recording this proceeding through a verbatim transcript and video recording. The transcript, public notice, and video recording will be

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available for viewing in the public reading room here at
our headquarters in Washington, DC. In addition, an
archive copy of the video recording will be available
through our website for at least 60 days.

The Board reserves its right to further
schedule and regulate the course of this meeting, to
recess, reconvene, postpone, or adjourn this meeting in
accordance with the provisions of the Sunshine Act and
otherwise exercise its authority under the Atomic Energy
Act of 1954 as amended.

In addition to the requirements of the Sunshine
Act and the Board’s implementing regulations, this
meeting is being conducted in accordance with Section
2.1.B of the Board’s procedures dated February 2014.
These procedures prescribe how the Board conducts its
meetings. The procedures are posted on the Board’s
public website. A request for Board action by a Board
member to hold a public business was approved by the
Board by notational vote on April 30th, 2014. A final
motion for Board action concerning clarification of the
procedural conduct of the meeting was also approved by
Board notational vote on October 9th, 2014.

In accordance with the previously approved
agenda, Board members will receive presentations of the
proposed work plans from each of the Board’s

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organizational elements and a proposed staffing plan. A copy of the agenda is posted on the Board’s public website. Directly following each presentation, the Board may question each presenter on their proposed work plan and the staffing plan. The Board originally planned to deliberate and vote on the final plans at this meeting; however, the Board created an agenda and schedule before all the plans were finalized, and we subsequently realized we didn’t leave ourselves enough time to thoroughly deal with all the agenda items.

Since the schedule could lead the public with specific interests to attend at specific times, the Board decided to adhere to the schedule, provide the benefit of the presentations and discussions, and hold voting until after the meeting. Therefore, following this meeting, the Board will use notational voting to consider amendments to these work plans and the final plans. The Board anticipates the results of these votes and the final plans will be provided to the public via our website within 30 days.

This concludes my opening remarks. I will now turn to the Board members for their opening remarks. Ms. Roberson?

MS. ROBERSON: No additional remarks, Mr. Chairman.
DR. WINOKUR: Mr. Sullivan?

MR. SULLIVAN: Thank you, Mr. Chairman, but just briefly. I can’t remember the exact quote, but there’s many of them and they all say that planning is essential but we rarely follow the plans, but we still have to do it. It’s been done here. There’s been a lot of work. So, I just want to take the opportunity to say thanks to everybody for all the work.

DR. WINOKUR: Thank you, Mr. Sullivan, thank you. This concludes the Board’s opening remarks. At this time, I’d like to begin with the first order of business on the agenda. I recognize our first presenter, Mr. Mark Welch, the Board’s General Manager. Mr. Welch, please report to the Board on the Office of the General Manager’s Draft Fiscal Year 2015 Work Plan.

MR. WELCH: Thank you, Mr. Chairman, and good morning Board members and Board staff. Slide two, please.

I’m going to provide a brief overview of the Draft Fiscal Year 15 —

DR. WINOKUR: Mr. Welch, let’s make sure our mic is on.

MR. WELCH: I’m going to provide a brief overview of the Draft Fiscal Year 15 OGM Work Plan that you have each reviewed. First, I will briefly address
nondiscretionary tasks. Then I will discuss OGM’s proposed discretionary tasks, which are essentially new initiatives planned for Fiscal Year 15. And then I will discuss resource requirements.

Slide three. The vast majority of the work OGM performs is what I consider to be nondiscretionary in nature, that is, tasks that we really have no choice but to perform. Those include work that must be performed for the agency as a whole to function, such as ensuring employees are paid; work required to support customer requirements, for example, if the Board chooses to go to a public site for a hearing, OGM must authorize and arrange the travel supporting that decision; and work required by law or regulation. Just a few of these examples can be found on slide three. The complete description can be found in the work plan.

Slide four, please. OGM traditionally performs some level of discretionary work, that is, non-recurring work that we are not necessarily required to do, subject to resource constraints. I plan to devote most of my presentation in describing these planned initiatives. The ability to perform these initiatives is contingent on receiving necessary funding, as well as reaching and maintaining desired personnel strength.

The first initiative is to lead the Board’s
efforts to coordinate with GSA in the process of
establishing a replacement lease for office space. The
Board’s lease for its current office space expires in
March of 2016, and I expect OGM will have to devote
resources in Fiscal Year 15 in working with GSA on this
project.

Second, in order to close out recommendations
from the NRC OIG audit reports, purchase card and FOIA
program policies and procedures need to be updated, and
other actions, such as offering training to Board
personnel, will be required, as well.

Also, the NRC OIG audit report on the Board’s
travel card and travel programs is scheduled for
completion in Fiscal Year 15, and actions of the close-
out recommendations for that audit will likely be
necessary.

Third, GSA -- the Board’s accounting services
provider, has announced an eventual cessation of their
service offering and just recently announced that USDA’s
National Finance Center, or NFC, has agreed to acquire
those operations.

In addition, the Division of Human Resources
has been experiencing performance and customer
satisfaction issues with the Board’s service provider for
payroll processing and human resources support. The
planned Fiscal Year 15 initiative is to research, solicitar, review, and select new service providers for both these services for Fiscal Year 16 implementation, which will include an analysis as to the potential efficiencies from a single provider.

In order to improve the Board’s ability to attract and hire the best qualified candidates for SES positions, that is, offer higher salaries allowed under a certified system, a fourth planned initiative is to initiate the implementation of a SES performance system that will achieve provisional certification from OPM during Fiscal Year 15.

In late Fiscal Year 14, the Board signed an inter-agency agreement with USDA for access to AgLearn, their learning management system. AgLearn will expedite the request, approval, and payment process for all Board training actions, replacing the current 10-year-old system, which is no longer supported by its developer.

It also gives Board staff access to content that includes over 2,000 business-related training offerings, thousands of 24-by-7 online books, and instructional videos to facilitate continued professional development of Board staff.

A fifth initiative is to coordinate and manage the implementation of AgLearn, which will include

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training for all Board staff.

Slide five, please. The sixth planned initiative is to develop a useful and flexible work force management plan to address human capital gaps identified by the office directors in mission-related positions and execute that plan by January 1st of 2015.

The seventh planned initiative is to update 50 percent of current human resources policies and procedures that are scheduled -- that are outdated or otherwise in need of revision.

The eighth planned initiative is to upgrade mobile devices and, in tandem, update the telecommunications directive and operating procedures, including standards of behavior for employees using mobile devices and increase deployment of mobile device management software to potentially allow Board staff to utilize personally-owned devices instead of Board-issued devices.

The ninth planned initiative is to develop additional automated solutions to manual processes through the use of Microsoft SharePoint. Processes that could potentially be automated include the procurement requisition process and the ordering of subscriptions, among others.

In late Fiscal Year 14, the Board signed an
inter-agency agreement with NARA for a records management program review, which will include a recommended action plan to address any deficiencies or issues.

The tenth initiative is to implement actions recommended by NARA to improve the Board’s records management program. The final planned initiative is to update the Board’s COOP plan to address weaknesses identified by FEMA from the Fiscal Year 14 COOP exercise.

Slide six, please. Slide six depicts the necessary personnel resources, both federal and contractor, to implement the OCM work plan. In summary, at the office level, four federal full-time equivalents, or FTEs, are required: the general manager, the deputy general manager, a division secretary, and a senior management analyst, as well as a program manager for contractor staff.

The senior management analyst is a new position, converted from an FTE previously encumbered by an administrative support assistant. The analyst will be the Board’s primary liaison with the NRC OIG and provide an additional resource for meeting the objectives of the Board’s internal control program.

Two federal FTEs are required for front office support for the Board members. The Division of Acquisition and Finance, or DAF, requires four federal
employees and a contractor travel agent. The Division of
Human Resources, or DHR, requires five federal FTEs and a
contractor support position.

Finally, the Division of Information Technology
(IT) and Security, or DITS, requires seven federal FTEs
and eight and a half contractor support positions in IT
and administrative support activities. One of the DITS
federal positions is for an IT security specialist, a new
position converted from an FTE previously encumbered by a
librarian, whose functions will be absorbed by existing
federal and contractor staff.

In total, OGM requires 22 federal and 10 and a
half contractor FTEs. Additional support is included --
additional supporting detail is included in the work
plan.

Slide seven, please. Slide seven depicts the
necessary support from government services providers. As
a small agency, consistent with government-wide lines of
business objectives, the Board has adopted the economies
of scale philosophy for obtaining needed administrative
support services. The largest amount, 131,000, is with
the Department of Energy for employee background
investigations, for security clearances.

Continuing clockwise, the Board requires
support from GSA for accounting services in the amount of
127,500; OPM in the amount of 120,000 to assist in the
updating of HR policies and procedures; the Department of
Treasury’s Bureau of Fiscal Services NFC for personnel
and payroll services in the amount of 97,000; NARA for
record management support for 57,000; USDA for
implementation of the AgLearn learning management system
for 49,000; and the Department of Health and Human
Services Federal Occupational Health Unit for employee
assistance program and health services in the amount of
25,000.

This concludes my presentation. I’m happy to
answer any questions.

DR. WINOKUR: Thank you, Mr. Welch. We can
begin the discussion or questions with Ms. Roberson.

MS. ROBERSON: Thank you, Mr. Chairman.

One of the initiatives you have is to update 50
percent of our current directives.

MR. WELCH: HR directives.

MS. ROBERSON: HR directives.

MR. WELCH: Right.

MS. ROBERSON: And I know Mr. Sullivan has
asked this question before, and I’ll ask him to comment,
but is the performance management directive for SESs
included in that 50 percent?

MR. WELCH: Yes, it is.
MS. ROBERSON: Do you want to comment on that?

MR. SULLIVAN: Well, thank you, but I do think we need some attention in this area, so I’ll be very anxious to see that. Do we have any idea when we might see something on that?

MR. WELCH: Well, we have to -- we have to enter into the agreement with OPM, which will probably take, you know, a month or so from when the work plan is approved. So, I’m hoping probably three to four months after that we’ll start to see the initial work product.

MR. SULLIVAN: Okay. We have two vacancies, I think, at the SES level, one of them has been vacant for a very long time. So, any action that could help the agency fill the positions so that we can get our mission done I think would be good.

MR. WELCH: Yes, agreed.

MS. ROBERSON: Okay, the other question, if I can ask two now would be great.

DR. WINOKUR: Ask an initial round of questions, and then we’ll move on.

MS. ROBERSON: Okay. On the COOP, when we had our exercise, obviously we had some weaknesses, and you talked about how you’re going to go forward on those. I’m going to -- and I’m going to ask this question, actually, of our General Counsel (Acting), as well, too.
Are there areas of weaknesses we identified that maybe we could team up with our peer small agencies, I mean, things like facility availability and capabilities of facility? I mean, we're a small agency. It's kind of -- it's going to be kind of hard for some of those weaknesses to get resolved by just ourselves. I just want to know your thoughts on that.

MR. WELCH: I mean, that's certainly one of the things we can explore. I guess one of the frustrations from the view is -- from the review is we're a very small agency and we don't have a lot of resources, and I'm not sure how much FEMA sort of factored that in. So, I think one of the things we want to do is to talk to other small agencies and see how they approach it.

MS. ROBERSON: Okay. I'll stop and let others.

DR. WINOKUR: All right, and thank you. We'll ask Mr. Sullivan for some initial discussion and questions.

MR. SULLIVAN: Thank you. So, back on the subject of executive positions, I don't believe we have any policy at all dealing with employment actions, that is, the hiring, internal transfers, any adverse employment actions. I don't think we have any policies at all, do we?

MR. WELCH: Are you talking about for
executives?

MR. SULLIVAN: Yes.

MR. WELCH: Yeah. We do have an ERB policy, yes.

MR. SULLIVAN: That deals with the Executive Review Board, but the actual actions and the decision-making, I mean, I see these positions as greatly affecting the ability of the Board to do its mission, and I see the statute as saying that all of this is done subject to Board policy. I’m looking for the Board policy. I don’t think there is one, is there?

MR. WELCH: Nothing beyond the ERB to my knowledge. I’ll have to go back and check that.

MS. ROBERSON: Well, if I can just help, we actually do have a policy, but the last time it was looked at was 2001. That’s why I wanted to know if it was on. So, we have one. It doesn’t really address hiring, but it does address actions that are taken, qualifications. I have the number here. So, we have one, but it’s outdated, I’m sure.

MR. WELCH: Yes.

MS. ROBERSON: That’s why I asked if it was on the list.

MR. WELCH: That’s one of the ones that needs to be updated, yeah.
MR. SULLIVAN: So, if I asked you to do that, if I needed an amendment to your work plan, is that a lot of work?

MR. WELCH: To update that directive -- no, I mean, that's -- I think that's encompassed in our plan to update 50 percent of the HR directives, yes.

MR. SULLIVAN: Okay. I'd like to see that soon. All right, and another question, if I can ask a second one.

DR. WINOKUR: Oh, please, yes, go ahead.

MR. SULLIVAN: So, back on June 13th, the Board directed the creation of a policy so that we could put our notational vote comments on the intranet.

MR. WELCH: Right.

MR. SULLIVAN: On the internet, I'm sorry. I haven't seen that policy yet. It's been 20 weeks. Where is it?

MR. WELCH: I think it went into orange folder this morning.

MR. SULLIVAN: Would you like me to look? I mean, so, there's a policy that's coming to us in orange folder? Because what I've seen so far isn't a policy. I've seen a couple of orange folders in the last few days, but I haven't seen any policy.

MR. WELCH: I think I saw in the status report
this morning there was a Board action that includes those policies for reference in orange folder.

MR. SULLIVAN: No, there's board actions, but it doesn't include a policy. So, I'm looking for the policy that we directed. In fact, I think the Board actions, if I understood them, would lead to no comments regularly going on the internet when -- which is counter to what the Board directed 20 weeks ago. So, can you explain why we don't have a policy yet and why we don't have anything that complies with the direction the Board gave 20 weeks ago?

MR. WELCH: Well, the Board action does include the proposed policies for background material, so we developed them the best we can, but we need to see the results of the Board action, I think, before we can finalize them. But it shouldn't take -- it shouldn't take much longer after the --

MR. SULLIVAN: Well, I'd be interested in hearing from other Board members, but we gave direction, and I don't think the direction has been carried out. I don't see -- I have not seen a policy yet.

DR. WINOKUR: Do you want to comment, Mr. Reback?

MR. REBACK: Yes, thank you, Mr. Chairman.

There is in the orange folder that has gone completely
through green folder, all the offices -- office directors have reviewed and commented. We prepared, as a result of extensive research and consultation with the Department of Justice, a request for Board action to amend the Board procedures in order to more fully protect the deliberations that the Board engages in. So, this is what you see in the orange folder.

We prepared, as well, with that, Board policies that would lead to the posting of materials on the internet, subject to whatever, if the Board adopts this revision or whether even if it does not adopt this provision, these policies are in draft for the Board’s consideration presently.

And, so, I believe what has come to you in orange folder fully complies with the Board’s direction, and the request for Board action, in fact, is designed to further protect the Board’s deliberations.

MR. SULLIVAN: I completely disagree. What has come to us will not lead to any comments being posted on the internet. Isn’t that a correct statement?

MR. SULLIVAN: No comments would go on the internet.

MR. REBACK: Well, sir, if you will examine --

MR. SULLIVAN: That’s a yes-or-no question, Counselor.
MR. REBACK: Sir, if you will examine the policies, as well as what has been proposed as a request for Board action, the policies that are presented there would lead to the posting of materials. What you have is a request for Board action that will revise the existing appendices to the Board procedures, and that would have an effect on what is posted. If that Board action, for whatever reason, is not approved by the Board, then the policies that are contained in that orange folder would lead to the posting of materials.

MR. SULLIVAN: You keep using -- carefully using the word "materials." I asked you a yes-or-no question, if those materials would include comments. I read them and say they would not, and yet the Board gave direction specifically to create a policy for the posting of notational vote comments. And I want to know why 20 weeks after the Board gave such direction no one has complied.

I find this outrageous, Mr. Chairman. And these people work directly for you. I’d like to hear from you. I’d like to know why we have not complied with the Board’s direction.

MR. REBACK: Mr. Chairman, if I could simply respond --

DR. WINOKUR: Well, no, I’m happy to respond.
I think the Board has a lot on its plate. I think our legal staff is -- a lot they need to do working with the Office of the General Manager. I certainly support the need to develop a policy. I’m very supportive of that, and we’re going to have to work this thing out and get it done. It has taken a while, and I’ve spoken to the General Counsel (Acting) and the General Manager about this several times. And I’m hopeful that we’re going to get this thing complete and done in the next few weeks.

MR. SULLIVAN: I hear a lot of words. I see no action. And I would like action. Right, the public’s entitled to know, and I want to be able to speak to the public when I vote, and I think I’m entitled to do that.

MR. REBACK: Mr. Chairman, may I just --

DR. WINOKUR: Yes, you’re --

MR. REBACK: -- briefly respond? Policies are presented for the Board to address how they see fit. As the Acting General Counsel and with the support of my legal staff, we have proposed a change to the procedure in consultation with the Department of Justice that we believe best serves the Board’s legal interest. As lawyers, we make -- provide legal advice, and it’s certainly up to the client, in this case the Board, to decide whether to adopt, amend, or modify it in some respect.
So, what we have put forward is our best legal advice to create a procedure that fully protects the Board and its deliberations, its privileges. If the Board does not wish to adopt it, obviously the Board has complete authority to do that, but what we have prepared, in our view, would best protect the Board's legal interest and it provides policies to provide expeditiously for the posting of materials.

MR. SULLIVAN: What you're telling me is that as a Presidential appointee I have no right through the agency to make my personal opinions known to the public. I would have to have the public FOI my, my -- to seek my personal opinions about Board matters and actions. I just find that totally unacceptable. It's not the direction the Board gave you. You received that direction and you've not complied. I find it unacceptable.

I'm done with this subject, Mr. Chairman.

DR. WINOKUR: Do you have anymore questions for the General Manager, Mr. Sullivan?

MR. SULLIVAN: No, I do not.

DR. WINOKUR: Let me ask you a couple of questions, Mr. Welch.

MR. WELCH: Mm-hmm.

DR. WINOKUR: When I look at the Board and I
look at the Office of the General Manager, I think, as
I’ve been on the Board for eight years, that you guys are
kind of thin -- is the word I would use. I mean, you
have a lot you need to do. In other words, any agency,
no matter how big it is, needs to have IT people; it
needs to have communications people; it needs to have
procurement people; it needs to have a whole host of
things. Is that your perception, that you’re somewhat
thin, that you’re one-deep in most areas?

MR. WELCH: Well, we are one-deep in almost
every area. I mean, I think one of the things I’m
looking forward to is if this Board plan is approved I
think we’ll have -- I think we’ll have the right staff,
first of all, in the right positions. In other words, we
really need a OIG liaison; we really need an IT/security
support specialist.

So, in the year or so I’ve been the Acting
General Manager or the General Manager, we have not been
fully staffed. So, it’s tough for me to answer that
until I’m able to have some experience operating at this
full staff level.

DR. WINOKUR: Well, you talked about economies
of scale. What does that mean?

MR. WELCH: It basically means, for example,
accounting services and GSA performs that services for a
number of external customers, so it makes no -- or we
don’t have the resources or the infrastructure, for
example, to put out our own accounting system and travel
systems. So, you know, they do that and they do it for a
number of agencies, so it saves us -- it saves us money
as opposed to try and do it ourselves.

DR. WINOKUR: All right. Can you say a few
things about work/life balance, what kind of things that
you’ve been working on, and what kinds of things we’ve
been able to offer the staff?

MR. WELCH: Well, we recently rolled out a
compressed work schedule, so that gives the staff the
option to work a alternate schedule, and a number of
staff have taken advantage of that. So, for example,
they can work nine-hour days, one eight-hour day, and
then take a day off every other week. So, I think that
will help in getting the right balance there.

DR. WINOKUR: Okay. You talked about upgrade
to mobile devices. Is that a choice of which iPhone 6
device we’re going to use?

MR. WELCH: Well, we have to be careful that,
you know, in the procurement regulations, we don’t want
to talk about brand-specific, but yeah --

MS. ROBERSON: It sounds like no.

MR. WELCH: One of the things we want to do is
just sort of, you know, assess what we have and what the staff has and maybe look at some other alternatives, you know, possibly can we -- can we have the staff use personally-owned devices and make sure we have the right security to implement that. So, that will be one of the things we’re looking at.

DR. WINOKUR: What do you think are the biggest challenges facing the Office of the General Manager from your perspective?

MR. WELCH: Just I think the biggest challenge is we -- we cover such a breadth of areas that it’s just -- it’s very hard to be an expert at all of them. You know, you look at EEO, IT, records management, privacy. I mean, larger departments, you know, have specialized people who just focus on that. We have to sort of cover all those things with a minimum of staff. So, that’s the biggest challenge to me is just trying to stay on top of all that.

DR. WINOKUR: All right. And what kind of unique challenges do you think you’re going to face in terms of working with our Inspector General? We do have an Inspector General. I think that relationship is working out pretty well right now. Any sense of what additional requirements it’s going to -- you know, manpower and requirements, resources you’ll need to work
as it develops, because only -- say the Inspector
General, their work is the -- will probably be the better
part of a million-dollars’ worth of work in terms of
audits and investigations.

MR. WELCH: Right. Well, it’s definitely an
additional workload for us. That’s why we’re proposing
this new position, the OIG liaison, just, you know, keep
dealing with them, keeping track of all their audit
findings, the recommendations. That’s going to be a
significant workload, and we’re going to have to, you
know, get better at updating our policies to address some
of their recommendations. And I -- that additional
resource will help there, also.

DR. WINOKUR: Right. And we have made efforts
to try to get a deputy -- deputy general manager on
board.

MR. WELCH: Right.

DR. WINOKUR: Without getting into personal
matters, that’s been challenging and it’s something
you’re still working on, right?

MR. WELCH: Yes. We actually advertised last
year. Yeah, I didn’t feel that what we got was really
what we needed for that position, so we’re going to go
back out again relatively soon, hopefully within a month.

MR. SULLIVAN: Excuse me, have we made any
1 efforts to get a General Counsel on board?
2 MR. WELCH: We have not advertised for that,
3 no.
4 DR. WINOKUR: Yeah, let me make a comment.
5 Thank you -- thanks about that, Sean -- Mr. Sullivan.
6 There are certain restraints I have right now in terms of
7 being able to make a decision about the General Counsel.
8 I wish I could move forward on that personnel action. I
9 just can’t right now. I won’t get into it. It’s
10 something that can’t be shared in public, but I’m really
11 aware of that. It’s a serious issue. It needs to be
12 addressed. And I actually am going as fast as I can on
13 it, but I can’t really go any faster than I am right now.
14 MR. SULLIVAN: Can you share these with me
15 privately?
16 DR. WINOKUR: No, they cannot be shared. I
17 mean, I’ll check and see, and if I can, I’ll be happy to
18 share them with you if I can. Let me just check again on
19 these --
20 MR. SULLIVAN: Well, I’m sure -- excuse me, I
21 didn’t mean to interrupt you, but I’m sure we’re going to
22 hear from the General Counsel (Acting) how not having a
23 full staff is impacting his mission, and I read our
24 statute as clearly saying I have full access to all
25 information related to the performance of the functions,
progress, and missions, so I --

DR. WINOKUR: Yeah, I mean --

MR. SULLIVAN: -- if there's a reason why we
can't comply with the statute, I'd like to know what that
is.

DR. WINOKUR: I'd be -- I'd be happy to look at
that. I'm very happy to work with you on that, to work
with the statute and what it says and some of the
restraints that are being placed on me, and maybe they
can be reconciled and I can share it with you. As long
as they give me the green light, I'm happy to do it, but
I don't -- I don't know right now. There are -- there
are legal constraints that prevent me from doing some
things. But thanks for that. I know you -- I know you
have interest in it.

Let's see. Are there other comments or --

MS. ROBERSON: I have one more question for Mr.
Welch. I -- your people -- you're thin, I understand
your first priority is to get staffed up. We spent a lot
of time in the technical organization talking about
succession planning, and I kind of want to understand,
because whether it's me or the Chairman or Mr. Sullivan,
we tend to be intolerant when it comes to things like
travel, contracts, IT. And I'm just wondering what --
what are you doing to make sure you maintain that kind of
capabilities, what are you doing in succession planning for key functions?

MR. WELCH: Within OGM?

MS. ROBERSON: Yes.

MR. WELCH: I think that is definitely a challenge because we are one-deep in a lot of the areas, it’s -- you can’t really have a junior person that you sort of had trained hoping to take off -- take over if a more senior person retires or leaves the agency. One of the things we’re trying to do is -- one of the things I would like to do, I think, is maybe perhaps do some more cross-training within the divisions so we have less of a risk there.

MS. ROBERSON: Okay.

DR. WINOKUR: Mr. Sullivan?

MR. SULLIVAN: I have no more questions.

DR. WINOKUR: Well, I do -- I don’t want you to toot your horn too much, but I do think you’ve accomplished a lot in the Office of the General Manager in the last year. I think what we do in the IT area is excellent. The idea to use laptop computers to support teleworking and enabling people to work from home I think is a pretty good thing. And are there any others that come to mind to you as things that you want to build on going into 2015?
MR. WELCH: Well, I just -- the initiatives that we put forth in the work plan is going to be quite a challenge just to accomplish all those, so that’s going to be my main goal.

DR. WINOKUR: And I would echo that and echo Mr. Sullivan’s earlier comments that this is kind of new for the Board.

MR. WELCH: Right.

DR. WINOKUR: And we were a small agency in the past. We have grown in the last few years. We now have put together excellent, in my opinion, work plans in these areas, and adhering to them is always going to be challenging. We may or may not be able to -- the President can write an initiative tomorrow that can force us to do things differently and challenge us, but, you know, by and large, I want to thank you for the planning efforts, and I know we’ll be talking about a staffing plan later that some of your folks put together, which I think is also an excellent piece of work.

MR. WELCH: Right.

DR. WINOKUR: All right. So, hearing no further questions, I think we’re going to move to the second order of business in the agenda. I’m going to recognize our second presenter, Mr. Richard Reback, the Board’s Acting General Counsel. Mr. Reback, please
report to the Board on the Office of the General
Counsel’s Draft Fiscal Year 2015 Work Plan.

MR. REBACK: Good morning, Chairman Winokur and
members of the Board. Slide one, I see, is up there.
Thank you.

My name is Richard Reback, and I am the Deputy
General Counsel and Acting General Counsel to the Defense
Nuclear Facilities Safety Board. I am pleased to present
the Office of General Counsel’s Fiscal Year 2015 Work
Plan.

The Office of the General Counsel, or OGC, Work
Plan supports the Defense Nuclear Facilities Safety
Board, the Board’s strategic and annual performance plan,
and OGC’s mission. Slide two, please.

As you can see from this slide, the Board’s
staff has grown since 2002. OGC is striving to keep pace
with staff increases while supporting the Board’s
mission. In Fiscal Year 2002, the Board had 96 FTEs and
nine OGC staff. OGC made up over 9 percent of the
Board’s entire staff. By Fiscal Year 2014, the Board
staff had grown to 105, with no concomitant personnel
growth in OGC, despite an increased workload. To keep
pace with staff growth and the increased workload, OGC is
requesting an additional attorney.

Slide three, please. OGC staffing needs are
indicated on this slide. This slide compares the number
of full-time equivalents, or FTEs, currently assigned to
OGC with the estimated number of FTEs needed based on
information compiled by staff during Fiscal Year 2014.

Additionally, it should be noted that the
General Counsel position was vacant for 75 percent of
Fiscal Year 2014, and a contract support attorney, GS-15
equivalent position, was eliminated. The SES vacancy
left OGC staffed at 83 percent of federally employed
attorneys and 50 percent of senior attorney executives,
despite no decreases in workload.

OGC’s work plan describes the reoccurring
nondiscretionary work to be performed, as well as
discretionary activities. As discussed in more detail,
without these resources, OGC will focus on those areas
defined as priority areas with areas defined as
shortfalls and new initiatives being met as resources are
available.

Slide four, please. OGC’s work plan is
structured by four major work areas. This work plan was
developed based on a standard work year of 2080 hours,
2,080 hours. Overhead calculations were developed by
modifying the technical staff’s estimates to fit OGC’s
projections. Estimates of support to the Board, OGM, and
OTD, as well as execution of OGC duties, were developed
based on benchmarking done by OGC attorneys and support
staff using Fiscal Year 2014 as a base to estimate the
amount of time each employee devotes to various
activities. Senior executive service, SES, and
management oversight is not reflected in the charts
unless otherwise indicated.

OGC priority areas will be met but will
displace other assignments as necessary. Shortfalls
indicate areas in which OGC support might be delayed or,
if necessary, curtailed without adequate resources. New
initiatives are not considered feasible pending obtaining
the identified resources, that is, filling the vacant
positions and other management resource constraints.

Slide five, please. OGC has identified nine
major areas in which attorneys provide support to the
Board, in addition to the direct support provided to the
Board by the General Counsel. As shown in this slide,
most OGC attorney assets in support of the Board are
focused on public meetings and hearings; Sunshine Act
compliance; tracking legislation; and supporting Board
correspondence.

The highlighted or bumped-out pie wedges
indicate those areas that OGC has identified as priority
areas that will not be affected by staffing shortfalls
and will be performed at the expense of other activities,
namely tracking legislation, Board member nominations, Board recommendations, and Board correspondence.

OGC also will ensure Board needs are met in the following areas, which have been identified as priority areas but which are threatened by shortfalls: Board public meetings and hearings; Sunshine Act compliance; and Board testimony before Congress.

With six public meetings and hearings planned for Fiscal Year 2015, OGC expects to be fully engaged in the planning, support, and execution of these meetings and hearings, both here in Washington, DC, and at Hanford, Carlsbad, and Los Alamos.

The General Counsel or his designee must be present at public meetings to ensure compliance with the Sunshine Act and the Board’s Sunshine Act rule and to address other legal or procedural issues that may arise. The General Counsel needs to be in close physical proximity to the Chairman during the hearing to be able to render expeditious, discrete, and confidential legal advice during the course of testimony.

A second attorney should also be present on the hearing floor to handle ad hoc contingencies that arise during the hearing, to assist the court reporter at the hearing, and to coordinate on short notice, and in some cases with no notice, individuals from the public and
local governments who wish to testify.

The second attorney also ensures the accuracy of the record, as well as other duties, such as the timely disposition of the hearing transcript after it’s been completed. The longstanding practice of having two attorneys attend hearings has unequivocally resulted in a proven track record of highly professional and polished proceedings.

A shortfall in the number of attorneys impacts the ability of OGC to send two attorneys on the road and undermines the Board’s ability to present a sophisticated and polished proceeding as it has done for so many years.

Similarly, Sunshine Act compliance is a priority area for OGC; therefore, the General Counsel or his attorney designee must attend all briefings to a quorum of Board members. Should an attorney not be available due to other commitments, a briefing may have to be rescheduled or delivered to less than a quorum of the Board.

Testimony before Congress is an OGC priority area and will obviously displace other assignments. Consequently, assisting with informal briefings to Congress and Board member presentations and speeches may be affected if an attorney is not available to provide these services.
Shortfalls in OGC staffing will delay staff reporting on hearings and press reporting of interest to the Board and potentially disrupt Board travel, should an attorney not be available for travel with a quorum of the Board.

Slide six, please. As shown in this slide, OGC has identified three major areas in which attorneys provide support to the technical staff. Reviewing DOE directives is identified as an OGC priority area. Other support to the technical staff, such as attorney participation in staff-to-staff briefings, support to the technical staff internal controls project, and increasing the review of DOE and NNSA contracts, and delegations will continue to be limited by shortfalls in OGC staffing.

Slide seven, please. As shown in this slide, OGC has identified three major areas in which attorneys provide support to the General Manager’s staff. Timely processing of FOIA requests, the Board’s annual report, the annual budget, and the strategic plan, as well as support to OGM and the Board’s COOP activities are identified as priority areas for OGC. However, support to OGM’s plans to update a number of policies and procedures, including human resource policies and procedures and those policies and procedures that may
require updating or revision as a result of Inspector General recommendations, may be due -- slowed due to personnel shortfalls.

Slide eight, please. As shown in this slide, OGC has identified eight major functional areas in which attorneys work. OGC has prioritized its duties and will first focus --

DR. WINOKUR: Mr. Reback, we’re at the 10-minute mark, so I’m going to ask you to in the next minute or so to finish up if you could.

MR. REBACK: Yes, thank you, sir. I’m just about done.

DR. WINOKUR: Okay.

MR. REBACK: OGC has prioritized its duties and will focus first -- will first focus on timely response to issues posing potential legal exposure to the Board. Priority areas for OGC have been identified as ethics and financial disclosure and responding to GAO and Inspector General requests in a timely manner.

Shortfalls will slow OGC response to concerned citizens and employees who raise safety concerns at sites, OGC participation in internal control activities and concerned citizen and whistleblower investigations with technical staff.

Mr. Chairman and Board members, this concludes
my presentation. I would be delighted to respond to any
questions you may have.

DR. WINOKUR: Okay. I think we'll begin again
with Ms. Roberson.

MS. ROBERSON: Thank you, Mr. Reback. I have a
few questions, but I'll just start with one and get the
ball rolling. So, recently your office finalized a rule
on investigations, is that right?

MR. REBACK: Yes, the procedures for conducting
safety investigations.

MS. ROBERSON: And one of the -- one of the
questions, and we discussed this before, and we -- once
the IG came on board, it kind of slowed down that
process, addressing comments and stuff. Do -- as an
example, are there -- and we've had some changes to our
statute too. Would it -- do we need to look at our
statute to see if we need to ask for additional
authorities, for instance -- you're going to make me
start all over now.

DR. WINOKUR: Have you been able to record the
information? I'm looking at the court reporter now.

THE REPORTER: Yes, sir.

DR. WINOKUR: Okay.

MS. ROBERSON: Okay, great. I'm loud. Okay.

So, my question is I know I understood you to
say you don’t have room for any new initiatives, but in the amendment process, we may propose some, and it will be up to the Board to see if it chooses to displace something or not, but I kind of want to get your sense of whether -- whether it’s in this performance year or the next, do we need to take time and look at our statute and see if we need additional authorities like how to protect people who come to us with safety concerns from the field to ensure that we can extend that kind of protection to their identity.

MR. REBACK: Thank you very much. As you noted, we have gone through the second round of the notice and public comment hearing process for rulemaking, and everything except the actual publication of this final rule on procedures for conducting safety investigations is completed. And this will be the first rule the -- I believe the Board has issued and published in over 20 years.

You raise an important point and one that has come up during the course of our examining this rule and our legislation. The Board does not currently have the authority, like an Inspector General or like the Office of Special Counsel, to provide whistleblower protection to those courageous individuals, often employees, sometimes contractors, and even concerned citizens who
come forward, but concerned citizens are not in the chain
of command. But we don’t have the authority to provide
protection to those individuals. So, even though on many
occasions employees and often contractors have contacted
the Board and provided us information, which we’ve had
the technical staff examine and review and proceed as
necessary, they do so at great risk.

I think it would be incumbent on the Board for
us to seriously examine the feasibility of seeking an
amendment either to our statute or possibly to the Atomic
Energy Act or to the Inspector General Act to enable us
to provide the same level of protection to these
individuals as these other entities do.

MS. ROBERSON: Okay. I’ll rotate. I’ll take
the question in a minute.

DR. WINOKUR: Okay. And, Mr. Sullivan?

MR. SULLIVAN: Thank you. Mr. Reback, you
mentioned as a significant impact to your resource
allocations the Sunshine Act compliance. The Board has
in its Code of Federal Regulations procedural safeguards
that require us to have an attorney or his -- the General
Counsel or his designee any time we have a quorum of the
Board together.

The -- my research shows that that actually
comes from an American Bar Association recommendation and
not from anything required by law or even a suggestion by
other federal agencies. And the overwhelming majority of
agencies that are subject to the Sunshine Act -- and
there are dozens -- don’t have any such thing.

So, my question, is there any legal impediment
to having the Board take that out of the Code of Federal
Regulations and save you some time.

MR. REBACK: I’m sorry, to take exactly what
out of the Code of Federal Regulations?

MR. SULLIVAN: The procedural safeguards, which
are in 10 CFR 1704.3, Subparagraphs B and C.

MR. REBACK: Oh. Yes, the Board could move to
amend its regulations to withdraw its current requirement
that the General Counsel or his designee be present at
meetings of quorums of the Board. This would contradict
a practice that the Board has used for the last 20 years
to ensure public confidence that the Board acts in
compliance with the Sunshine Act. But as far as there
being a legal prohibition, the Board certainly could do
it.

I will note that other agencies, and the
Chemical Safety Board comes to mind, also requires the
General Counsel or another attorney to be present when a
quorum of the Board is together to ensure compliance with
the Sunshine Act. But as to your question, there’s not a
legal impediment.

As you noted, it is a recommendation and was a recommendation of the American Bar Association, and we take that seriously --

MR. SULLIVAN: Excuse me. I’m sorry to interrupt, but you’re just going on quite a while, and I think you answered the question when you said no, there’s no legal impediment.

MR. REBACK: Sure.

MR. SULLIVAN: So, I’m sorry to interrupt you, but I have other questions. So, I just wanted to move on. Similarly, it says General Counsel’s designee, so I see no reason why we couldn’t make this process more efficient and use a designee who’s not an attorney, perhaps even members of the SES who are in the technical department. We almost have one of them at every briefing, so I just -- I see no reason to have this huge time sink, and I’ll be seeking through amendment to start the ball rolling on -- on taking it out. I just -- I just think it’s a big time waster.

MR. REBACK: Mr. Sullivan, would you like me to comment on that?

MR. SULLIVAN: No. No, I wouldn’t.

MR. REBACK: Oh, okay.

MR. SULLIVAN: Okay, I also see a lot of things
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in your work plan which are editing, sitting in meetings that are staff-to-staff, looking at the Department of Energy directives, I’m not sure what for, reviewing Department of Energy contracts, again apparently only for the presence of boilerplate language.

So, there’s an awful lot in there that I see that I don’t see as necessarily, in my view, productive legal work. I will say that we -- we have in the past gotten what I thought was productive legal work. I mean, under the prior General Counsel, within six months’ time, produced this entire binder. The contents are all attorney/client-privileged, but it’s an awful lot. Some of these opinions are 20 pages long of legal analysis. My point is it was legal analysis, and we haven’t had any of that of late. Would we get any of that under this plan?

MR. REBACK: I’m sorry sir, would you get any of what?

MR. SULLIVAN: Legal analysis, legal opinions.

MR. REBACK: Sir, you’ve received during the whole time I’ve been here, in the nine months I’ve been Acting General Counsel, my staff and I have provided outstanding, in my personal view, and I think my staff will agree, outstanding legal support to the Board on a variety of areas. The areas that you identified that you
1. seem to think don’t constitute legal work, I have to
2. disagree with you wholeheartedly and completely.
3. You know, I have been practicing --
4. MR. SULLIVAN: Excuse me --
5. MR. REBACK: -- no, you put some things in
6. issue and I think you need to have an understanding --
7. MR. SULLIVAN: This is our meeting.
8. MR. REBACK: -- of what a federal attorney
9. does.
10. MR. SULLIVAN: Mr. Chairman, would you --
11. DR. WINOKUR: All right, I’d like some decorum,
12. but I would -- and I’d like you, Mr. Reback, to be able
13. to respond. We’re being very respectful of your
14. questions, but try to keep the answers, you know, as
15. brief and to the point as possible.
16. MR. SULLIVAN: My question was whether or not
17. we could expect to see any of this sort of legal
18. analysis. It was not to ask him to give his opinion of
19. my opinion.
20. So, back to the legal analysis, I mean, we had
21. a legal analysis on the Board’s jurisdiction of workers
22. at Department of Energy facilities that was provided by
23. the prior General Counsel. The Board took a vote, and a
24. majority of the quorum rejected that opinion. That
25. happened last February. Since then, I’ve discussed this
with you that we should have something new. I’ve discussed it with the Chairman. Yet we have no further analysis.

I don’t know if the legal office still says the former opinion is a good one or not. What are we doing? This, to me, is important legal work, and I don’t see any of it coming forward. So, don’t you think that having the Board members understand the limits of their jurisdiction would be an important legal topic? Why do we -- why do we not have anything on that?

MR. REBACK: Again, sir, you cut off my -- my prior response. You showed me a thick binder there that you said contained legal opinions.

MR. SULLIVAN: Would you like to see it?

MR. REBACK: When I review -- when I first came onboard I was given that binder, and I can tell you, if it’s the same binder I reviewed, not one document in there has led to the Board taking productive action in support of its mission. So, if you were asking me if I intend to produce law journal-type articles that are of not value to the Board in executing its mission, no, I do not intend to.

Some of those legal opinions are 20 and 30 single-spaced pages with over 300 footnotes. They are longer than a Supreme Court brief. I think it’s
irresponsible for an attorney to go to a client and say, oh, you wanted a legal question answered, here, here it is, figure it out. Legal questions have to be finely framed and tuned. They are dependent on the particular facts at issue.

And we have had multiple occasions on jurisdictional issues and on access issues when those matters have been brought to the Office of General Counsel and we have resolved them, often without the need to involve the Board. A simple phone call to the site representative on whether we can or cannot engage in certain activities. So, we have provided legal analysis --

DR. WINOKUR: All right.

MR. REBACK: -- on that and many other areas.

DR. WINOKUR: Let me -- let me try to address one issue here that Mr. Sullivan raised, and it’s an important issue. I want to follow up on the worker protection issue. I’m not aware that the Board has asked the legal staff to provide it with any additional guidance on worker protection.

The Board members are independent experts in nuclear safety, and I’m confident that I can make decisions about Board correspondence and about the Board’s jurisdiction, but I think the Board probably

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should get together and at least among itself, if we need a vote, decide whether or not it wants to seek additional guidance from your staff on that issue.

I just wasn’t aware that we had sought -- you may have an interest in it -- but I have -- I don’t have an interest right now in the legal staff providing me an opinion on worker safety. I have read the previous correspondence, and I’m confident it’s in the Board’s jurisdiction, but I think this would be a Board policy and action, so I think we should follow up on that if we need to.

MR. SULLIVAN: After the General Accounting Office asked what it meant to have the Board reject the legal opinion, I went straight to you and told you that we should have a new opinion. And I have told you on a number of occasions that we should have the benefit of your advice on this topic since there is disagreement amongst Board members. And you have not provided any advice or counsel. You have given us nothing that would help steer this disagreement to some resolution.

So, I stand by my comments. I think we are doing a lot of editing; we are doing a lot of helping with logistics of meetings; and we’re not -- we’re not doing the legal work that needs to be done. I don’t intend to support this work plan at all as presented.
I’ll be moving to amend it significantly.

DR. WINOKUR: Yes. Do you have any other questions?

MR. SULLIVAN: No, I do not.

DR. WINOKUR: Okay. So, let me -- there are questions that Mr. Sullivan is raising about the size of the legal staff, about the function of the legal staff and what it does. I’ve been on the Board for eight years. I’ve always viewed the Board’s legal staff, once again, like the Office of the General Manager, as somewhat thin.

Personally, I do depend upon your staff to look at my presentations and my correspondence, Board-related matters, because I do think it needs a legal scrub. We have statutory responsibilities. Pretty much everything from my perspective that the Board does is kind of legal in nature and does need a scrubbing, so I do appreciate that support, but working with the Board members, I’m more than happy to take a close look at and see what amendments are offered in terms of the work plan for the Office of the General Counsel to see if there’s any -- any opportunity to either decrease or in some case increase your staff, which may be necessary, in my opinion, to address things.

I know that we have an additional burden when
the GAO came in. That was a lot of work for your staff.
I know we had a lot of work with the Inspector General, which is going to increase, so it’s something that the Board should consider, and I think we do need to consider in terms of your work plan. But -- and I do consider a lot of what you do to be legal in nature, and certainly from me as Chairman necessary to support what I need to do.

MR. SULLIVAN: Well, I would appreciate the thoughts of the Vice Chair as to whether or not this work plan as submitted is adequate to the needs of the Board.

MS. ROBERSON: Thank you. Thank you, Mr. Sullivan. Well, I -- I do plan to submit some amendments. I actually had -- can I go ahead and ask my last question I want to ask?

DR. WINOKUR: Oh, we -- I think we have a couple of minutes. We have a few minutes, yes, please.

MS. ROBERSON: Okay, great. So -- so, I’m a big believer in thinking about how we’re going to continue to do our work. I don’t -- I mean, we can rely on individuals to a certain extent, but I like instructions. I like writing stuff down so that as people choose to make changes in their career things -- or things force those changes, we know how we’re doing business.
And we have been challenged, because the Board has gone through a significant evolution of people change in the last five years. People retired, you know? The Board had a staff of people that started with it, and it’s two decades later, many of them have decided they want to retire, and they have that right to do it.

So, in your area, the one thing I -- the one question I wanted to ask, and to Mr. Sullivan’s question, I mean, I will propose amendments. I will look at other members’ amendments. So, obviously, I’d like to see a few things that you couldn’t -- you didn’t see the ability to squeeze in, and we’ll see how the Board reacts to them.

But one of the things I wanted to ask you about are like guides or instructions for how things are done, like one sometimes -- those of us on this side of the table get very interested in is the nomination process, how does your office handle that, and maybe actually putting that in a guide or writing it down so that the next person that comes along understands that. There are probably other areas, as well, too, so I know you didn’t -- you weren’t able to squeeze much of that in, but I’d like to get your comments on that.

MR. REBACK: Thank you. We have, during the past year, had a phenomenal number for a small agency of
three nominations that required extensive work in
coordination with the Office of Government Ethics, the
White House, the oversight committees, in order to ensure
that the nominees answered the questions and complied
with all ethics and legal requirements to enable them to
be nominated.

We’re likewise expecting the coming year to
require significant activity. It would be, I think, very
useful from a legal management standpoint if we had the
time to develop a guide that would provide a -- if -- a
checklist of significant areas to be concerned with as we
go through this process.

We are heavily dependent at this point on a
single individual, and if, God forbid, the proverbial
person gets hit by the bus, we would be reinventing the
wheel in many cases because it has not been
institutionalized. And I think that is one thing that we
certainly could do in that area and in possibly others.

MS. ROBERSON: But you don’t see the resources
to do that as it stands right now?

MR. REBACK: Well, as it stands, we have
responded just this past year to over two dozen FOIA
requests in which required the line-by-line review of
over 2,000 pages of material. We have quickly and
discreetly handled personnel issues.
MS. ROBERSON: Okay.

MR. REBACK: There are a wide variety of other areas that we have provided ongoing legal support. And, so, I would have to identify that as an area of shortfall to be -- to be addressed when time permits, and currently, given our current staffing needs, I don’t see the ability to get to it.

MS. ROBERSON: Or the Board could vote through an amendment as to whether it wants to change the priority or something.

MR. REBACK: Certainly. Certainly.

MS. ROBERSON: That’s what you would need.

MR. REBACK: Certainly.

MS. ROBERSON: Okay. All right. Thank you.

DR. WINOKUR: Mr. Sullivan has a final comment?

MR. SULLIVAN: A positive one. Okay, I just want to be clear that -- that my opinion of the work plan does not expand to the opinion of the people who are in our General Counsel’s Office. I actually think we have several very bright, very talented, very industrious people. And I’m actually concerned that because they are talented we are defaulting to a typical human tendency of those who can do, we just give them more stuff to do, and what we’re actually giving them to do is stuff that really doesn’t belong within the job of someone who is --
has the skills of an attorney. And I'd prefer to see
that redirected to things that actually would be more in
line with the skills that they have. Thank you.

DR. WINOKUR: And thank you.

And, Mr. -- okay, you may comment.

MR. REBACK: Dr. Winokur, if I could just
respond to the kind comments that Mr. Sullivan provided,
recognizing the hard work and skills of the staff, and I
greatly appreciate that. It is a hard-working crew. And
I do need to say, though, after a few years in private
practice, I had the calling for public service, and the
first place I went was the Department of Justice, where I
was a litigator for seven years.

And one thing I saw there that I decided that
if I ended up back in an agency, more of an operational
or oversight role, was the Ben Franklin saying that an
ounce of prevention is worth a pound of cure. If we can
get in on the front end and identify issues before they
become huge problems, before the train runs off the
track, before, God forbid, the bomb explodes, we can
prevent so much additional effort down the road.

So, in my view, having attorneys involved in
reviewing Board correspondence, in reviewing directives,
an area I believe the tech staff has acknowledged and
recognized and appreciated the work of the Office of
General Counsel, these are areas that a federal attorney does. And from my experience over the last 20 years at three different major Executive Branch agencies, attorneys routinely get involved in these issues on the front end to prevent those huge costs at the back end.

DR. WINOKUR: All right, thank you.

MR. REBACK: Thank you, sir.

DR. WINOKUR: Let me say, also, that these have been good discussions, but I think one reason why I think all Board members, Mr. Sullivan and others, are asking these questions is that we are a small agency. We are a $25 to $30 million agency matched up against an incredible Department of Energy capable with about $15 to $16 billion worth of activity. And, so, our technical staff has to be able to see -- has to prioritize its work, and we can't do everything.

So, we need to make sure that we're as lean and mean and as effective as we can in these very important support functions from the Office of the General Manager and the Office of Legal Counsel to make sure that as many Board resources as necessary go to the technical staff, who are the people who actually go to the defense nuclear facilities and are responsible for ensuring and supporting the Secretary's need to provide adequate protection of public and worker safety.
So, that’s why this kind of a discussion, I think, is necessary and why we will need to scrub and amend, if necessary, the plans of the Office of the General Manager, Office of Legal Counsel, and eventually provide some help to you, Mr. Stokes. And with that, I think that we’re done with that. I thank the members of the Board for that.

At this time, I’d like to begin with the third order of business on the agenda. I recognize our third presenter, Mr. Steven Stokes, the Board’s Technical Director. Mr. Stokes, please report to the Board on the Office of the Technical Director’s Draft Fiscal Year 2015 Work Plan.

MR. STOKES: Good morning. My name is Steven Stokes, and I’m the Board’s Technical Director. I will introduce the Office of the Technical Director’s Fiscal Year 2015 Draft Work Plan. Following this introduction, each technical group lead will present a summary of their portion of the work. Slide two.

The draft plan complies with the DNFSB, the Board’s operating procedure requirement to produce an annual work plan and was developed using commonly practiced project management concepts and techniques. In formulating the draft plan, the technical staff developed an unconstrained set of proposed staff reviews based on
our understanding of the Department of Energy’s, or
DOE’s, current and planned activities, for example, their
ongoing and potential future operations at their
currently operating defense nuclear facilities.

In developing the draft plan, the technical
staff established a list of potential review activities
at design and construction projects, operating defense
nuclear facilities that we felt might warrant or recite
in the fiscal year. Once the potential list of review
topics was identified, each potential independent review
was allocated resources and prioritized. This process
was designed to reflect optimal use of staff resources
while maintaining sufficient flexibility to respond to
emerging issues, emergent situations, and changes in
DOE’s operational priorities.

I’d like to take this opportunity to point out,
as Mr. Sullivan did, that with any plan the actual work
performed during the upcoming fiscal year is expected to
deviate from the planned work we discuss today. We
expect that the work performed by the technical staff
will change based on DOE’s operational priorities,
changes in our resources, either increases or decreases,
or changes in the Board’s priorities due to emergent
safety issues like last year’s truck fire, radiation
release, and the ongoing recovery operations at the Waste
Isolation Pilot Plant in New Mexico.

To address potential changes, the technical staff reviews on a routine basis progress to complete ongoing tasks and the impact changes new information or changes in staff resources have on the remaining work in the fiscal year. Any potential change is factored into our ability to complete our ongoing work and adjustments to work schedules or priorities are made when appropriate, typically adjusting onsite review timing in response to relevant new information.

To keep the Board apprised of significant changes, we plan to provide quarterly briefings to the Board that will identify the work completed in the preceding quarter and the work forecast for the remainder of this fiscal year. Slide three, please.

I’m going to go over the general organization of our plan. The work plan is, in general, organized to parallel DOE’s major programmatic responsibilities in mission areas. For example, the independent oversight of the National Nuclear Security Administration, or NNSA’s, and DOE’s Office of Environmental Management, or DOE-EM, ongoing nuclear operations or the oversight of DOE’s headquarters nuclear safety programs that support the safe operation of defense nuclear facilities throughout the complex and the design and construction of new
defense nuclear facilities.

The proposed work plan is based on our existing resources and focused on activities primarily conducted by the Board’s technical staff assigned to headquarters. Work performed by the Board’s site representatives in support of reviews performed by headquarters staff is accounted for in this plan; however, since it’s desirable for the majority of a site representative’s time to be spent in direct observation of DOE’s highest hazard activities, that time is accounted for separately and not accounted for, per se, in the draft work plan. Our goal is to provide sufficient flexibility for site representatives to be able to perform work as needed as DOE schedules that work.

Slide three, please. Slide 3 summarizes the allocation of staff resources in the proposed work plan. Please note that the distribution of the Office of Technical Director resources in Figure 1 -- and that was actually on the previous slide -- sums to slightly greater than 100 percent. This is an artifact of our attempt to utilize all of our resources effectively.

In this case, we planned activities that slightly over-committed our currently assigned staff resources, knowing that we are adding staff in the first quarter of Fiscal Year 2015.
MR. SULLIVAN: Excuse me, sorry to interrupt.

Which one am I supposed to be looking at?

MR. STOKES: It's the figure -- Figure 1.

MR. SULLIVAN: Okay, thank you.

MR. STOKES: Okay. With this slight exception,

Figure 1 represents the work plan for Fiscal Year 2015,
given our current staffing and full-time equivalents.
This is depicted as a percentage of our total Office of
Technical Director resources and known or anticipated DOE
activities. What this slide illustrates or what this
figure illustrates is our overall distribution of
resources and reflects primarily the timely review of
safety-related systems, structures, and components at
DOE's ongoing new facility design and construction
projects. And in there, it's combining both NNSA and
DOE construction projects.

NNSA's and DOE-EM's operations at defense
nuclear facilities, the review of nuclear safety policies
and programs at DOE headquarters and throughout the DOE
defense nuclear complex, for example, the development and
implementation of applicable DOE nuclear safety rules,
orders, and standards, and the Board's public outreach
efforts and public meetings and hearings.

Overall, the distribution of work in this draft
plan is intended to reliably assess DOE's planned
operational and design and construction activities to
allow you, the Board, to determine that DOE’s activities
can be performed safely.

Slide four. Figure 2 illustrates the same
information in greater detail, the distribution of
technical staff resources. Figure 2 clearly highlights
the significant resources devoted to the Waste Treatment
and Immobilization Plant; however, please remember that
the WTP project is a true mega-project made up of
multiple nuclear facilities that, if accounted for
separately, would require roughly the same resources that
are planned for the EPF Facility, another major new
design and construction project.

The details associated with this and other
parts of the work plan will be discussed in greater
detail by the group leads later in our presentation.

Slide five.

In developing the plan, we identified more
potential reviews than we have resources to perform.
Tasks identified during the planning process that were
not included in the proposed plan -- and they were not
there for several reasons -- among these reasons were
limited technical staff resources or capabilities, the
relative priority of the work, work that NNSA or DOE
planned for Fiscal Year 2015 that may not occur due to
existing or anticipated operational delays, or our
current understanding of likely funding shortfalls within
DOE.

Figure 3, on the left, illustrates the relative
proportion of tasks that were planned for 2015 and not
included in the work plan -- those are the red bars --
compared to the tasks included in the work plan, or the
blue bars. Figure 4 illustrates the same information in
a more detailed fashion, showing what work will -- the
staff is not currently planned to perform.

I'd like to emphasize that when a change to a
planned work activity does occur, and this occurs
routinely, our resources are reassigned to another task,
and many of the new tasks will be from the current set of
unscheduled tasks identified by the technical staff
during the planning process.

One of our objectives in developing the work
plan was that by identifying and prioritizing our tasks
in advance, it would be much easier to assess potential
changes and adjust work assignments efficiently. In
addition, if tasks that were not anticipated during the
planning process are identified, they will be assessed
for potential addition to our work plan. When this
occurs, we evaluate each new task to assess its relative
priority with ongoing activities and potential staff
assignments are evaluated and changes are made -- are made when warranted.

In closing, I’d like to thank the entire technical staff for the time and effort they devoted to preparing this plan. Their work represents the first time a plan of this scope and detail has ever been prepared by the technical staff for the important safety-related operations this agency performs.

To get to this point, the technical staff began preparing the plan last July and has worked tirelessly to refine the plan over the past three and a half months. This achievement was done while continuing to maintain our ongoing nuclear safety-related mission. This concludes my introductory remarks. I’d be pleased to answer any questions.

MR. SULLIVAN: Are we doing questions now?

DR. WINOKUR: Yeah, I wanted to just chat among the Board members here for a second about whether we want to have -- we’ve allotted about 15 minutes for discussion, pretty much 10 minutes following each of the presentations. Would the Board members like to ask Mr. Stokes questions and discuss things with him first? Or wait until we finish all of them?

Mr. Sullivan, what do you think?

MR. SULLIVAN: Well, I just have one question,
and I don’t think it will be a long one --

DR. WINOKUR: Okay.

MR. SULLIVAN: -- that I’d like to ask right now. But, Mr. Stokes, a couple months back, the Board directed that this plan include within it a plan to correspond with the Secretary at least once during the fiscal year on each open recommendation. I think that -- I’ll explain my thinking when I -- when I voted on that -- on that proposal, but there’s been some recommendations in the past where the recommendation stayed open for years, and there was actually no Board communication at all. So, looking at the public record, it was very difficult to figure out where the Board was at that time on its thoughts on how -- how well things were going in addressing the problem.

So, one per year on each open recommendation, is that in this plan?

MR. STOKES: Thank you for the question, Mr. Sullivan. The way we’ve organized the plan is we created a sub-plan for every open recommendation that evaluates all ongoing activities within the recommendation. The way we’ve organized it, there currently is not a specific line item that says “thou shalt have a individual piece of correspondence.”

It’s my belief that during the execution of the
individual plans for the recommendation, there will be
multiple opportunities throughout the year to be able to
meet that specific requirement. For example, we've --
the staff had currently or just recently proposed a
communication that went through our process and will --
had came back for further study. So, I'm -- I'm very
confident that we will have at least one communication
per recommendation during this fiscal year.

MR. SULLIVAN: Okay, I'll take that as a yes.

Thank you.

MR. STOKES: Yes, sir.

DR. WINOKUR: And I'll say and then turn it
over to Ms. Roberson, I certainly support that practice.
I think it's a very good idea that we do communicate with
the Department once a year on our recommendations, so I'm
-- you know, we're in a meeting here so we can -- we can
agree. I do agree that that is a good practice.

MS. ROBERSON: Just probably one comment,
because it probably will benefit me and the other Board
members to hear from the group leads, but I do want to
give you one reaction, which you probably know what it
is. When you look at the charts, it does -- and I know
you commented briefly in your statement, it does look a
bit imbalanced.

And, so, we all -- all of us Board members have
our picks, you know, our interests, and when I look at
the charts I say, wow, that -- it looks like an imbalance
in how we are applying our resources to design and
construction versus oversight of ongoing operations right
now. And you're welcome to comment now, or you can wait
until I hear everybody and then you comment later.

MR. STOKES: The -- if we look at the way that
the -- the way the graphs were broken down, there's
roughly a third of the technical staff resources devoted
to design and construction. There's roughly 50 percent
of the resources devoted to operational activities. And
then there's roughly 10 percent, 15 percent left over
that goes towards reviews of directives, support of Board
hearings and meetings.

So, we split out -- and, in fact, it's roughly
a third goes to design and construction; one-third goes
to oversight of the National Nuclear Security
Administration; roughly -- 20 percent goes to EM; and
then a little more than 10 percent to the remaining. So,
if I add -- if we add the 31 -- one-third to NNSA, 20
percent to EM, that gives half of our resources to
ongoing operations at the present time, plus that
fraction that isn't accounted for that's the day-to-day
work of the site reps, which is 100 percent operational.

MS. ROBERSON: Right.
MR. STOKES: By the most part, they do participate in some review of design and construction, but that’s -- that tends to be less of their activities.

MS. ROBERSON: So -- and thank you for that. And, so, let’s -- let me just -- I said I wasn’t going to ask any questions, but you let me in --

DR. WINOKUR: I think we’re into our discussion period.

MS. ROBERSON: Okay. So, just to go with that, one of the things we’ve been applying a lot of brain cells to is, so, we have site reps that are at certain -- at the larger sites 100 percent of the time, and what is your confidence that we are using our resources to ensure that we have a good sense of the state of affairs at the sites that we don’t have site reps at? How are you approaching that?

MR. STOKES: A couple of ways, and I know that when the group leads make their presentations, some of the specific examples will be brought out.

MS. ROBERSON: Okay.

MR. STOKES: And I’ll defer to those for those specific examples. We’re taking a very hard look at those sites that do not have full-time site reps. In one instance, we are providing a minimum of a quarterly visit that is specific to doing generic things at a site that
we had had a site rep and that we have since no longer have a site rep at. So, we take special care to ensure that we retain an operational sense. We’ve got to have operational awareness of what’s going on at the sites. In those instances where that operational awareness is less than adequate, we’ve learned that is not a good situation. So, we try and find ourselves never being in that situation.

And I’ll let the group leads talk to --

MS. ROBERSON: Okay.

MR. STOKES: -- the specifics on how they plan to ensure that we’ve got adequate operational awareness at every site.

MS. ROBERSON: Okay.

DR. WINOKUR: Let me ask you a question, and then I’ll ask other Board members if they have -- how do you set priorities? I mean, what’s the scheme?

MR. STOKES: The priorities are set based -- and we -- we actually, as a group, we sat down and we codified how we want to do that. Our focus is on protection of the public, so we look at all of the factors that a nuclear facility should be operated to -- to ensure adequate protection of the public. We look systematically at the existing safety documentation that supports ongoing operations, the age of that information,
the quality of that information, the training and
qualification of their work force, the age of their
facilities.

All of these different parameters are looked at
to be able to come up with a relative -- it’s not an
absolute sense of priority -- but a relative sense of
priority amongst all of the various activities that the
Department performs in an attempt to ensure that we are
looking at those things that we believe, given the
information, that we can develop a strong sense of which
facilities are at the highest risk or maybe the most
vulnerable, so that we do have the best view that we can
possibly get for the Board of the Department’s operations
in that area. And that’s how we prioritize our
activities.

DR. WINOKUR: Mr. Sullivan?

MR. SULLIVAN: Yes, I just wanted to chime in
on a couple of the -- these discussion points, because I
think they’re good ones. First, I would suggest the --
the prioritization scheme, which you say you’ve codified,
that you keep it out of the Code of Federal Regulations.

MR. STOKES: Oh, I’m sorry --

MR. SULLIVAN: It’s too hard to change.

MR. STOKES: Our internal technical staff
procedures.
MR. SULLIVAN: But I’ve seen your scheme. I think it’s a good one. I think it -- it’s a prioritization scheme, it can’t be perfect, nothing’s perfect, but I think what you’ve got is very good -- very good effort, probably as good as human beings can do. So, but I want to get back to some of the points that the Vice Chair was making earlier, because I think those are very important and sort of whetted my appetite, it’s like I can’t wait for the group leads to come up.

But I would just note that -- so, one-third of our assets are going towards these design and construction projects. I mean, they’re -- and those are -- those are very important that those get done properly, but it’s also true that those are -- many of those are years away from actually operating. And until they operate, they really can’t be any threat to the public health and safety.

Meanwhile, we have plutonium and uranium and waste in the complex. This year -- earlier this year, the Department actually had incidents at the Waste Isolation Pilot Plant, and those were -- and those were relatively significant events. And, so, I note from your -- one of your bar graphs, I think it was Figure 3, so within the EM world, the red bar is just about the same size as the blue bar, that is, we’ve -- we’re not going
1 to get to about as much as we are going to get to. And
2 WIPP is also a site where we don’t have a full-time site
3 rep.
4 So, I mean, both of those points kind of go
towards, well, okay, I’m very interested to see how we’re
doing this because, you know, that’s exactly -- you know,
those two pieces of data, taken out of context, might
suggest maybe we’re not looking at the very place where
the Department has recently experienced big problems.
10 So, I’d just say -- you know, I’m not suggesting that
11 that’s the conclusion. I just say those -- those data
12 points in isolation could point that way. So, I’ll be
13 very important -- I’ll be very interested to see how
14 we’re actually working through that as we go through the
15 rest of these plans.
16 MS. ROBERSON: Thank you.
17 DR. WINOKUR: Thank you. Just for
18 clarification, this work plan does -- does derive itself
19 from our strategic plan, right?
20 MR. STOKES: Yes, sir, it does.
21 DR. WINOKUR: So we have a strategic plan, and
22 we’ve laid that out, we worked hard on that, we’re kind
23 of proud of it. And based upon that, you began to --
24 everything flows down from that.
25 MR. STOKES: Yes, sir, it does.
DR. WINOKUR: And is it your desire in the end for every member of the technical staff, even the other staffs, to understand that connectivity back to the strategic plan?

MR. STOKES: Exactly. Yes, sir, it is, very much so. Our strategic objectives feed directly into the way our organization is structured, the way our work plan is developed flows immediately from -- from those parent objectives. So, there's -- in fact, when we sat down at the initial white board session to draw up how we were going to develop the work plan, it flowed from the strategic plan. It flows from other OMB requirements, for example, that the agency must meet. So, there is -- you know, it was designed to be able to perfectly match all of our parent requirements so that it would be -- you know, it would function to meet the agency's mission.

DR. WINOKUR: Let me follow up on some themes that Mr. Sullivan began to develop that I think are very relevant. This is a plan, right? And DOE, we are providing oversight to an agency that is living and changing and has challenges that are new and undiscovered every single day. What percentage of this plan do you think at the end we're going to be able to implement based on your experience? You've been on the Board for almost 20 years. Just a rough figure. I mean, you have
1 to be really flexible here.
2 MR. STOKES: There's two ways to answer that.
3 I believe that from a -- from a mission perspective, we
4 will probably hit a number -- and most of -- our specific
5 objectives. When we do that on this currently pre-
6 established schedule, that then, if I can -- if -- if I
7 can hit 30 percent, I'd be able to meet my -- a real good
8 goal. We tend to be very focused on the quarter that
9 we're in. Our planning horizon for the existing quarter
10 is -- has very high confidence, and we execute very well
11 in the near term.
12 As we get further and further into the fiscal
13 year, from today, that confidence goes down, and it's
14 primarily due to -- not that -- that we wouldn't do
15 something; it's that supporting the timing of the review
16 nine months or ten months or eleven months out, that
17 becomes quite challenging.
18 And then, of course, if we have major
19 perturbations to the plan because of unanticipated
20 activities, then large portions of the plan would be --
21 would be impacted. In general, it has been the staff's
22 practice as long as I've been here to shift around
23 resources to be able to meet emergent situations without
24 losing sight of the fact that we have other things that
25 have had to slide from a timing perspective further down
the road.

DR. WINOKUR: Okay.

MR. STOKES: And that’s the general practice.

DR. WINOKUR: And my understanding is you will report to the Board at least once a quarter so that the Board can review at a very high level a strategic level of what the work plan looks like and what you’re trying to accomplish. Is that accurate?

MR. STOKES: Yes, sir. Yes, sir.

DR. WINOKUR: Okay. And I would ask our friends here from DOE if they could pre-plan any emergencies or major changes in programs to help us with our work planning.

And with that, I thank you. We may get back to you in the end. I think we should excuse Mr. Welch and Mr. Reback and invite up our group leads. And I don’t know if you’re going to bring them up one at a time or whether you’d like them all to be sitting up there at the same time.

MR. STOKES: Actually, we’ll bring them -- Rich Tontodonato, the Deputy Technical Director --

DR. WINOKUR: Okay.

MR. STOKES: -- will join me, and then we’ll bring the presentations by successive group leads.

DR. WINOKUR: So, I’d like to proceed to our
next speaker, Mr. Timothy Dwyer, the Board’s Group Lead for Nuclear Weapons Programs. Mr. Dwyer, please report to the Board on the Office of the Nuclear Weapons Program’s portion of the Technical Director’s Draft Fiscal Year 2015 Work Plan.

MR. DWYER: Can you hear? (Directed to Court Reporter)

Mr. Chairman and members of the Defense Nuclear Facilities Safety Board, my name is Timothy J. Dwyer, and I am the Board’s Group Lead for Nuclear Weapon Programs. I am here this morning to present and discuss those areas of the technical staff’s Fiscal Year 2015 work plan that are focused upon our oversight of NNSA operations at defense nuclear facilities.

I would like to state for the record that all of the personnel in my group have worked very hard to develop this work plan and are proud of the work that they do for the Board. Slide two, please.

Work activities in this area focus on strategic goal one: Improve Safety of Operations, which is from the Board’s strategic plan. To meet this goal, the Board’s technical staff performs independent oversight of operational safety at DOE’s defense nuclear facilities, to develop analysis, advice, and recommendations that will inform the Secretary of Energy in providing adequate
protection of public health and safety at such defense
nuclear facilities.

As a strategic objective under this goal, the
Board’s Nuclear Weapons Group performs independent and
timely oversight to strengthen safety of operations
involved in maintenance of the nuclear weapons stockpile
and in weapons-related research, development, and
testing.

At the performance objective level, we will
conduct effective safety oversight through formal, well-
planned safety reviews at NNSA defense nuclear
facilities, and we will also conduct formal, well-planned
reviews of NNSA’s nuclear explosive safety activities.
In the course of these actions, we will assist the Board
in notifying NNSA of potential safety issues, while
maintaining a near-continuous oversight presence at such
sites as Los Alamos National Laboratory, LANL, Y-12
National Security Complex, or Y-12, and the Pantex Plant.

Our portion of the 2015 Work Plan represents
slightly more than one-third of the resources available
to the technical staff. This scope is intended to cover
the entire range of facilities at the seven sites at
which NNSA conducts defense nuclear activities. When
broken down by site, as represented by the red bars in
the attached figure, the Y-12 and Pantex proportions of
resources are the highest within this scope of work. Y-12 is slightly higher because of the need to conduct more aging infrastructure reviews in light of NNSA’s present path forward on design and construction of the Uranium Processing Facility.

Major safety concerns persist at LANL. That’s the next red bar. However, as a result of the safety-related pauses in operational activities at LANL, there are presently slightly fewer operational activities for the staff to review.

The next tier of scope encompasses Lawrence Livermore National Laboratory, or Livermore, and Nevada National Security Site, Nevada. At Nevada, we’re particularly interested in the National Criticality Experiment’s Research Center, affectionately known as NCERC.

Finally, we will also conduct a modest number of reviews at the Sandia National Laboratories, Sandia, and at NNSA tritium facilities at the Savannah River Site. You’ll notice that we also treat NNSA’s Nuclear Explosives Safety Program as a separate focused area of oversight, given its crucial role in ensuring adequate protection of the public and the worker during Pantex nuclear explosive operations. And that portion is actually indicated by the second red bar from the right.
Slide three, please. Several of our highest priority activities for us in Fiscal Year 2015 center on the Plutonium Facility at Los Alamos. The Board has corresponded with DOE several times regarding its concern with seismic safety at the Plutonium Facility. Also, the laboratory director paused operations at the Plutonium Facility due to concerns with nuclear criticality safety and formal conduct of operations. Thus a significant portion of our work plan revolves around the ongoing alternate seismic analysis of this facility, major facility modifications that may result from that analysis, reestablishment of a viable nuclear criticality safety program, and readiness activities required before the multiple categories of operations can resume safely. We will also look deeply at the safety basis that underpins all these activities.

Now, getting to the safety basis adequacy, beyond the Plutonium Facility, our highest priority activities are heavily weighted towards safety basis adequacy and implementation, operations safety, and processes and programs relied on for safety. These are shown by the three left-most blue bars in the graph. Safety basis adequacy and implementation review activities will occur at each of the NNSA sites that house defense nuclear facilities. This will include
continuing interaction with Pantex personnel as they execute their documented safety analysis improvement plan. At Y-12, the safety basis focus will be narrower in scope as we take a more detailed look at selected systems such as fire protection, electrical distribution, and confinement ventilation in several of the site’s aging facilities.

Other activities will range from validating the adequacy of the recent upgrades to the NCERC safety basis at Nevada and to in-depth reviews of safety bases at the Savannah River Site tritium facilities and Livermore’s Waste Storage Facility.

Slide four, please. We will conduct field-based observations of activities at each of the NNSA sites that house defense nuclear facilities. Field observation of actual operations and maintenance plays a key role in a successful identification of unsafe practices. Reviews are planned to observe conduct of operations or maintenance performance at facilities such as LANL’s Plutonium Facility and during selected activities such as Pantex’s nuclear explosive assembly and disassembly operations and Y-12’s enriched uranium operations.

In the area of Nuclear Explosive Safety programs, the highest priority in this category -- I’m
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1 sorry, let me restate that. A review of Nuclear Safety
2 Explosive Safety programs is the highest priority in the
3 category of processes and programs relied on for safety.
4 We plan at least three major reviews in this area.
5 They’re tied to NNSA planned activities on the W78, the
6 W80, and the W84 programs.
7 We will also apply significant resources in the
8 area of quality assurance or software quality assurance,
9 especially as it relates to applications used in assuring
10 the safety of nuclear explosive operations. And
11 consistent with prior Board direction, we will continue
12 to focus on emergency preparedness and response. In
13 addition, we -- I noted several areas previously.
14 Nuclear criticality safety and conduct of operations are
15 key programs selected for high-priority reviews at
16 several NNSA defense nuclear facilities.
17 Slide five, please. Uncertainties associated
18 with our scope of work are largely tied to potential
19 schedule changes on the part of NNSA. Historically, such
20 changes tend to result in delays, which in turn delay our
21 oversight activities throughout the planning cycle. Most
22 planned review activities are dependent on NNSA producing
23 specific documents or achieving key milestones in the
24 run-up to the observations. In some cases, planned
25 oversight activities are based on an assumed NNSA path

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forward for a particular project or activity, and that is
subject to change.

Our oversight activities increasingly have been
impacted by NNSA’s resource constraints. This primarily
affected safety oversight activities related to the NNSA
production office, which controls both Pantex and Y-12.
In several instances, NNSA has requested that we delay
interactions in order to allow NNSA to deconflict
schedules for resources necessary to support the
interaction.

Internally, risks exist due to the high
workload. It includes broad assumptions regarding the
time required to prepare for and conduct specific review
activities. In all cases, we will adjust schedules and
tasks to maintain the quality of each review.

And, lastly, the potential always exists for
the unexpected events to occur or an unexpected safety
issue to arise that demands immediate attention from the
Board’s technical staff.

Slide six, please. We will conduct focused
field-based observations of activities at each of the
NNSA sites that house defense nuclear facilities, but to
match the workload to the available resources, we have
deferred some of those activities to Fiscal Year 2016.
Similarly, we deferred several reviews of safety bases
and also of processes and programs relied on for safety, such as radiological protection and training and qualification.

This concludes my prepared testimony. If you have questions, I'd be delighted to attempt to answer them at this time.

DR. WINOKUR: Thank you, Mr. Dwyer. I think we'll begin the discussion and questions with Mr. Sullivan.

MR. SULLIVAN: Thank you. So, Mr. Dwyer, I'm actually going to go back to a slide in the Technical Director's presentation. It was his slide -- his Figure 3, slide 5, and it shows the red bar next to the blue bar on -- for NNSA work. It's in percentage of the Office of Technical Director FTEs, and it comes up to roughly, I'd guess, 11 percent.

So, I mean, if I did a little math, I'd say that equates to eight or nine more bodies in order to -- you to look at everything you would like to look at this year. Is that a correct way to interpret all that?

MR. DWYER: It is in doing the math. There is some question about whether even if we -- if we had an infinite number of people we could effectively carry off that level of work, given that it requires interaction on the NNSA side, and as I noted in my testimony, in some
cases, we're actually waiting on the sites to be able to
support what we've asked to do.

So, yes, more resources would allow us to do
more, but it won't let us get rid of all of the work that
we've deferred.

MR. SULLIVAN: Okay. But you just said more
resources. I mean, I'm trying to think of bodies.

MR. DWYER: Yes, sir.

MR. SULLIVAN: Eight, nine? I mean, something
on that magnitude, would -- or am I -- am I -- is that --
is that off?

MR. DWYER: That is a good rough order, but,
again, that would not lead us to the situation of being
able to do all of the work that we would like to do.

DR. WINOKUR: Let me ask a question consistent
with what Mr. Sullivan is getting at. When you do the
prioritization, do you ever get to the point where
there's a gap, a noticeable gap, meaning everything above
that gap you really want to get done, and then there's a
gap and there are items that are important, but you may
not get to. Can you get everything above that gap?

MR. DWYER: In this case, if I look through the
oversight plans for each of the NNSA sites, the items
that we were able to put on the work plan are largely in
the higher priority. There are some lower priority ones
that either -- they didn’t drain other resources, so they
were relatively low-hanging fruit, if you will. Or some
items that in our prioritization scheme did not come out
high, but were things that we could not take off the work
plan. They were basically required to be done.

But, no, sir. There is nothing in the upper
part of our prioritization scheme that we basically were
left saying, “Darn, I wish I could do that.” There are
some that we’ve pushed out later in the year or, as I
said, that we’ve pushed into Fiscal 2016, but I’m
confident that we will -- we will get them done. Again,
some of those were looking at the load we were putting on
a particular site and saying, “Well, you know, I can’t
send continuous review teams there.” On the other hand,
some of them were, well, I only have a limited number of
resources, and so let’s space this out a little bit
longer.”

MS. ROBERSON: So, can I kind of tag onto that
with you guys? And just to challenge Mr. Dwyer. Is that
okay?

MR. SULLIVAN: Yes, tag away.

MS. ROBERSON: Okay, okay. So -- so, when you
look at it, so I understand, you guys, your job is to
manage your resources that you have. I understand that.
I just want to push you a little bit on that. So, when I
say -- when I see, you know, safety basis that we might
want to review, there isn’t like if you had one or two
more bodies -- I understand we can push stuff out, but
there will always be other stuff to pop up, as well, too.

So, there isn’t even a line in there where you
think if you just had one or two more capabilities, you’d
feel a little bit better about your ability to tell Mr.
Stokes and the Board, I understand exactly where we are
and what’s -- what the issues are across that sector that
you’re responsible for. You think you got it? You don’t
need -- and if you need anything, what kind of capability
is it you need?

MR. DWYER: In answer to the question that you
just asked, safety basis review resources are something
that’s in high demand internal to the Board’s staff.

MS. ROBERSON: Okay.

MR. DWYER: So, yes, ma’am, if we -- if we put
more resources in that area or if we had more resources
to put in that area, there are probably some safety bases
that I would put higher in the priority list. But I am
comfortable with the workload that we have planned here.

MS. ROBERSON: Okay.

MR. DWYER: There is no safety basis or conduct
of operations or structural system that I looked at and
said, “I really wish we were looking at that and we’re
not. There -- there are some on there that I’ve said,  
“Okay, we’re going to defer this a little bit but we’re  
going to get to it.” And then there are other things  
that are in the area of “nice to have.” If we end up  
having some free time, we’ll put someone on it, but it’s  
not something that I lose sleep over.  

MS. ROBERSON: Okay. Were you -- did you want  
to say something?  

MR. STOKES: Yeah, I’d like to add a couple of  
things, and I just want to make sure that when we -- when  
you look at the bar graphs that we presented, and I’m  
sure Mr. Sullivan’s math is absolutely correct, the one  
thing that is -- would be missing from that  
interpretation is the capability of those resources.  

What we -- what you see in each of the red  
bars, for example, we had -- when we did the planning  
effort, there was a tremendous demand for doing  
ventilation reviews. So, much of what you see is  
dependent upon a single resource being unavailable of the  
-- with that capability. And we’ll talk more about  
acquiring those capabilities when we have the plan for  
the staffing discussion.  

So, it’s -- what we’ve been able to do is when  
you look at the total number of resources and the  
activities that aren’t planned, it’s -- you have to look
at it from both of those aspects: total number of 
resources, as well as the capability of those resources. 
So, you’re absolutely right. That’s the size of the -- 
of the gap from FTEs, and then we have to go to that next 
level in detail. And we’ll talk about several things 
that we’re doing to try and relieve, particularly in the 
area of doing safety basis reviews, as well as 
ventilation capabilities is part of our staffing plan. 

DR. WINOKUR: Mr. Sullivan?

MR. SULLIVAN: So, on the same point, for both 
of you, and it will come up again, because we’ve got 
other red bars on all the other groups, but what I’m 
trying to get at is what’s the right number of resources, 
right? So, we’ve got to use what we have efficiently, 
but we also have to ensure the adequate protection of the 
public health and safety. That’s our mission. So, you 
know, is -- you know, are we there?

I think this year’s President’s budget, we’ll 
hear about that in the staffing plan, we requested the 
agency have 125 FTEs; I think we have authorization to go 
up to 150. And this is kind of what I think I need to be 
doing as a Board member, is trying to figure out, okay, 
what is the right number. And that’s all I’m trying to 
get at, you know? Should it be 125? Should it be 135? 
Should it -- should it be 115? I mean, what’s the right
number? And there’s a lot of moving parts to that, so I’m just giving you the background of the question. I wanted to ask one more quick question and then turn it over to the other Board members, but, Mr. Dwyer, on your bar graph on slide two, that’s where you’ve got each of the sites. So, did I interpret correctly from your comments that the LANL bar graph isn’t as big as it might be if there were more -- if operations weren’t paused out at the plutonium facility?

MR. DWYER: Yes, sir.

MR. SULLIVAN: In other words, if NNSA is successful working with its contractor at resuming operations, because we don’t quite know when this pause is going to end, or I guess it’s in some sort of phased end -- ending. It’s in the middle of phased ending of the pause, if you will, however -- however we should phrase that properly. But if they’re successful in getting more operations going sooner, that red bar is going to grow. Is that true?

MR. DWYER: Yes, sir, that’s true.

MR. SULLIVAN: Okay. Thank you.

DR. WINOKUR: Ms. Roberson?

MS. ROBERSON: I don’t think I have another question for Mr. Dwyer.

DR. WINOKUR: Well, I have a couple, kind of
brief. We talked about losing sleep at night. What --
what worries you the most from your perspective? You’ve
got some pretty heavy facilities here. You’ve got LANL;
you’ve got Y-12; you’ve got Pantex. Any thoughts on
that?

MR. DWYER: The Plutonium Facility is the one
that I lose sleep over, sir, both the criticality aspects
and the seismic aspects.

DR. WINOKUR: I would agree with that input. I
mean, I -- personally, I -- when I look at that facility
and its potential impact on the public, it’s the one I
think the Board -- I’m personally mostly concerned about
and the one the Board certainly communicated to the
Secretary on quite a bit.

Anything about trends that you see? You’ve
been on the Board a long time. You’ve had a
responsibility for a lot of groups. You think you may
need fewer resources in the future, or you think you’re
going to be sufficiently challenged going forward?

MR. DWYER: I believe that the weapons group is
going to be sufficiently challenged, that I can make good
use of the resources I currently have. As Mr. Sullivan
was indicating, if you gave me resources, I would -- I
would be able to schedule some more activities, although
at some point we would exceed the ability of NNSA to
DR. WINOKUR: Okay, thank you. I think we'll move on at this point right now. I'd like to proceed to our next speaker.

MR. SULLIVAN: If I may?

DR. WINOKUR: Oh, please go ahead, yes.

MR. SULLIVAN: I was trying not to monopolize the time, but I do actually have a few more questions.

DR. WINOKUR: Okay.

MR. SULLIVAN: So, Mr. Dwyer, you mentioned -- it's on your slide three. You've got SRS tritium. Out in Sandia, there's a neutron generator facility which -- is that a defense nuclear facility?

MR. DWYER: We have not treated it as a defense nuclear facility, but I would -- I would actually ask our General Counsel (Acting) to weigh in on a jurisdictional question. We are, in response to a question from you, gathering some information on that facility right now.

MR. SULLIVAN: Okay. Because I just understand the plan is to ramp up what they're -- what they're supposed to be doing there, and I'm just, you know, in an unclassified format, I don't want to get into too many details, but I'm just wondering whether or not that's something we should even be looking at, because I don't think we look at it now. It's correct we don't look at
it now, is that right?

MR. DWYER: That is a true statement, yes, sir.

MR. SULLIVAN: Okay. Thanks.

And the last one I wanted to -- the last question I had for you has to do with design agent weapons response assessment. So, these are what they do out at the national labs, which form the foundation for the ultimate procedures and controls that are used at Pantex. And we don’t have our own national laboratory, so we can’t independently do whatever they do, but can we -- can we -- do we have the capability to independently assess what they do in order to make sure that the operations and the controls at Pantex are based on solid foundation?

MR. DWYER: I would say -- I’ll answer that question in two different fashions. I have on my staff the ability to assess whether they are properly providing the information, in other words, they’re following the process that is defined for supporting Pantex operations. So, do they gather the appropriate data with the appropriate quality controls? Is the peer review process being effectively implemented? Is the data properly applied by the Pantex -- the production plant contractor? And then are the folks who are actually down on the line properly implementing the instructions that are provided.
to them? That, yes, we can -- we can provide that oversight.

If you're asking do I have a staff member who can independently derive the appropriate energy threshold to initiate HE, no, I do not.

MR. SULLIVAN: Okay. I mean, and is that -- is that something that we could reasonably acquire, with short of coming up with our national laboratory, which I don't think Congress is going to give us?

MR. DWYER: I -- I believe that that would be something that would be extremely difficult to come up with. As it stands right now, in nuclear -- in changing nuclear explosive operations at Pantex, NNSA experiences some difficulty getting weapons response information from the laboratories -- that often turns out to be the long pole in the tent.

So, there is a shortage of such resources. The laboratory can't get those resources. It would be very difficult for us to get and then maintain the proficiency of those resources because I don't have a laboratory in which they can be conducting explosive experiments or whatever cutting-edge type of activities. So, that is a difficult area if we were going to try and staff that.

MR. SULLIVAN: Okay. I'd just be interested in any thoughts you might have eventually on anything we
might even try to do. It just seems to me like, you
know, this is -- this is where the whole thing starts,
when you end up at the end of the line deciding what the
operations and the safety measures at Pantex are. So,
I’m just -- I’m just wondering if -- I just want to
assure myself that there isn’t more we could be doing.
And I understand we can’t create skills if they don’t
exist, but I’m just wondering if there isn’t more we
can’t -- we couldn’t be doing.

So, on that same subject, though, to the extent
we are -- we can do, you know, the things that you said
we can do, is that factored into this plan that you’ve
presented to us?

MR. DWYER: Yes, sir, it is.
MR. SULLIVAN: Okay, thank you.
DR. WINOKUR: Are you finished?
MR. SULLIVAN: Yes.
DR. WINOKUR: All right, thank you. Any final
question, Ms. Roberson?
All right, well, we want to thank you very
much, Mr. Dwyer.

Now I’d like to proceed to our next speaker,
Mr. John Pasko, the Board’s Group Lead for Nuclear
Materials Processing and Stabilization. Mr. Pasko,
please report to the Board on the Nuclear Materials
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1 Processing and Stabilization portion of the Technical
2 Director’s Draft Fiscal Year 2015 Work Plan. Welcome,
3 John.
4 MR. PASKO: Good morning, Dr. Winokur, Ms.
5 Roberson, Mr. Sullivan, members of the Defense staff,
6 guests of the Board. My name is John A. Pasko, and I am
7 here as the Acting Nuclear Materials Processing and
8 Stabilization Group Lead. I would like to thank you for
9 the opportunity to present this -- the group’s Fiscal
10 Year 2015 work plan.
11 Before we proceed, I would like to publicly
12 acknowledge and thank the NMPS Group staff for their
13 great work and support. As you know, I’ve only been
14 serving as the Acting Group Lead for the past five
15 months. Preparation of both this plan, as well as
16 tutelage of me on the various issues across the
17 Department of Energy’s Environmental Management sites,
18 has been a significant effort for the group, and I thank
19 them.
20 Slide one, please. The NMPS Group’s mission is
21 to improve the safety of operations, thereby ensuring
22 adequate protection of the public and worker health and
23 safety at EM facilities at the Savannah River and Hanford
24 sites, where we maintain a near-continuous presence with
25 site representatives.

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At Idaho, Oak Ridge, and Savannah River National Laboratories and at the Waste Isolation Pilot Plant in Carlsbad, New Mexico, the group performs independent and timely oversight to strengthen operations in the cleanup of legacy nuclear waste and facilities.

Next slide, please, Chris. As I took over leadership of the NMPS Group, I spent a significant time reflecting on the February issues that occurred at WIPP. Several thoughts have influenced the construction of the NMPS work plan. These include developing a risk ranking of each of the group’s nearly 80 documented safety analyses, with particular emphasis on those sites where we do not deploy dedicated site reps, and embarking on a disciplined approach to work our way down this list of DSAs.

We should focus on the conduct of operations, clear communication of identified safety concerns, and work to ensure that these concerns are adequately addressed in a timely manner. We should also, when possible, take advantage of the economies associated with cross-site reviews. For example, tank farm issues and concerns at Hanford compare with those at Savannah River. And we must ensure that emergency planning and response is robust at each site, as this really is our last line of defense, should the unlikely actually occur.
We have also instituted a new process in the NMPS Group, dedicating a portion of each of our semiannual site rep weeks to developing a prioritized list of reviews for the follow-on six-month period to ensure we keep our eye on newly developing concerns.

Next slide, please. The NMPS work plan utilizes about 20 percent of the available technical staff manpower.

Next slide, please. And is focused on safety basis adequacy and implementation, in-field oversight of conduct of operations, and programmatic reviews that support the adequacy of these operations.

Next slide, Chris. This will be slide six. Our selection criteria for which safety basis reviews to conduct included dose consequence, time since our last review, and then we factored in a need to balance our effort across the various EM sites. This year we will be conducting safety basis reviews at the following:

Defense Waste Processing Facility, H-Canyon and HB-Line, and the National Laboratory at Savannah River, the plutonium finishing plant decommissioning safety basis and tank farms at Hanford, as well as the transuranic waste processing center and advanced mixed waste treatment project at Oak Ridge and Idaho, respectively.

Next slide, please. Our plans to observe

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conduct of operations is likewise spread across the portfolio of EM sites and facilities. Our criterion -- our criteria again included risk consequence, trends identified by review of the Department of Energy's occurrence reporting, and heavily influenced by the everyday operations of our assigned site representatives.

Reviews are planned for tank farms at Hanford, the Integrated Waste Treatment Unit and Advanced Mixed Waste Treatment Project at Idaho, and the HB-Line at Savannah River. HB-Line just recently processed its first plutonium since 2008.

Programmatic reviews are conducted to ensure sufficient rigor and compliance exists at each site as they implement DOE's requirements. These programs must contain sufficient rigor to result in disciplined and deliberate work in the field, a particular challenge when conducting work of a repetitive nature, as is the case in most of the facilities I am responsible for overseeing.

Reviews on tap for the coming year include criticality safety and training qualification at Savannah River; work planning and control at Hanford; and emergency management. Additionally, we plan to look at Hanford's programs to ensure safe operations of aging infrastructure at the 242-A evaporator and the tank farm's waste transfer system.
The NMPS Group is also focused on oversight of the recovery efforts currently underway at the Waste Isolation Pilot Plant. Our primary focus initially has been on the operation and reliability associated with the installed ventilation system. If this system -- it is this system that provides public and worker protection by preventing the additional release of contamination.

Design and installation of supplemental ventilation systems will be carefully reviewed.

Additionally, our WIPP team will review safety basis improvements, their electrical distribution system, particularly that underground portion, and the site’s conduct of operations.

The NMPS Group is currently responsible for two open Board Recommendations: 2012-1, Savannah River site Building 235-F, Safety; and 2012-2, Hanford tank farm’s flammable gas safety strategy. Both Recommendations have been accepted by the Secretary of Energy, and key deliverables are now coming due. Budget limitations appear to be likely to impact the pace, which improvements can be realized. The staff has and will continue to work closely with both of these Recommendations and keep the Board informed of new developments and any recommended action.

Earlier, there was a question about
communications on open recommendations. Both of these
Recommendations have communications plans associated with
their ongoing review plan.

Next slide, please, Chris. As is typical,
uncertainties exist which may impact the group’s planned
work. For example, schedule slippages due to unforeseen
challenges have and will likely continue to impact work
required in support of the initial startup of the
integrated waste treatment unit in Idaho. The challenges
of working underground and the resultant need for
adequate flow -- ventilation flow has and will likely
continue to pose challenges at WIPP.

Another area of concern is the continued impact
of budget shortfalls and regulator actions resulting from
missed cleanup deadlines at each of the environmental
sites. And, finally, there’s uncertainty associated with
completing our planned work due to unforeseen challenges
associated with work force conflicts.

When the initial work plan was -- while the
initial work plan has balanced the load across the staff,
schedule slips and unplanned setbacks, such as our recent
staff member’s hospitalization, may create conflicts down
the road. Our plan to mitigate this risk involves
frequent update of the schedule with a focus on near-term
conflicts.
Should the opportunity exist to add work, my
top two priorities would be to observe conduct of
operations at the Plutonium Finishing Plant and at the
Transuranic Waste Processing Center.

Subject to your questions, this completes my
presentation. Again, thank you for the opportunity to
both present the NMPS plan and for allowing me to serve
as the NMPS Group Lead. I’m excited about the team and
our planned efforts to assess safety across the
Environmental Management portfolio defense nuclear
facilities. Thank you.

DR. WINOKUR: All right. This will begin the
discussion and questions. Let me say, I’m happy to have
you as the group lead, so welcome. We know you bring a
great skill set to the job.

I want to ask you a question about the fact
that here you are with EM, and you kind of mentioned this
a little bit in the presentation, you have Hanford,
Idaho, Savannah River, and they have somewhat similar
problems. So, DOE, I know, does things at times to be
able to integrate. They try to have the people at
Savannah River help the people at Hanford.

But from your group’s perspective, you have
these individual projects you look at, where in your
group are you able or can you integrate and bring to the

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1 Board kind of a bigger picture than looking just at
2 individual sites? Does that happen at your level, or do
3 you have some senior people in your group?
4 MR. PASKO: I have some talent. You know, Dave
5 Kupferer, Todd Davis, Mark Sautman --
6 DR. WINOKUR: All right.
7 MR. PASKO: -- have several years. And I try
8 to -- we try to use their experience from several sites
9 to cross-pollinate across those areas.
10 DR. WINOKUR: Right.
11 MR. PASKO: I will tell you one of my concerns
12 is, you know, after being on the job for a couple of
13 months is the questions we tend to ask, you know, do we
14 accept information or do we probe and -- and try to
15 determine, you know, does that make sense, is that the
16 right answer. And we’re making progress on asking better
17 questions, I think.
18 But, you know, clearly we have experience at
19 Savannah River that’s applicable. In fact, Todd Davis
20 from Savannah River is working on the tank farms
21 ventilation recommendation with us. So, we’re doing our
22 best to try and to economize across -- across the
23 facilities of similar problems.
24 DR. WINOKUR: So, I don’t know if it’s in your
25 work plan. I’m just asking you to think about, you know,
can there be an integration point, somebody in your group
who is kind of looking at the big picture. And I guess
-- I guess Rich and Steve do a lot of that, right? I
mean, that's part of their job, too, but just to take
advantage of that experience and -- and -- because as a
Board member, that's what I do, I try to see commonality
between the different sites. I think the Board always
benefits from seeing the big picture, that kind of
commonality in terms of the mission that you're
responsible for.

MR. TONTODONATO: If I could interject a
comment there? That's also one of the functions you'll
hear about when we get to the Nuclear Programs and
Analysis Group.

DR. WINOKUR: Ah.

MR. TONTODONATO: One of their specialties
really is the cross-cutting reviews of work planning and
control across multiple sites, and we generated a
substantial technical report on that a couple of years
ago, based on exactly what you're saying, is reviewing of
programs at several different sites and integrating
across that to come up with some advice for DOE overall
on how to improve the safety that you get out of your
work planning and control. And, likewise, criticality
programs, emergency preparedness and response. You'll
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1 hear about those when we get to the NPA Group.
2 DR. WINOKUR: All right, thank you.
3 Ms. Roberson?
4 MS. ROBERSON: Well, I’ll start with a couple
5 questions. One, you can’t put thought-provoking phrases
6 on your slides and not expect me to pick them up. So,
7 you -- on one of your slides, you highlighted known
8 unknowns. It’s probably my way of saying it. So, what
9 does that mean? What are you doing?
10 MR. PASKO: Well, one of my concerns is that
11 the things we don’t -- I don’t know what I don’t know.
12 So, the sites that I do not have site reps at, which
13 would be Idaho and, you know, there’s -- there are a lot
14 of facilities out there, and we are trying to increase
15 our presence there. In fact, we have a review going down
16 week after next, and we just finished one last month, to
17 get increased presence there so we can identify those
18 issues.
19
20 I also have directed the -- we’re going to
21 risk-rank the DSAs that are out there and start at the
22 top where we work our way down, and I believe over the
23 next three years we will have -- we’ll be able to
24 adequately review each of those DSAs. So, that’s a site
25 that concerns me.

WIPP is another site where we didn’t have a
site rep. I think the Board staff did a pretty good job of identifying problems in the last couple of years, but there are some missed opportunities, too, there, that, you know, we are trying to address by -- by balancing our look and spending time at the unmanned sites.

MS. ROBERSON: So, at least my view is our work is divided into two approaches. One is to oversee what DOE is doing, but the other one is to look where they’re not looking, right?

MR. PASKO: Yes, ma’am.

MS. ROBERSON: So, I guess it’s a simple question -- probably complicated question, simple answer. So, for the last few years, the Board staff has done focus reviews on emergency preparedness, and we’ve issued to the Department a recommendation. We’ve done focus reviews on CONOPS. We’ve done a series of focus reviews on maintenance. One of your biggest issues is aging infrastructures, not just what’s -- what is required to ensure safety but confidence that it will operate.

So, I’m just -- really, my question is have you factored all of these things into your plan for the year?

MR. PASKO: Yes, ma’am. I think we’ve covered -- I have a piece there. We have -- we are looking at aging infrastructure; we are looking at conduct of operations. I believe I’ve heard the Chairman say

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before, you know, there are no nuclear facilities in DC.
I think it’s important that we get people on the sites to
observe the work in progress.

DR. WINOKUR: And let’s keep it that way, guys.

MR. PASKO: And we’re -- so, I think we have a
good mix. The plan has a good mix of balance across
those sites. And we do take the opportunity to -- on the
programmatic reviews, we try to use the expertise
generated to review a facility, you know, at Savannah
River with the same team to make them available to do the
review at Hanford, so that we don’t -- we don’t have to
relearn things and we can compare where possible.

Easy to do on the programmatic side. On the --
on the facility side, they’re all a little bit -- they’re
unique, so it’s difficult to -- it’s difficult to
transfer those -- the things you’ve learned at one review
directly to another site.

One other thing we’re looking at doing is
trying to put some work into -- the problems at IWTU
startup, is there -- is there a better way to coordinate
readiness with testing. I mean, once you declare
readiness and what all that entails, but when you start
up the unique waste facilities like IWTU and -- and we’ll
have the same problem in Savannah River and then at a
Waste Treatment Plant, they’re difficult to start up
because they’re one of a kind. And the applications or
rules can make it more challenging.

MS. ROBERSON: Mm-hmm.

MR. SULLIVAN: If I can --

MS. ROBERSON: Yeah.

DR. WINOKUR: Sure.

MR. SULLIVAN: I just wanted to chime in here
on the -- because I always love the Donald Rumsfeld topic
of known unknowns and unknown unknowns, but I really want
to put you on the spot here in that you said you’ve been
in the job now for five months.

MR. PASKO: Right.

MR. SULLIVAN: And my basic question, which I
think is related, has to do with whether or not you’re
finding the job is what you expected it to be. I’ve
peeked ahead to the staffing plan, so I see in there a
request to get more administrative help for the group
leads. And, so, what I’m really asking is do you have
enough time personally to get out and look at the
analysis that you’re -- the folks who work for you are
doing? Do you have enough time to get around to the
sites and put your eyeballs on what’s happening out
there, so maybe you might be able to see and learn, you
know, take some of these unknown unknowns and put them in
the known unknown column?
MR. PASKO: I clearly am not going home early these days.

MS. ROBERSON: That will never happen.

MR. PASKO: I would say, you know, at five months, there are so many acronyms, that just learning what the issues are is a full-time job. So, probably not appropriate for me to comment yet, but I would like to spend -- I really believe my job is to teach the folks in the group how to think, what questions to ask, how to do quality reviews. And that takes some time. And, really, you know, I've spent a lot of time on other things. I have not spent the time with the staff that I would -- would be my expectation.

I am not sure an admin assistant is going to solve that. I do think that as I get experience and the group gets used to the kinds of questions I ask, we'll get more efficient at that.

MR. SULLIVAN: Okay. And, then, I am receiving direct complaints from your lovely bride, Shelly, about going home. So, go ahead, anybody else on this topic.

DR. WINOKUR: Ms. Roberson, are you still asking questions?

MS. ROBERSON: No. I'm going to -- I'm done for now.

DR. WINOKUR: All right, Mr. Sullivan, then.
MR. SULLIVAN: So, the slide -- I think it was your -- your slide four, that showed your red bar versus your blue bar.

MR. PASKO: Yeah.

MR. SULLIVAN: And they're about the same. So, what's in that red bar? It looks like it's a lot.

MR. PASKO: We have -- it's -- it really is almost identical to the blue bar. There are DSAs in there; there are some CONOPS reviews we'd like to have done, and there are some programmatic reviews. And I couldn't do it all. If you gave me more bodies, I would do more, but I think we said it -- we looked at what the priorities are. Basically, on the risk-dose consequence was the big driver, how long it's been since we've looked, what kind of feeling we have about the quality of operations.

So, I think that's a -- you know, kind of predicting the question that Tim was asked, I don't have any great concerns that I've left something on the table that I'm not going to get to. I also believe that we -- if we -- if we're efficient and we get these reviews done, I will bring some scope forward. So...

MR. SULLIVAN: Okay. So, but I go back to -- I'm going to go back to the red bar graph that the Technical Director had, and I'm struggling to find the
exact slide it was on, but it’s the one that showed WTP
was way up high.

MR. PASKO: Right.

MR. SULLIVAN: But it also showed Savannah
River was way up high. So, are we -- are we paying
enough attention down in Savannah River? Do you
understand the graph I’m talking about?

MR. PASKO: I know what graph you’re talking
about.

MR. SULLIVAN: Okay.

MR. PASKO: So --

MR. SULLIVAN: I mean, what’s happening there?

MR. PASKO: -- I think Savannah River, we -- we
have pretty extensive workload there. So, I have -- of
all my groups, I had the biggest plan, so, therefore,
there’s the -- it has the most extensive number of
reviews, so it’s going to show up as having the -- you
know, more work that’s turned off. But I’m comfortable
that we’re looking at the right things. You know, we’re
-- we’ve -- we’ve got a good mix at looking at operations
and -- and looking at safety bases.

MR. SULLIVAN: Okay. I mean, so I’ll just
comment that looking at the red bar graph for Savannah
River, it’s much taller than if I put the ORP NRL bar
graphs together out at Hanford. And it just seems like
an anomaly to me. I don't know if you -- you can respond
if you care to. I don't --

MR. PASKO: I would have to take a look at it
and get back to you, but we've been -- I'm comfortable
that as we work through the plan we've represented -- the
plan represents a reasonable amount of work that we --
that Savannah River, once it gets done. So...

MR. SULLIVAN: Okay. Thank you.

DR. WINOKUR: Thank you. You have a lot of
COGS in your group. Is that true?

MR. PASKO: I have -- yes, I do.

DR. WINOKUR: Can you explain to us what -- to
people what a COG is and what they do?

MR. PASKO: Well, okay. The cognizant engineer
is really responsible and -- for communications with the
site, scheduling interactions. So, typically he is the
point -- he or she -- is the point that the staff here in
DC works through in order to be able to interact with the
site. So, document requests to begin a review are all
sent through the -- through the cognizant engineer so
that there's -- there's one point of contact that the
site has to worry about and can coordinate the effort
here.

So, the COG is also very instrumental in
putting together the plan for review at his site, and
that takes -- you know, you’re limited in the amount of
interaction you can have, as the site just can’t support
week after week after week. The COG is also responsible
for putting together the right folks to act as leads, you
know, review leads and the team.

So, COGS really a pretty important job. They
are -- they spend probably half their day staying
cognizant on what is happening at the site. Should there
be an occurrence report, the COG is responsible for
gathering background information to keep the staff and
the Board informed of what’s going on.

And the COG plays a pretty -- a pretty critical
role in integrating what we think the problems are at
that site. And they communicate on an almost daily basis
with our site representatives. So, now, I have a few
sites where -- I have WIPP and Idaho, where we don’t have
site reps. So, and in those areas, they’re not -- there
is no one on the other side to talk, so they communicate
daily with their counterparts on the federal side, and
they are our link really to the site for the flow of
information.

DR. WINGKUR: Well, I see a lot of that
function in your group is why I brought it up. I know
that we have -- we have site reps, we have our
headquarters staff. COG is another kind of function that
we perform, and I would just ask you to work closely with
Steve and Rich throughout the year to continue to look at
that function. I think they do a great job. I think
this idea of integration is something I’ve always hoped
the COGS could continue to do for us and see the site
holistically, and maybe the COGS could chat with each
other a little bit and we’d get to see a bigger picture,
which is what I think the Board benefits from.

I have one final question that I don’t want to
sidestep. Can you say a little bit about what we learned
about WIPP? WIPP is obviously a very serious problem and
very serious for the Department and its mission. And I
think anybody -- we all would have done something to have
prevented it. We -- have we looked at it and are we
learning from that?

MR. PASKO: I believe that -- well, clearly,
personally, I’m very self-introspective just by nature.
I think there were some missed opportunities on the way.
I think that -- that for a period of time in, you know,
the early 2000s that we didn’t spend much time looking at
WIPP. In the recent years, we did find some problems.
For example, we found fire protection issues that we --
that weren’t run in the ground maybe as efficiently as
they could have been. And, you know, we could have a
fire break out in February and find out that the
automatic fire suppression system on the vehicle was
disabled.

Those kinds of things require us to be on the
site, that we need to -- we need to get people in the
field to see those. We need to clearly identify what
those issues are. And then I think we need to do a
better job of tracking, hey, are they being responded to?
I also think that we -- we ought to -- we ought to have a
process by which we identify our DSAs and we give them a
scrub every couple of years so that we -- we can identify
issues.

In the WIPP scenario, the ventilation system
was in filtered mode because they had gotten the cams
back on service the 11th of February, just before the
radioactive release vent. I think that we missed some
opportunities when we reviewed those DSAs, again, because
it's a site without site reps.

So, one of the things that I have recommended
that we do is publish a periodic report as the site reps
do from those sites that have -- don't have an assigned
site rep, the COG should -- should publish that report.
There are some things if we'd have written in a report
members of the staff would have read and asked questions
about, and we might have got a little better -- done a
little better job of identifying potential issues.
DR. WINOKUR: All right.

MR. FASKO: So, I have a couple other things that I'm in process of discussing with the other group leads, since the -- there are some sites that aren't mine that don't have site reps. So...

DR. WINOKUR: Thank you for that.

Do we have other -- other questions?

MS. ROBERSON: No. Thank you.

DR. WINOKUR: If not, I want to thank you very much. We'd like to proceed to our next speaker, Dr. Adam Poloski, the Board's Group Lead for Nuclear Facility Design and Infrastructure. Dr. Poloski, please report to the Board on the Nuclear Facility Design and Infrastructure portion of the Technical Director's Draft Fiscal Year 2015 Work Plan. Welcome, Adam.

DR. POLOSKI: Good morning, Mr. Chairman and members of the Board. First slide, please. My name is Adam P. Poloski, and I am the Board's Group Lead for Nuclear Facility Design and Infrastructure, or NFDI.

I am here this morning to present and discuss areas of the technical staff's Fiscal Year 2015 work plan that are focused on design and construction of DOE's defense nuclear facilities. Slide two, please.

Work plan activities in this mission area focus on strategic goal number three, strengthen safety in
design, from the Board’s strategic plan, which strives to recommend and promote safety in design for new and modified defense nuclear facilities. This goal executes the following Board function: The Board shall review the design of a new Department of Energy defense nuclear facility before construction of such facility begins and shall recommend to the Secretary, within reasonable time, such modifications of the design as the Board considers necessary to ensure adequate protection of public health and safety.

During the construction of any such facility, the Board shall periodically review and monitor the construction and shall submit to the Secretary, within a reasonable time, such recommendations relating to the construction of that facility as the Board considers necessary to ensure adequate protection of public health and safety.

Inaction of the Board or failure to act under this paragraph may not delay or prevent the Secretary of Energy from carrying out the construction of such a facility. The Board’s NFDI Group, one, performs independent and timely oversight focused on strengthening the use of approved nuclear standards in the design and construction of defense nuclear facilities and major modifications to existing facilities; and, two, enhances
the clear and deliberate implementation of the principles
and core functions of integrated safety management in the
design, construction, and upkeep of safety systems in
defense nuclear facilities.

DOE's safety and design philosophy is intended
to promote the early identification of safety
requirements and strategies at the conceptual and
preliminary design phases. NFDI's planned oversight
activities support this philosophy and are intended to
provide timely identification of new safety issues and
effective resolution of existing safety issues.

Slide three, please. Work in this mission area
represents about one-third of the resources in this work
plan. This figure depicts the planned work distributed
among key design and construction topical areas that
include safety basis development and implementation,
which accounts for about 17 percent of OTD resources;
design of safety-related systems, structures, and
components, or SSCs, which accounts for about 15 percent
of OTD resources; facility component testing and
acceptance, which accounts for about 1 percent of OTD
resources; and improving communications, which accounts
for less than 1 percent of OTD resources.

These review activities are necessary to enable
timely communications to DOE, which enables DOE to
resolve issues effectively. Some of the communications include, one, project letters that summarize unresolved safety issues and provide the Board’s view on safety status of projects at appropriate critical decision milestones; and, two, reports to Congress that summarize unresolved safety issues on a project-by-project basis.

Slide four, please. As depicted in this figure, NFDI’s largest review effort involves the safety-related design aspects of the Hanford Waste Treatment and Immobilization Plant, WTP. Following years of delay in WTP design development, DOE recently approved the resumption of limited design and construction for the WTP High-Level Facility and has plans to complete resumption efforts for other facilities in FY2015.

In the case of the pretreatment facility, this allows for the limited resumption of design activities later in calendar year 2015. Preceding resumption, DOE approved key safety basis documents that attempt to align the WTP design with required safety-related documentation such as the High-level Waste Facility Safety Design Strategy, or SDS, which is a roadmap to align the high-level waste facility design with the preliminary documented safety analysis.

The SDS is the primary guide for DOE’s contractor in the design of safety-related SSCs. The
staff's planned activities focus on assessing whether the
safety-related SSCs are adequate to meet nuclear safety
design requirements. For example, the Board closed
Recommendation 2010-2, Plus-Jet Mixing of the Waste
Treatment and Immobilization Plant due to changes in
DOE's approach, which rendered the original sub-
recommendations irrelevant.

FY2015 planned safety oversight activities for
WTP focus on mixing issues that remain unresolved since
2010, which include inadequate mixing of waste in process
vessels, waste feed sampling, and waste slurry transport
systems. Additional planned safety oversight activities
focus on other longstanding unresolved issues, such as
erosion/corrosion of piping systems and any significant
changes in the WTP design.

Slide five, please. In FY2015, DOE plans to
achieve several significant critical decision milestones
for various projects. This work plan contains oversight
activities to support issuance of project letters at
these milestones. For instance, NFDI plans significant
work activities to prepare a project letter based on
review of the safety basis for the Y-12 Uranium
Processing Facility as the new design effort progresses
through final design.

DOE is also scheduled to complete conceptual
design for the Low Activity Waste Pretreatment System, or LAWPS, at Hanford and the Direct Electrolytic Reduction and Electorefining Project, or DER/ER, at Y-12. Again, NFDI plans significant review activities to review the safety basis documents and prepare project letters in advance of these critical decision milestones.

Construction of the Salt Waste Processing Facility at the Savannah River Site is nearing completion. Significant activities in FY2015 for this project include reviews of the safety-related instrumentation and control systems as they are designed, procured, installed, and tested, and turnover of other safety-related SSCs. NFDI also plans to focus on quality assurance reviews for this facility in FY2015.

The Board recently issued a project letter for the transuranic waste facility at the Los Alamos National Laboratory. In that letter, the Board identified five nuclear safety issues on that project. NFDI plans follow-up reviews to successfully resolve these issues in FY2015.

The Board has open issues with the validation and verification of the structural engineering software code called the system for analysis of soil structure interaction, or SASSI. Significant planned activities in FY2015 involve assessing DOE’s recently completed
calculation packages that address the Board’s concerns.

Slide six, please. Uncertainty associated with the planned design and construction activities discussed above primarily involves scheduling -- schedule slippage in DOE’s design and construction projects. For example, safety basis reviews depend on DOE developing key safety documents; and reviews of critical stages of design depend on DOE’s projects reaching the associated design milestones. Reviews of safety-related SSCs require the design of the SSCs to reach a mature level prior to review.

Conversely, if DOE projects progress faster than expected, reviews forecast in future years may need to be performed in FY2015. For example, the Tank Waste Characterization and Staging Project, or TWCS, at Hanford is assumed to be in conceptual design in FY2016. If this milestone occurs in FY2015, reviews would need to be accelerated correspondingly.

NFDI identified a number of design reviews for safety-related SSCs that are not included in the proposed work plan. These reviews are primarily of the confinement ventilation systems at the WTP facilities. The staff’s engineering resources in the subject matter area are assigned to higher priority reviews during FY2015. This resource limitation is addressed in the
Board’s draft FY2015 staffing plan.

In the case of the safety basis development and implementation activities, efforts are focused on performing reviews of key safety basis documents that support DOE’s approval of critical decision milestones. The review of other safety basis documents is a lower priority. Based on the available staff resources, such as -- such reviews are not planned for FY2015 for LAWFS, TWCS, and some WTP facilities.

This concludes my prepared testimony. If you have questions, I would be pleased to answer them at this time.

DR. WINOKUR: Thank you, Dr. Poloski. We’ll begin the discussion and questions with Mr. Sullivan, please.

MR. SULLIVAN: Dr. Poloski, the -- so, you heard preliminary discussions before involving the Technical Director, we were looking at one-third of the staff’s resources going to your area, which is design and new construction. And I hope you don’t take this offensively, but these things are all generally years away from operations. But some of them, unfortunately, have also been many years actually in the design phase.

There’s some history here involving the Board, the Department, some Congressional direction that has
resulted in what we refer to in our current approach as safety and design. Can you just elaborate a little bit on that approach? After you elaborate a little bit, I’m going to ask you, you know, if it can be more efficient and effective than what it currently is.

DR. POLOSKI: Yeah, the safety and design initiative began in the mid-2000s and kind of culminated or initiated with the 2007 Joint Report to Congress from the Defense Nuclear Facilities Safety Board and the Department of Energy. In that joint report, they outlined their architecture for a number of Board actions and DOE actions to identify issues early in the design of new facilities and communicate them to the Department and have them take action to resolve them early so the costs don’t escalate and balloon into, you know, large projects that you had referred to earlier that don’t successfully reach an end point.

So, that included issue -- on DOE’s part issuing DOE Standard 1189, which is a safety in design standard. It outlined a number of requirements for preparing safety basis through the different design phases, from conceptual/preliminary to final design and on into operations, as well as on the Board’s side issuing project letters and periodic reports to Congress at critical decision milestones. That would be for the
project letters and periodic reports to Congress,
initially started at four times per -- per year, and
that's -- lately they've been about two or three times
per year. And that's the actions that the Board has
taken, and DOE, to resolve safety issues and design and
construction more efficiently.

MR. SULLIVAN: Okay. So, I think everybody,
you know, as a taxpayer, we're interested in efficiency
and effectiveness, so there is -- there's always a
question since these projects are so big, many of them,
they cost so much money, you know, is DOE and NNSA being
efficient in these processes?

And I'm not asking you if they are. What I'm
asking is, you know, there are some who would -- who
might question whether or not we are actually impeding
their efficiency by being too intrusive. And then on the
other hand, there's a question of effectiveness. You
know, I'd like to point to this -- you know, this
strategy from the mid-2000s and say, well, it's -- it's
obviously very effective, and unfortunately we go looking
for the poster child of success in the design and new
construction of defense nuclear facilities since then,
and I don't think we can find it.

And, so -- so, it just leads to the question.
I'm not saying that I can prove it isn't efficient and
effective, but I can't prove that it is, either. So, I would like your thoughts on how we -- how we might go ahead. So, we haven't looked at the whole concept since mid-2000s. Is there -- you know, is it time to look at it again?

DR. POLOSKI: All right, so, at the time of that 2007 Joint Report to Congress, there were two projects that were outlined as pilot projects for the safety and design initiative, and those were the Integrated Waste Treatment Unit at Idaho and the Uranium Processing Facility at the Y-12 site. And since that point in time, I think both of those projects have had difficulty, and it might be of value to go back and reexamine how effective the architecture that was set up for safety in design was at meeting the original objectives of the 2007 Joint Report to Congress. So, some further study and some lessons might, you know, point to some improvements in the learned efficiency level and the -- to meet those objectives.

MR. SULLIVAN: Okay, but would it be a true statement that you don't -- you don't have the room within this plan that you've presented us to actually go do that sort of review? I mean, it sounds like that sort of review might actually take quite a bit of manpower, wouldn't it?
1 DR. POLOSKY: Yeah. I believe that’s true. I think that there are a number of large projects that are out there. There was a number of DOE standards and orders and guides that would have to be reviewed and assessed on a case study basis, and so it would be a large effort in my estimation.

7 MR. SULLIVAN: Okay. Well, I mean, I’d be interested in the thoughts of any other Board members, and this is -- because this is what I kind of struggle with here is that as the Chairman is fond of saying, you know, we’re a small agency of 100 or so people up against how many billions?

13 DR. WINOKUR: About 15, I think.

14 MR. SULLIVAN: All right, about 15 billion on the other side.

16 DR. WINOKUR: In our area, Mr. Sullivan, DOE’s bigger than that.

18 MR. SULLIVAN: Yeah. So, the point -- the point here is, so, we are so busy every day looking at all this stuff, how do we go about taking the significant amount of time it would take to actually look at what we’re doing and how we’re doing it and say, all right, can we do it better.

24 So, again, I mean, you can respond to that if you want. If you’ve got nothing else to say, that’s
fine. I’m just telling you what I’m struggling with. Or we could hear from other Board members on that subject, but thank you.

MR. TONTODONATO: If I could actually add one little bit to that, it would also be instructive to consider the DOE projects that got built in the past, previous to any design -- safety and design approach and see where they ended up, because you have examples like Building 371 at Rocky Flats that was built and never was able to do the mission it was built for. You had a nuclear materials storage facility at Los Alamos that was built and was never able to be used for the mission it was built for.

And there’s a list like that. You could almost make a DOE major project Pachinko board and drop it in and see where they fall out at the bottom, and you’ll find out that not thoroughly considering the safety and other aspects of the design, you know, 371, one of the problems was -- with that was just material accountability, the way it was designed. And you end up with something that you’ve spent a lot of money on and you can’t use. So, I would just add that. There are problems that were there because of the failing I’ve got with that point.

DR. POLOSKI: And then there’s another
approach, too, and that would be to look at successful
DOE projects and try to replicate, you know, what was
successful, what made those projects successful on some
of the other projects, as well. So, that would be
another category to consider.

DR. WINOKUR: You know, the comment I would
make is that the Department of Energy has an aging and
old infrastructure, and on the NNSA side, it knows it
needs to reinvent that infrastructure and that strategy,
and the Board’s always been supportive of that. We’ve
testified to that. And their more elegant solutions were
to build new big facilities -- big box facilities, which
they’ve had difficulty doing.

And on the EM side, the solution to the EM
legacy waste issue was also big, large facilities that
they felt they needed to build. And I think that’s --
when the Board looked at where DOE was and where DOE was
going, we knew that -- that, you know, we wanted to in
some way help to make sure that they could put that new
infrastructure in place.

And it is true what Mr. Sullivan says, that
under the best of circumstances, these are projects that
even if they begin today won’t be fully operational for
many years, a decade or more. And while at the same time
there are pressing operational issues at the site.
So, we do need to get -- I support Mr. Sullivan's thoughts -- the right balance and look at it very carefully to make sure that we are preventing the WIPP accident of tomorrow, making sure workers aren't being hurt, making sure that we have the right operational oversight and tempo at the sites, and at the same time supporting DOE as it attempts to migrate in new directions.

And you have a comment?

MR. STOKES: Yes, sir. Along those lines, one of the things I just want to point out is in those instances, for example, in the legacy area, we talked about expending resources on operational activities. The operational activities that we're talking about are there because the large projects are not there. And, so, as we -- as you look at the balance, being able to design and operate the waste treatment plant without having a lot of problems, towards the end of the project, will facilitate no longer having to operate aging and ever-aging facilities. So, there's a distinct link between the two.

MS. ROBERSON: Can I comment on this?

DR. WINOKUR: Please.

MS. ROBERSON: Great, thanks. Well, I, too, I'm open if Mr. Sullivan has a proposal to make. I think we certainly can't design and construct DOE's facilities
for them, but much like at WIPP, we can -- we can look at
how we can be more effective, are we raising issues in a
timely manner, are they responding to them, would they
have made a difference?

I don’t know if that’s a this-year initiative
that the Board would prioritize it that way or not, but I
think because we’re so small we always want to make sure
we’re getting the most bang for the buck that we’re
expending.

DR. WINOKUR: Okay, do the Board members have
other questions for Dr. Poloski?

MR. SULLIVAN: No, I do not.

MS. ROBERSON: I have one other question, and
you’ll correct me if I’m wrong. So, you’re kind of like
our largest group, right?

DR. POLOSKI: I believe so, like 18 or 19 --

MS. ROBERSON: I believe so, that’s very modest
Adam. But, also, you’re kind of where our core
engineering disciplines, many of them, are, is that
right?

DR. POLOSKI: Yeah, there are a lot of subject
matter expert engineers in this group, as well.

MS. ROBERSON: Right.

DR. POLOSKI: Yes.

MS. ROBERSON: So, when Mr. Dwyer, you know, or
Mr. Pasko, and Mr. Pasko says, well, I got a -- you know, I want to do a review on erosion or whatever at DWPF, you’re going to go see him, right, to get some expert resources in the area -- in the engineering areas that apply? Is --

DR. WINOKUR: They nodded affirmative, at least one of them is.

MS. ROBERSON: Yeah.

MR. PASKO: I actually had Dr. Rosen who is --

MS. ROBERSON: Well, he’s doing Hanford.

MR. PASKO: And your example is true.

MS. ROBERSON: Yeah.

MR. PASKO: I need somebody to talk civil --

MS. ROBERSON: Yeah. So, my question, Adam, and I don’t know if you can tell me, kind of do you have a sense of your split? I mean, I would say I’m going to create my own word. You’re probably the most matrixed group. Do you kind of have a split -- an understanding of the split there?

DR. POLOSKY: Right. So, the way that we constructed the work plan, we’re highly matrixed, and so we assign staff resources according to the activities that are listed in the work plan, but we didn’t break it down in terms of assigning --

MS. ROBERSON: Okay.
DR. POLOSKI: -- each staff member to a specific group. It was all mission-focused and not line management.

MS. ROBERSON: I just wondered if you had a percentage. Don’t worry if you don’t. I’ll look at your data.

DR. POLOSKI: Okay.

MS. ROBERSON: And, so, then my question is, you know, thinking ahead, are there specific capabilities that you’re short on, that you think would equip you to present a more confident front to the Board on your activities?

DR. POLOSKI: Yeah. One key resource that we mentioned earlier was the confinement ventilation resource, and so I -- that is in the staffing plan and it’s something that I think nearly every one of the design and construction projects has a safety-related confinement ventilation system, so it’s very important to our mission.

MS. ROBERSON: Yes.

MR. STOKES: There was one other resource that was -- constrained the group, and that was in the area of chemical engineering process safety.

MS. ROBERSON: Okay.

MR. STOKES: That was the other one that
presents a very -- a big challenge.

MS. ROBERSON: Okay. Okay.

DR. WINOKUR: Okay, with that, we want to thank you, Dr. Poloski, and proceed to our next speaker, Dr. Daniel Bullen, who is Group Lead for Nuclear Programs and Analysis. He’ll report to the Board on his programs, which are a portion of the Technical Director’s Draft Fiscal 2015 Work Plan. Welcome, Dr. Bullen.

DR. BULLEN: Thank you, Mr. Chairman and members of the Defense Nuclear Facilities Safety Board. My name is Daniel Bullen, and I’m the Board’s Group Lead for Nuclear Programs and Analysis, NPA. I’m here today to present and discuss the areas of the technical staff’s Fiscal Year 2015 Work Plan that focus on our oversight of DOE’s regulations, requirements, and guidance for providing adequate protection of health and safety to the public at defense nuclear facilities and DOE’s efforts to improve the establishment and the implementation of safety programs at these facilities. Next slide, please.

Our activities in this area focus on strategic goal two, strengthening safety standards from the Board’s strategic plan. In particular, the Board’s technical staff performs effective and timely oversight to strengthen the development, implementation, and maintenance of DOE’s regulations, requirements, and
guidance for providing adequate protection of the public
--- public health and safety at defense nuclear
facilities. In addition, the Board's NPA staff conducts
safety bases reviews at these facilities.

These efforts provide the Board with the
technical bases to develop analysis, advice, and
recommendations that will inform the Secretary of Energy
in providing adequate protection of public health and
safety at defense nuclear facilities. Next slide,
please.

The NPA 2015 work plan represents about 10
percent of the resources available across the technical
staff as shown in the two far right columns of the bar
chart on this slide. Approximately 5 percent of the
technical staff resources are committed to directives
reviews and 5 percent are committed to safety program
reviews. These safety program reviews represent complex-
wide review efforts that have been undertaken to address
potential safety issues that may exist at multiple sites.
Next slide, please.

The highest priority activities for the NPA
Group in the proposed work plan are review of DOE safety-
related directives, work planning and control, quality
assurance and software quality assurance, and emergency
preparedness and response.
In the area of directives reviews, the NPA Group leads the technical staff’s assessment of the development and implementation of new and revised DOE directives. These assessments evaluate the adequacy of all the proposed revisions to DOE and NNSA directives of interest to the Board to ensure that any revisions are technically supported, appropriate, and provide for adequate protection of the public, worker, and the environment.

The results of these reviews are provided to DOE for action. The staff anticipates that approximately 25 to 30 DOE and NNSA directives will be reviewed during the Fiscal Year 2015.

Another cross-cutting area that is addressed in the NPA Group is work planning and control. The Board’s report -- Technical Report 37, Integrated Safety Management at the Activity Level: Work Planning and Control, concluded that there was a lack of comprehensive requirements and guidance within DOE’s directives governing work planning and control and a lack of requirements for DOE and contractor oversight in this area.

In response to this report, DOE committed to develop new and revised directives on contractor implementation of work planning and control and guidance
for contractor and DOE oversight in this area. In Fiscal
Year 2015, the NPA Group will complete a number of work
planning and control reviews across the complex to
evaluate the effectiveness of DOE’s implementation of
comprehensive guidance and requirements for work planning
and control.

Another cross-cutting, complex-wide issue
addressed in our work plan is quality assurance and
software quality assurance. As part of our normal review
effort in this area, NPA has undertaken the lead to
expand the technical staff’s capabilities in the area of
QA and SQA through knowledge transfer. A number of
quality assurance and software quality assurance reviews
are planned during Fiscal Year 2015. These reviews,
which will be completed at a number of sites across the
complex, are intended to facilitate the transfer of QA
and SQA expertise, knowledge, and experience from the
Nuclear Programs and Analysis subject matter expert, SME,
to staff members in each of the technical groups. This
effort will serve as a template for similar knowledge-
transfer efforts that will be required as members of the
senior staff SME Group approach retirement.

Emergency preparedness and response is a key
component of the safety bases for defense nuclear
facilities. It is the last line of defense to prevent
public and worker exposure to hazardous materials. On September 2nd, 2014, the Board issued Recommendation 2014-1, Emergency Preparedness and Response, which highlighted ongoing complex-wide emergency preparedness and response challenges and recommended corrective actions to address these challenges.

As a follow-up to this recommendation, the NPA Group has planned emergency preparedness and response reviews for Pantex and the Savannah River Site to inform the Board on the efficacy of DOE’s short-term response to this recommendation. Additional emergency preparedness and response reviews will be conducted at other defense nuclear facilities over the course of the next two years to evaluate the effectiveness of this recommendation.

Next slide, please.

There are a number of major uncertainties that must be addressed during the execution of this work plan. One of the most significant uncertainties for the NPA Group for Fiscal 2015 is the ability to meet the staffing requirements for currently planned reviews. The replacement of key technical personnel in the areas of radiation protection, quality assurance, material science, and safety basis analysis poses a challenge to the ability of the NPA Group to complete the Fiscal 2015 Work Plan. These staffing issues are addressed in the
technical staff workforce plan.

Another area of uncertainty on the review of --
is the review of DOE directives, excuse me. Directives
reviews depend on DOE and NNSA's activities to develop
new or modify directives or to cancel directives. The
workload in this area is subject to sharp increases when
DOE and NNSA launch efforts to make fundamental changes
in the system of safety directives. DOE and NNSA pursued
several such initiatives to modify or eliminate
directives since the Board began operations.

Before I close, I'd actually like to express my
appreciation to the NPA Group members for their
assistance in developing the oversight plans and work
plans that went into our work plan. And I'd also like to
express my appreciation to my fellow group leads and the
Technical Director and Deputy Technical Director for a
number of spirited conversations that we had over the
course of the planning process.

This concludes my prepared testimony. I thank
you for the opportunity to testify this morning. If you
have any questions, I'd be pleased to answer them at this
time.

DR. WINOKUR: Hopefully, we can provide some
spirited questions.

Ms. Roberson, do you have a spirited question?
MS. ROBERSON: I have a spirited question. So, the Board -- earlier this year, the Board communicated to the Department concerns about their directives revision process. And is that on your screen? What are you guys doing and what are they doing and how does that affect your work plan?

DR. BULLEN: Actually, our work plan is initially predicated on what we expect to see from DOE, but in addressing the directives review process and the communication that the Board has had, we have had staff-to-staff communications associated with that, but there’s nothing formally written in the work plan to address that issue in answer to your question.

MS. ROBERSON: Okay.

MR. SULLIVAN: If I can -- can I chime in?

DR. WINOKUR: Please.

MR. SULLIVAN: I think this is a very important area, and it’s very important because fundamentally I see an issue between us and the Department. And the issue is this. We have open recommendations, 2010-1 comes to mind, where the recommendation was -- resulted in an implementation plan that said that what the Secretary committed to, revising directives and instructions, and four years later we’re still waiting for a revised 3009, which is sort of the lynchpin of the rest. It will be
four years. My view of why that is the case is because
the Department has this process they refer to RevCom,
which is revision—whatever, whatever that is.

DR. BULLEN: And comment.

MR. SULLIVAN: Okay, revision and comment.

Thank you. They have a process where -- where their
process doesn’t guarantee that the output will match what
the Secretary committed to do in the implementation plan.
So, in other words, they have two separate processes over
there: one that has them respond, you know, create an
implementation plan responding to our recommendations,
and to implement their -- that plan.

Okay, they have another process on how they do
revisions to their directives. The two don’t -- there’s
no correlation. There’s no match, okay, so we sort of
get in this infinite do-loop of staff-to-staff -- I see
you’re smiling. So, you’re a veteran of this do-loop,
okay. So, where they put something into RevCom, right,
what comes out doesn’t match the implementation plan. We
comment on that and ask them to send it back. They put
it back into RevCom; it comes out again; and the same
thing.

And we just go over and over and over, and
we’re at the four-year point on Standard 3009 and we’re
still going around. So, this is an important area. And
the question is, you know, what -- do you have any
suggestions on how we fix it?

DR. BULLEN: I understand your frustration and
actually share some of the frustrations, but I would like
to point out a number of things. And you are correct,
it’s taken a long time. 3009 is a standard that is very
important to the development of safety bases at DOE
facilities. And when we started, we were -- we had many
comments, over 180 comments, that the Board staff
developed.

And through staff-to-staff interaction, which
has been actually relatively successful in resolving a
number of the comments, we have, in my estimate, made
progress. We’ve actually instituted in the 3009 a better
document, or DOE has instituted a better document through
this comment resolution process.

Keep in mind that we’re not dealing with
commenting, you’re right. There are -- the entire
Department comments on these standards as they come
through. However, you are also correct in noting that
there are certain commitments made in the implementation
plan that are difficult for DOE to address in the RevCom
process. And we are at a point now where we’ve reached
what may be considered diminishing returns. We have a
few outstanding issues, and so we’ll have to see how the
process plays out.
As I understand it, we’re in the process now of
3009 being issued, at which point our staff will have to
reassess, compare it to the implementation plan, and see
what’s going on with respect to that. But in answer to
your question, yes, there is a challenge.

MR. SULLIVAN: Okay. I really was hoping that
we might get some suggestions on how to address the
challenge, but I guess we can leave that for another
time.

MS. ROBERSON: Okay.

DR. WINOKUR: Okay.

MS. ROBERSON: So, one other question, and then
I’ll turn it over to my peers. In your presentation, you
talked about some staffing capability challenges, RAD
protection, key-way (phonetic) material signs, all very
important. Safety basis, I think we all know safety
basis we pretty much have to grow our own. While we’re
trying to figure out the staffing part, are you using
contract resources? Can you use contract resources? How
are we filling that need for the essential work?

DR. BULLEN: Actually, we -- and as I listed
those issues in the staffing plan, some of those are for
attrition in my group that have left during the course of
the year.
MS. ROBERSON: Mm-hmm.

DR. BULLEN: And I did not recognize that as
the work plan that you’re going to see proposed for
Fiscal 15 addresses this issue. We already have some
people in the pipeline, in the hiring pipeline, to do
that.

MS. ROBERSON: Got you, okay.

DR. BULLEN: And, so, if you did the strict
math and compared, okay, if here’s all the numbers of
people we think we need, does that include the group --
the NP&A Group requirements? Some of those have already
-- are in the pipeline.

MS. ROBERSON: Okay.

DR. BULLEN: And, so, a nuclear engineer that
has quality assurance might be one of the people we hire.
I know that there’s a Ph.D. material scientist that we’re
looking for to replace an individual that left my group.
So, I would say yes, we can use contract and we do use
contract people to provide some support in the area
specifically of conduct of operations, conduct of
maintenance.

So, we have the capability to use contractors,
but we also have in the plan, which I’m going to do the
preview of the coming attractions for Mr. Welch now, lays
out what the tech staff thinks we need, as well as the
rest of the agency. But the tech staff plan is also part of that. And it, I feel, it is addressed in that plan. I hope I answered that question for you.

MS. ROBERSON: No, you did. I was focused more on the -- this year versus hiring, but you’re in -- you’re saying some are in the pipeline already.

DR. BULLEN: Correct.

MS. ROBERSON: Okay, great. Thank you.

DR. WINOKUR: Any other questions?

MR. SULLIVAN: Yes. Dr. Bullen, do we do reviews of training and qualification programs amongst Department of Energy, NNSA, and their contractors as a cross-cutting area?

DR. BULLEN: We -- there’s an individual in my group who does the federal technical capabilities review process, and so we actually look at those capabilities, and we have done reviews in those areas, so the answer is yes.

MR. SULLIVAN: Okay. I see many comments in this area coming from Savannah River. And what I’m trying to figure out, and I’m not sure I have the information to figure out, is -- are the training and qualifications at Savannah River poor in comparison to those programs at other DOE/NNSA sites, or is this a function of training and qualification seems to be
something that our staff, who looks at Savannah River,
looks at more closely than perhaps our staff looks at in
other areas. And can you shed any light on which of
those two it is?

MR. TONTODONATO: Well, actually, I can shed a
little light into Savannah River in particular. I mean,
one of the things we’ve seen there is -- am I coming
through?

Is our site representatives detected the fact
that they were doing a pretty major amount of hiring at
one of the contractors there, and that triggered them to
say, all right, how are all these people going to get
trained and qualified. You can’t just throw them out
into the nuclear field. And, so, that is a big driver
for why we’ve had the emphasis on looking in particular
at Savannah River recently.

MR. SULLIVAN: Okay, thank you.

DR. WINOKUR: Let me ask you a question, and
then I’m going to lay out the time frame for the rest of
the meeting here today.

I want to first of all acknowledge the group
and their outstanding work they do. You really have
quite a -- quite a scope of work that you need to do.
Not only are you kind of the guardian and the keeper of
DOE’s safety framework in terms of everything they do in
that regard, all the directives, all the orders of
interest to the Board, but I guess when I look at this I
see that you really are also the keeper of the safety
management programs -- radiation protection, quality
assurance, training qualification.

I mean, those are all site-wide programs, so
your people can integrate at a fairly high level, and you
do interact with the Department at a fairly high level to
make sure that -- that what’s in place needs to be in
place, because I think DOE has a good safety record and a
lot of it owes to these things. It owes to their safety
framework, and it owes itself to their safety management
programs.

I mean, the construct of how DOE does things, I
think, is well done. Do you have any thoughts on that?

DR. BULLEN: First, let me agree with you that
we do have the cross-cutting individuals, and I have a
number of subject matter experts, probably second-most to
Dr. Poloski for the number of subject matter experts in
my group. And we do address a number of the cross-
cutting issues associated with that, so I would just
agree with the statement that you made, and hopefully
we’ve been somewhat successful in your eyes in addressing
the issues that are raised in those areas.

DR. WINOKUR: Okay, I want to thank you.
For the remainder of the meeting, the following -- the schedule is as follows. We’re going to have one more report from the Office of the Technical Director, Mr. Tontodonato, and then we’re going to move to our staffing plan. I believe we will still finish this meeting close to 12:30, if not maybe a few minutes over. And we will invite comment from members of the public at that point.

So, with that, I invite our final speaker from the Office of the Technical Director.

    MR. TONTODONATO: All right, I will be mercifully brief.

    DR. WINOKUR: Mr. Richard Tontodonato, the Board’s Deputy Technical Director and Acting Group Lead for Performance Assurance.

    MR. TONTODONATO: Mr. Chairman and members of the Defense Nuclear Facilities Safety Board, as you said, my name is Richard E. Tontodonato. I am the Board’s Deputy Technical Director. I have also been the Acting Group Lead for Performance Assurance since mid-September. I’m here this morning to discuss the areas -- the technical staff’s Fiscal Year 2015 Work Plan involving the technical staff’s performance assurance activities.

Work in this area focuses on elements of the Board’s strategic -- fourth strategic goal, achieve
excellence in management and communication with stakeholders that are associated with the Office of the Technical Director. This includes the Board’s strategic objective to improve management controls to achieve the Board’s mission efficiently and effectively.

It also includes the strategic objective to improve and sustain effective, transparent two-way communications between the Board and its stakeholders on safety issues and DOE’s defense nuclear complex and on the Board’s operations. This mission area represents about 5% of the technical staff’s resource allocation.

The management controls area primarily involves work to support periodic assessments and reports with regard to performance goals and indicators from the Board’s annual performance plan that pertain to the technical staff. This includes coordinating OTD input to agency budget requests, annual performance plans, and annual performance reports. This work supports the Board’s compliance with the Government Performance and Results Act.

The Performance Assurance Group also coordinates a large effort to develop and implement a comprehensive suite of internal controls for the technical staff. This effort is managed from the Performance Assurance Group, but it involves
contributions from across the entire technical staff. We started this effort in Fiscal Year 2013, and we expect to finish in Fiscal Year 2016.

The improved communications area represents work done by the technical staff to support the Board’s public meetings and hearings, as well as visits by the Board members to DOE sites with defense nuclear facilities. The Board approved the schedule for these events earlier this year. I’ll present that on the next slide, but not yet.

The improved communications area also includes work to support issuing two periodic reports to Congress in FY2015. The periodic reports provide the status of significant unresolved technical differences between the Board and DOE on issues concerning the design and construction of defense nuclear facilities. The Board has issued these reports since 2007 as one of the actions identified to improve the timeliness of issue resolution in response to Congressional direction in the FY2007 National Defense Authorization Act.

The Performance Assurance Group also serve as the OTD interface with external review groups such as the Board’s Inspector General and the Government Accountability Office. The level of effort required depends on how many reviews are performed that will have

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an impact on OTD. Okay, next slide.

All right, as you can see, the Board has approved a comprehensive travel calendar for FY2015. The work plan indicates specific weeks for the site visits, but I left that information off the slide in interest of readability. We just have the months. The dates that are shown for the planned public meetings and hearings are subject to change if needed to accommodate the schedules of officials from DOE and its contractors and other participants. Detailed agendas for each trip, meeting, and hearing will be provided to the Board for approval nearer to the date of the event.

The major uncertainty in planning for these work areas involves the technical staff internal controls effort. We factored training and implementation of the new internal controls into the work plan by allocating 80 hours to each full-time equivalent for OTD-wide training. If the impact on the technical staff exceeds the planning basis, then our planned work activities and safety oversight would be affected.

In fact, we paused the rollout of new staff directives and internal controls during FY2014 in part to allow the technical staff to focus on the safety oversight work. Balancing achievement of the Board’s goals for safety oversight with its goals for instituting
and improving internal controls required continued
management attention.

That concludes my remarks. Thank you. I am
happy to answer any questions.

DR. WINOKUR: I’ll begin the discussion and
questions with Mr. Sullivan.

MR. SULLIVAN: Thank you. Well, I learned
something. All this time I thought your name was simply
Tonto.

MR. TONTODONATO: And my whole family has that
same name.

MR. SULLIVAN: So, back on the overview,

improve management controls to achieve the Board’s
mission efficiently and effectively. So, I want to raise
the subject of how efficient and effective are -- have
our recommendations actually been over the past 10 years
or so. I use 10 years because we’ve closed many
recently, and one of them that jumps to mind was 2004-1,
Oversight of High-Hazard Complex Nuclear Operations.

My assessment was that over 10 years there was
some improvement, then there was some backsliding, then
there was some improvement, and then backsliding. And we
basically just got exhausted after 10 years, so we closed
it because we thought the recommendation itself had lost
its effectiveness. I will note that at the time we

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closed it, the implementation plan was -- that the
Secretary had given a decade ago still wasn’t even
complete.

So, do we have the capability to look again at
ourselves, at our recommendations, and try to figure out
if we are being effective and efficient at what we are
actually putting in them.

MR. TONTODONATO: Okay, I mean, that type of
review is part of the reason that we put the PA Group
into existence. I mean, we have an oversight plan that
we have developed for the group that’s starting out to
look at metrics and indicators of our own performance.
It’s not something that we routinely did in the past, and
this is really the first cycle we have going through
that.

We do not have programmed into that the type
of review you’re talking about. I mean, we are looking
at -- the recommendations are a line item in this one,
but it was more along the lines of the existing ones that
are open now and are the, you know, deliverables coming
in on time, do they meet the mark on what DOE said they
were going to do, and, you know, are we keeping track of
it to make sure that there isn’t a recommendation out
there that we’ve somehow -- you know, it’s not in our
tracking system and it’s not getting the attention it
But, I mean, the comment you bring up is a very valid one. I mean, it would be instructive to take a look at the history of recommendations. See, my own personal experience, I've been with the Board since 1992, and some recommendations -- actually, a lot of recommendations, you get a lot of immediate improvement. There are a lot of low-hanging fruit. I mean, if you look at the recommendation on Building 235F, a lot got accomplished pretty quickly with that to make immediate improvements in the safety posture of the facility.

And now we're into the parts of it that are harder, and those are the parts that can tend to drag out, especially if they involve significant amounts of money moving around within DOE. Those are always difficult to do. And as you pointed out with Recommendation 2010-1, if it involves issuing a new directive, depending on the complexity of that directive, how many different parts of DOE and its contractors have an interest in the directive's content, that's another thing that can cause a recommendation to drag out because, you know, we're trying to do something hard and complicated, and it's not getting -- going to get done quickly.

MR. SULLIVAN: So, what I'm looking for is some
sort of feedback that might help guide future
recommendations, whenever we feel that we have to send
one to the Secretary, so that we can make them efficient
and effective. But, you know, if doing a thorough review
of that, it seems like it would be a real challenge for
your very small group. It might even be a real challenge
for our 120-man organization.

    But, nevertheless, I mean, it’s the number one
thing for us. It’s the number one thing for our mission,
and, so, I think we need to do something to make sure
we’re doing it as effectively and as efficiently as
possible, and I’ll be interested in further thoughts and
input later on how we might do that.

    DR. WINOKUR: Can I comment on that?
    MR. SULLIVAN: Absolutely.
    DR. WINOKUR: I think -- my comment would be
that when I look at 4-1, I see it as a very successful
recommendation, and I’m not actually -- I’m going to be
supportive of some of what Mr. Sullivan is saying. It
was a recommendation that reaffirmed integrated safety
management, and a lot of good came out of it, but there
were parts of it in the implementation plan that the
Department had a difficult time implementing, like
nuclear safety R&D, and that did drag it on.

    And, so, when you look at this process, I think
you made the point that we have a lot of early initial
gain on many of these, and then things do seem to linger.
So, my perspective is how does the Board maximize its
operations so we work with the Department to get 80 or 90
percent of the gain but don’t just continue to let
things, you know, proceed for longer periods of time when
there’s very little additional benefit, because it’s a
burden on both sides to keep these things open if it’s
not necessary, and I think -- and I think that’s useful
to look at. So, I’ll get back to you.

MR. TONTODONATO: Yeah, no argument from me on
that.

DR. WINOKUR: Okay.

MR. SULLIVAN: I don’t have any other questions
or comments.

DR. WINOKUR: All right. Ms. Roberson?

MS. ROBERSON: I don’t have any questions for
Mr. Tontodonato. Okay.

DR. WINOKUR: Well, I think that we -- you are
the Acting Group Lead here. We did choose a new group
lead. We’re excited about Chris Roscetti coming onboard
hopefully and running that group. It has great
potential. And like you said, once again, we’ll have
some opportunity to do the integration of things and help
the Board. And it’s a new area for us, and we need it.
We’ve learned from a lot of different inputs and sources that we need to be more -- more -- the way I like to say it is I think the Board was always effective in terms of what it did, but we always need to be more efficient. And some of the new practices coming out of this group, I think, are very beneficial. A little bit of pain on the learning curve, but in the end, I think it will serve the Board well.

So, with that, you were short, we were short, and we’ll move on. And we have our final agenda item before we get to public comment. At this time I want to move to our next order of business on the agenda. I want to recognize our next presenter, who we have spoken to before, our General Manager, Mr. Mark Welch, who is going to report to the Board on the Board’s Draft Fiscal Year 2015 Staffing Plan.

And, so, we have the three office directors joining Mark because questions obviously on staffing will be directed to the Office of the Technical Director, Office of the Legal Counsel, and Office of the General Manager.

Mr. Welch.

MR. WELCH: Good afternoon. I’m going to provide a brief overview of the Draft Fiscal Year 15 Staffing Plan that you’ve each reviewed. The staffing
plan provides an analysis of the Board's current workforce, workforce planning considerations for the Board, and lays out the strategy for the Board to acquire the resources needed to implement the office-directed work plans.

In this overview, I'm going to focus on each office's workforce profile, resource gaps, and the strategies to fill those gaps and develop the Board's workforce resources to their fullest potential. The Board, as with other federal agencies, is currently operating -- operating under a continuing resolution or a CR through December 11th. Implementation -- implementation of this plan is contingent on the Board receiving, at a minimum, annualized funding at the CR level. Slide two, please.

Excluding the five-member Presidential-appointed Board members, the Board has 120 budgeted FTEs. The Board operated at 107 FTEs in Fiscal Year 14. Four people have been hired who will be joining the Board in the first quarter of the year. Assuming 10 losses based on historical attrition, the Board must hire up to 19 new FTEs for the year. Slide three, please.

The Office of the General Counsel, or OGC, currently has seven employees on Board, an executive vacancy, and an immediate need for another attorney to
address resource needs as outlined in the OGC work plan. The attorney would be hired at the mid-career level to allow for professional growth, and the additional resource would allow the Board’s more senior attorneys to concentrate on the complex legal needs of the agency.

Given the type of work is inherently governmental and cannot be performed by contractors, and given the volume of work, need cannot be met by providing training or additional professional development to the current staff. Slide four.

The Office of the General Manager, or OGM, currently has 18 employees on Board, three vacancies, and an immediate need for another human resources specialist to address resource needs as outlined in the OGM work plan. The new position has already been approved by Board action earlier this month.

For the positions to be filled, the OIG liaison, who will also provide internal control and policy development support, and information technology positions are in the recruitment process and should be onboard in the first quarter. The vacant executive position was advertised in Fiscal Year 14 but no selection was made. It will be readvertised in the first quarter of the fiscal year. Slide five.

The Office of the Technical Director, OTD,
currently has 77 employees onboard; six new hires who
will be joining the Board in the first quarter; three
vacancies; and a need for three additional positions.
Given the workload outlined in the OTD work plan and the
allotted staff numbers, OTD has determined that the
Board’s core mission of safety oversight would benefit
from three additional engineers, bringing OTD staff size
to 89 FTE.

OTD will continue to employ the strategies of
offering advanced educational and professional
development opportunities to help ensure its staff meets
the changing technical needs to address current and
anticipated issues of the DOE nuclear complex. However,
OTD recognizes there are some areas of immediate need
that will not be met by the current staff.

To address those gaps, OTD is requesting an
additional three positions, which in conjunction with the
already approved slots will be used to address the
Board’s need for mechanical engineers with ventilation
proficiency, chemical engineers with process engineering
expertise, and engineers with a concentration in material
sciences, preferably at the Ph.D. level. Slide six,
please.

Slide six compares the allotment of funds
between Fiscal Year 14 and Fiscal Year 15. Although the
proposed federal staff would increase by five positions, the allotted share of funds would decrease, primarily because of large -- larger increases in contractor support.

Planned support from government service providers will remain constant but decline slightly as a percentage of overall funds due to the increase in other areas. For contract support, OGM plans to use recurring contractor support services totaling the equivalent of ten and a half full-time employees in a wide range of IT and administrative support needs. The estimated amount of these services is approximately $1.3 million. Other contractor support needs may arise but are not expected to exceed 200,000.

For administrative support, OTD plans to continue utilizing contractor support totaling the equivalent of five full-time employees for secretarial and technical editing support. The estimated amount of these services is approximately 400,000.

OTD also plans to utilize contractor resources to provide administrative support to each of the group leads. Each group lead would be supported by a full-time contractor employee, who would provide support at the group level for a broad variety of program management activities. The estimated amount of this support,
effective the start of the second quarter, is 560,000.
Technical contractor support would be obtained on an as-
needed basis in an amount not expected to exceed 500,000.
Funds are also included to fund an option for
Intergovernmental Personnel Act or IPA support. Slide
seven.

The Division of Human Resources, HR, in
conjunction with the hiring office, will develop a
recruitment plan for open vacancies. This plan will
outline both no-cost and cost options for expanding the
pool of candidates to increase diversity. No-cost
options include the development of an outreach list-serve
where vacancy announcements are automatically sent out to
under-represented communities and use of the OPM Chief
Human Capital Officer’s shared list of people with
disabilities.

Cost options include purchasing online and in-
print copy in targeted publications, including at
universities and colleges, and the use of online
associations like the Equal Opportunity Publications,
EOP, site, which offers access to their network member
list, publications targeting under-represented groups.

HR and OTD will also continue to work together
to ensure attendance at targeted recruitment fairs, both
college and professional, with an emphasis on under-
1 represented groups such as the EOP's STEM Diversity
2 Career Expo this May. The goal will be for a 5 percent
3 increase in the recruitment of under-represented groups
4 during Fiscal Year 2015.
5 OTD and HR will work together to mentor and
6 provide feedback on the pilot Knowledge Transfer Program
7 or KTP. The KTP pilot will be used to create a program
8 structure to give employees with extensive technical
9 knowledge and practical experience the opportunity to
10 transfer pivotal data prior to retirement so it may be
11 retained with the Board. The KTP pilot includes defining
12 special -- the specific deliverables and objectives,
13 including mentoring activities and electronic
14 repositories, to be achieved in the best interest of the
15 agency.
16 Feedback will include quarterly updates to the
17 Board on the progress, successes of, and lessons learned
18 from the pilot KTP. The successful implementation of a
19 KTP will demonstrate that knowledge transfer has
20 occurred. The program may be replicated and used
21 throughout the agency to meet the needs of succession
22 planning and knowledge transfer as deemed necessary.
23 Slide eight, please. Use of the IPA to acquire
24 temporary or project-specific technical knowledge when
25 needed from other government agencies, colleges or

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universities, federally funded research and development centers, or other eligible organizations will be explored. An IPA does not use an FTE slot because an IPA appointee remains an employee of their original employer. This option may provide temporary assistance in hard-to-fill technical areas and allows for knowledge transfer between the Board and outside technical experts.

The success of this option would be measured by feedback from the Board office that the appointee has been -- that the employee has been value-added for the mission-critical workload, has successfully completed projects or work papers, and/or transferred knowledge to staff.

HR and OTD will develop a structured leadership development program to address the challenge in recruiting managers with both the technical knowledge and the requisite managerial and leadership skills from external sources. Strategies include developing a structured internal mentoring program, providing external opportunities for professional development, such as the Excellence in Government Program, structured rotational opportunities, and internal training opportunities through AgLearn. Development of the program is planned for Fiscal Year 15, to be ready for implementation in Fiscal Year 16.
Slide nine, please. In Fiscal Year 15, there will be a continued effort to strengthen and supplement the current staff’s expertise in areas that remain of importance to the Board and its mission. As is the Board’s policy and practice, all employees have equal access to professional development opportunities, regardless of race, color, and other legally protected bases.

Slide ten. The Fiscal Year 15 staffing plan will be used to support the Board’s vital safety oversight missions so that all workforce resources are used appropriately and to their fullest potential. As such, the plan addresses the need for additional positions to meet increasing workload, the need to balance the use of permanent staff with the use of contractors and government service providers who can offer economies of scale, and the use of other flexibilities, such as the use of IPA to acquire any temporary or project-specific technical knowledge needed.

The Board has a need for succession planning, especially for SES, manager, and DN-V positions and a need to recruit, retain, and develop staff, including the need to target recruitment efforts to attract and retain women and other under-represented groups in technical areas. To that end, the staffing plan is designed to
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1 ensure the Board has the right workforce skills,
2 attributes, expertise, and strategies in place to meet
3 the President’s and stakeholder expectations now and in
4 the future.
5
6 This concludes my presentation. I would like
7 to thank Missy Smith, the Board’s HR Director, for her
8 outstanding support in preparing the staffing plan. I’m
9 happy to answer any questions.
10
11 DR. WINOKUR: Thank you. So, the discussion
12 and questions will begin with Ms. Roberson.
13
14 She’s not ready right now. How about Mr.
15 Sullivan?
16
17 MR. SULLIVAN: Thank you. My first question is
18 that back in March the Board submitted its FY15
19 Congressional budget request through the Office of
20 Management and Budget as required, and we said we needed
21 to go from 120 to 125 FTEs, and we needed to add a
22 senior-level employee to be the Board’s sole interface
23 with the NRC IG. I understand that that is the one
24 position that you’re -- said you were adding. We needed
25 two mid-level employees in administrative areas to
26 support the additional workload generated from
27 administrative audits and reviews. And we needed to have
28 two mid-level engineers for technical reasons to support
29 work generated by former risk assessments by 2013 NDAA.
And what we end up with now is a request that says one, one, three.

I noted in the General Counsel’s attachment that support to IG is 0.05 FTE. So, how did -- how did we go from 0.05 FTE to 1.0 FTE in the Office of the General Counsel? We did not tell Congress that we wanted to go from 120 to 125 in order to have more attorneys on the staff.

MR. WELCH: Well, when we prepared the budget, which was just probably about a year ago, you know, at the time we didn’t have experience with the IG. So, the -- one of the five positions identified was the OIG liaison position, so we actually -- within our existing FTE allotment of 120 FTEs, we actually converted a position to -- to the OIG liaison position. So, one of the five we thought we’d have to increase, we don’t have to.

And then in the administrative support area, OGM is proposing the one additional resource in the HR area. So, yes, things have changed since we submitted the budget, that -- so the five we identified back then is not the same five we’re identifying now.

MR. SULLIVAN: Well, the budget -- I’m looking at the Congressional budget request, which we approved in March.
MR. WELCH: Right.

MR. SULLIVAN: So, it wasn’t a year ago. It was only about six months ago.

MR. WELCH: Right. I’m sorry, yeah, the OMB budget was a year ago, but you’re right, the Congressional budget was back in March.

MR. SULLIVAN: Okay. And that’s -- and that didn’t mention anything about needing more attorneys, and it only mentioned dealing with the IG, which the attorneys do some, but I’m reading the General Counsel’s work plan, and it says 0.05 FTE. So, once again, I’m looking for the justification that -- why is the justification now different than what it was six months ago when we said something to Congress in terms of what we needed?

MR. WELCH: I would say because we’ve learned quite a bit now that we’ve been operating with the IG for the last six months or so.

MR. SULLIVAN: I’m sorry, but the General Counsel’s plan, the plan he’s giving us today, and it says he only needs 0.05 FTE to deal with the IG, so I don’t -- I don’t understand that at all.

MR. WELCH: I mean, the General Counsel’s plan lays out different -- different rationale for their increase.
MR. SULLIVAN: So -- so what you're saying -- what you're saying is we really don't need the people we thought we were going to need to deal with the IG, and so we divvied them up in other fashions? Is that what you're saying?

MR. WELCH: Well, I'm saying I think we still need 125 FTEs, but we don't -- we don't need them in the manner that we had said a year ago or past March. That's correct.

MR. SULLIVAN: And -- but in March, we said we needed three people to -- three positions to deal with the IG and we were going to add two to the technical staff.

MR. WELCH: Correct.

MR. SULLIVAN: Okay. And now you're telling me we don't really need to add three positions to deal with the IG. Is that right?

MR. WELCH: Well, I can say for OGM we need two, one for the -- one for the IG liaison and the other in the HR area because we have a lot of policies and procedures and other things we need to do to -- to improve in that area.

MR. SULLIVAN: Okay, so, that's in your request.

MR. WELCH: That's in my request, yes.
MR. SULLIVAN: Okay. I'm still confused. So, where did the -- where did the one attorney come from?

MR. WELCH: Well, when we developed the 15 work plans, I mean, that need was developed. It doesn't necessarily tie to what -- to the budget we submitted to -- for the 15 budget.

MR. SULLIVAN: So, is -- okay. So, is this the collective input of the three of you that we need one more attorney more desperately than we need yet one more technical person who could get some of those red bars to be a little bit shorter? I mean, that's what this is about, right? How do we use our assets in this organization.

And I see -- as I said before, I looked through the submission of the Office of the General Counsel work plan and I see an awful lot of stuff where they're editing, even though we have a technical -- technical writer on the staff, and they're sitting in meetings following a procedural guide that isn't necessary and can be done by a designee, which doesn't have to even be any -- an attorney. I mean, I just see all these things, and yet we say now that we need another attorney.

I mean, I also see that we're the United States Government, and most of what we do is deal with the United States Government. It's DOE and NNSA. I'm just
not seeing the need to have another attorney, and I don’t
understand at all how in six months what the Board agreed
to has now changed to a submission that looks
significantly different. I’ll leave it at that.

DR. WINOKUR: Do you have other comments you
want to make? Please do.

MR. SULLIVAN: I do.

DR. WINOKUR: Please do.

MR. SULLIVAN: So, within this plan, one of the
comments or -- that was in the more detailed plan said
that we were -- we were heavily weighted, I think 79
percent, towards mission-oriented, but I think that only
accounts for the actual people on the staff. It -- that
doesn’t include contractor support that we go out and
get. Is that true?

MR. WELCH: Yeah, that -- that was a data point
from a snapshot in time, which we got from OPM-published
figures. That just solely includes government FTEs or
government federal employees.

MR. SULLIVAN: Okay. Because -- so, I’m just
doing a little counting here. We have about seven --
what do you have, about 80 people in the Office of the
Technical Director and we want to go to 90? That’s
right? Rough numbers?

MR. STOKES: Those rough numbers are correct.
MR. SULLIVAN: Okay. So, the General Manager’s at 21, wants to be at 22.
MR. WELCH: Correct.
MR. SULLIVAN: The -- the General Counsel’s at eight and wants to be at nine.
MR. WELCH: Correct.
MR. SULLIVAN: Right, so, you know, so that’s 31. I think technical actually has two positions which are strictly administrative. Is that right? You have two -- you have two positions --
MR. STOKES: We have two -- yes, that’s correct.
MR. SULLIVAN: Okay. So, you’ve got two. So, we just start -- we just start counting, we’re up at, what, 33, and you contract for ten and a half FTEs’ worth of support directly. We have -- this request is about $600,000 in administrative work that we get done with interagency agreements.
MR. WELCH: Right.
MR. SULLIVAN: So, that translates into a couple of FTEs. We contract for administrative support for five FTEs’ worth for the Technical Director. We have a plan that’s asked to contract for more. I mean, as I understand the purpose is actually to support the group leads, which I heard before, yeah, we really kind of do
1 want to get them out of their office a little more, so I
2 actually support that purpose.
3 But when I add it all up, I think it’s coming
4 to we’ve got about 80 scientists and engineers, trying to
5 go to 90, and we actually have support that equates to
6 pretty close to 60 FTEs doing support. So, do we have
7 all the right people in the right places? Does this
8 balance make sense? I’m trying to figure out how do I
9 figure that out.
10 MR. WELCH: Well, we have -- obviously we have
11 a lot of external requirements, which generate all these
12 support needs. You know, I can say from my personal
13 experience I think it’s the right balance, but I can’t
14 point you to any -- any sort of study or anything like
15 that that indicates it one way or the other.
16 MR. SULLIVAN: Is there somebody within the
17 Federal Government that we could ask to come in here, yet
18 another interagency agreement, but ask them to come in
19 here and tell us do we have all the right support people
20 in the right places? How do we know we’re right-sized on
21 that? I mean, again, what I’m looking for, I just want
22 to emphasize, I mean, I think I owe it to Congress, to
23 the taxpayers, to make sure we are efficiently using the
24 money. I’m not disputing that -- I’m not trying to say
25 that any of these people are sitting around not doing
anything.

MR. WELCH: I understand.

MR. SULLIVAN: I’m trying to figure out how do I get a handle on it to say that, yes, I agree, we’re doing -- we’ve got absolutely all the right people in all the right places.

MR. WELCH: It would be difficult to do a study, I believe, and I’d have to go back and do a little bit more research, but I don’t believe there’s any readily available data that discloses amongst agencies how many, you know, federal employees they have, how many contractors they have, or how they get outside support from other government service providers.

So, I think it would be a difficult study. It probably would involve somebody actually talking to some -- a handful of agencies, maybe of comparable size, and getting that information. But it’s possible that data’s out there that I’m just not aware of it.

MR. SULLIVAN: Okay. Well, I’d be interested in any thoughts you have on it, because I see this as a responsibility that I have, absent any data, resources, somebody to tap into to say, you know, are we doing the right things. I mean, it’s very difficult. I mean, because -- it’s very difficult for me to do that duty.

I mean, frankly, nobody works for me, which has
its benefits. I don’t -- I don’t have to write any
performance appraisals or some of those other difficult
tasks. But -- but nobody works for me, so I don’t -- I
am reliant on you to figure out how I can get some of
this -- some of this help.

I’d have a similar thought on executive
positions. I mean, we have 11. I understand from the
reading material that that’s -- that’s on the high end of
-- you know, in terms of percentage for an agency our
size. Again, I’m not saying any of those -- the people
are in them aren’t useful or don’t deserve to be
executives, but, you know, do we have the right number,
are they in the right places?

I don’t know how to evaluate that, absent any
analysis, any look, maybe any independent judgment from
somebody else. Again, I’m interested in your thoughts on
that one.

MR. WELCH: Yeah. That -- I mean, that data, I
think, is more readily available. That’s something that
probably could -- would be easier -- easier done than the
-- what we just talked about. But, yeah, that’s
something we can go back and look at.

MR. SULLIVAN: All right, thank you.

DR. WINOKUR: I would say -- yeah, you have a
comment? And then I’ll make a comment.
MS. ROBERSON: Well, I was just going to make a
comment. I guess about three years now, we actually
invested in a workforce analysis, and if I recall, it
probably provides some good foundation to -- to this, so
it might be a place to work.

MR. WELCH: Yeah, I did actually -- I went back
and looked at that. It did not address contractors or
government service providers. That was the one -- that
was the one area that --

MS. ROBERSON: Okay.

MR. WELCH: -- I don’t think we tasked them to
look at.

MS. ROBERSON: Okay.

DR. WINOKUR: The point I would make is that so
much of what we’re discussing here today is kind of new
for us, and we are beginning to learn, and we are
beginning to plan and I want to thank you and Missy,
also, for the staffing plan. It’s the most professional
staffing plan I’ve seen put in front of the Board, and it
needs to be evaluated, and there are a lot of different
levers that we can turn and move in that we need to be
more understanding of those and make sure that we’re
being as efficient as possible in our operations. So, I
think it’s a good -- a good opportunity for us to scrub.

The other thing I mentioned before is we got
bigger. We got bigger over the last five years. We used
to be a very small agency. Now we’re trying to get in
the range of 110, 120, and even 125. And it will require
a little bit more rigor on our part. So, I think it’s
always -- it’s important for us to be able to do these
kinds of things. And I think the initial efforts I’m
seeing here today are great. We’ve -- I’ve been here for
eight years. I’ve never seen anything at this level, and
it’s -- and it’s an outstanding effort. And for a first
effort, it’s really, I think, quite exceptional, but
that’s my perspective.

MR. SULLIVAN: I think we might just gain some
experience if we look back at the history of this
organization. This organization has grown quite a bit,
so how much in terms of percentage balance between
support and mission did we have over time? I’m not
asking you to answer that question right now, but I’ve
seen this before in government. It’s just sort of the
nature of the beast. We don’t respond to markets. You
know, in the real world, they say, okay, we got to get
efficient; all right, we’re cutting 20 percent of the
overhead, everybody go figure out how to get the job
done.

All right, so, what happens in a government
agency is, you know, we get people who got to run the
agency, and so the tendency when you’ve got something to
do, you’ve got something to do there, Mr. Technical
Director, well, you really need more administrative
support. I understand that. Your tendency is just to
say, okay, give me more money and more bodies, rather
than saying, hey, give me the bodies that are over there
in somebody else’s department, because you guys got to
work together each -- each day. Nobody wants to raid the
other.

Nevertheless, what that results in is everybody
just grows and nobody ever looks at, all right, are we
growing smartly, are we growing properly, are we growing
efficiently. That’s the nature of government agencies
that don’t respond to markets. I’m trying to figure out
how do I do my duty and make sure we are growing smartly.

MR. WELCH: I understand your point. The only
thing I can answer is my experience in the last ten years
here is the OGC and the OGM federal staff has remained
pretty constant, and the support we get from government
service providers has -- has remained pretty constant.
We have increased contractor support, primarily in the IT
-- IT arena. For example, we have a web developer that
we didn’t have ten years ago. We have a SharePoint
administrator that we didn’t have ten years, which really
primarily services the technical staff. But in terms of
federal FTE, we’ve remained pretty constant in the last ten years.

MS. ROBERSON: I don’t think Mr. Sullivan’s going to complain about the IT support. He’s a driver there.

MR. SULLIVAN: No, no, I like all our IT guys. What I -- what drives me crazy is that my fellow board members don’t seem to want to give up paper.

MS. ROBERSON: I like paper.

MR. SULLIVAN: And, consequently, we have to have two systems: paper and IT. But, okay, you know, without -- at the risk of beating a dead horse here, I just think this is an area that we -- I would benefit from if we could figure out how we go take a look at it and how we make sure we -- we grow smartly.

I can understand that we have more technical staff, more people in the organization, so there’s more travel claims. There’s more -- there’s more performance appraisals, there’s more all that stuff. Quite frankly, I don’t see the fact that we have more technical staff translating into more legal work. I just -- I don’t.

But that’s me.

DR. WINOKUR: Yeah, I’m not willing to draw that -- and let me first of all acknowledge that I have migrated to an iPhone, so I want to get some
acknowledgment there in terms of my skill set.
You know, I think we do need to look at the
balance. And I'm not really in any position to draw any
conclusions about exactly how many we need in the general
manager, legal. As Chairman, I can tell you I depend
upon legal for a tremendous amount of information, and I
did, not only with Mr. Reback but when Mr. Azzaro was
here, these are folks that I meet with almost every
single day.

There are many, many issues that even the Board
members don't completely know about, personnel issues and
things like that, very, very thorny legal issues we deal
with that take up huge amounts of time. And to be frank,
I have hired outside legal counsel to help me with some
of these issues they're so specialized and so difficult.

So, I think we live in a world, and Mr.
Sullivan would understand this better than anybody, a
very legal, litigious world and a very challenging world,
and employees and everybody have rights and they want
those rights supported and protected. And it just puts a
great burden today upon people in government. That's my
impression of it. So, I -- I see the government growing
-- this is philosophical now -- increasingly legal in
nature, but that's just my thought about it.

At this point in the meeting, we are going to
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ask for comments from members of the public. I have not received any advance notification of that. Is there anybody of the public that would like to make a comment to the Board?

(No response.)

DR. WINOKUR: Well, seeing none, I’m going to -- we’re going to go to closing remarks, which I think will be relatively brief. I do want to ask the Board members if they have any closing remarks, and then I have very brief closing remarks.

Ms. Roberson?

MS. ROBERSON: You know what, I just want to say first thank you to the Board and thank you to our staff. I think this was a painful effort. We’re doing lots of firsts. We have an IG first; we’re doing work plans first. We’re doing a lot of firsts. And, so, I appreciate the effort. I think we will be better for it in the coming years. The world transparency requirements, reporting requirements, we’re a big organization, so although I’m sure very painful, I just want to say thank you to both.

DR. WINOKUR: Mr. Sullivan?

MR. SULLIVAN: Yes. So, let me repeat a couple of points here, and unfortunately I will start with the negative. And the negative is that the Board did direct
back in June that a policy be created so that we could
post on the internet our comments for notational voting
sheets. There will be amendments; there will be voting
on these plans; I will have comments. I think those
comments should be available to the public.

Despite the passage of time of 20 weeks, we
have not seen the policy. In fact, very recently, what
we have seen are some requests that essentially amount
to, despite the lack of any legal requirement prohibiting
this Board direction, the staff doesn’t want to do it.
That’s what it amounts to. There’s no other way to say
it than that. I think that’s inappropriate. I think
it’s wrong.

I frankly think, Mr. Chairman, in your capacity
as the chief executive officer that you should direct the
staff immediately to comply with the prior Board
direction. I appreciate your comments of we’ll take a
look at this, we’ll think about that, but I don’t think
we need anymore thinking about what the Board has already
directed. We just need the staff to comply.

So, I will move on to other general thoughts.
I think most of what I’ve seen today is an excellent
product, excellent work, a lot of effort went in. I know
the -- there’s an awful lot of moving mission pieces in
the technical department in trying to pull all that
together to present it cohesively and concisely was a
real challenge, but the challenge appears to have been
met, appears to have been met very well. So, I thank all
of you for doing that.

I thank my fellow Board members for being
willing to actually have a public meeting, something that
I don’t think has happened since -- maybe it happened in
the early days of the Board, but I don’t think it’s
happened in a very long time, measured in decades. And I
think this has been a good meeting, so thank you.

DR. WINOKUR: Let me close by thanking, well,
my fellow Board members for their hard work in preparing
for this hearing and, you know, taking this obviously
very seriously, as they should, and to the staff. I’m
just impressed with everything we did and we accomplished
-- or you did; I didn’t do it. You spent the hours doing
it. That’s a great work product and I think will benefit
the Board. And it was painful the first time. I’m
hopeful that next year it will be a lot easier.

And with that -- and it will be a lot easier

MS. ROBERSON: I was going to say.

DR. WINOKUR: So, once again, I’d like to thank
everyone for their participation in this business
meeting. Amendments to these work and staffing plans
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will be addressed by the Board’s document processing and
notational voting procedures within 30 days of this
meeting.

After disposition of all amendments, the final
work plans for each office and the Board’s staffing plan
will be voted on by the Board. The results of these
votes will also be available on the Board’s public
website. Approved work and staffing plans are subject to
revision at the discretion of the Board.

This concludes the Defense Nuclear Facilities
Safety Board’s business meeting. This meeting is
adjourned. Thank you all for attending.

(Whereupon, the public meeting was adjourned at
12:46 p.m.)
CERTIFICATE OF REPORTER

I, JEN METCALF, the officer before whom the foregoing testimony was taken, do hereby certify that the proceeding was digitally recorded by me and thereafter reduced to typewriting by me or under my direction; that said testimony is a true record of the event; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and, further, that I am not a relative or employee of any of the parties hereto, nor financially or otherwise interested in the outcome of the action.

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