

In the Matter of:

Defense Nuclear Facilities Safety Board

September 28, 2017
Public Business Meeting

Condensed Transcript with Word Index



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Public Business Meeting

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7 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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10 PUBLIC BUSINESS MEETING:

11 DNFSB STRATEGIC, STAFFING, AND WORK PLANS

12 FOR FISCAL YEAR 2018

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15 September 28, 2017

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18 625 Indiana Avenue, NW

19 Washington, DC 20004

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A P P E A R A N C E S

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3 DEFENSE NUCLEAR FACILITIES SAFETY BOARD:

4 SEAN SULLIVAN, Chairman

5 BRUCE HAMILTON, Vice Chairman

6 JESSIE H. ROBERSON, Board Member

7 JOYCE L. CONNERY, Board Member

8 DANIEL J. SANTOS, Board Member

9

10 DEFENSE NUCLEAR FACILITIES SAFETY BOARD STAFF:

11 JAMES BIGGINS, General Counsel

12 GLEN SKLAR, General Manager

13 KATHERINE HERRERA, Deputy General Manager

14 RICHARD TONTODONATO, Deputy Technical

15 Director

16 ADAM POLOSKI, Deputy Technical Director

17 CHRISTOPHER ROSCETTI, Associate Technical

18 Director

19

20

21

22

23

24 REPORTED BY:

25 Sally Jo Quade, CERT, Reporter

4

P R O C E E D I N G S

1

2 - - - - -

3 CHAIRMAN SULLIVAN: So, good morning. My name

4 is Sean Sullivan and I am the chairman of the Defense

5 Nuclear Facilities Safety Board. I will preside over

6 today's public business meeting.

7 I would like to introduce my colleagues on the

8 Board. To my immediate right is Vice Chairman Bruce

9 Hamilton, and to his right Board member Jessie Roberson.

10 Next to Ms. Roberson is Board member Daniel Santos.

11 Seated to my left is Joyce Connery. We five constitute

12 the board.

13 Having established a quorum of Board members,

14 this business meeting will now come to order. James

15 Biggins, the Board's General Counsel, will serve as the

16 Board's Executive Secretary for the meeting.

17 This public business meeting was announced on

18 September 13th, 2017 on the Board's public website,

19 subsequently noticed in the Federal Register on

20 September 15th, 2017. The Board has voted to hold this

21 public business meeting pursuant to the Government in

22 the Sunshine Act, the Board's implementing regulations

23 for the Government in the Sunshine Act, and the Board's

24 Operating Procedures. The Board is recording this

25 procedure through a verbatim transcript.

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1 The objective of this public business meeting is
 2 for the Board to deliberate and vote on its Fiscal Year
 3 2018 Strategic Plan and Fiscal Year 2018 Staffing Plan,
 4 as well as the respective Fiscal Year 2018 Work Plans
 5 for the Office of the General Manager, the Office of the
 6 General Counsel and the Office of the Technical
 7 Director.
 8 After the presentations and questions, I will
 9 recognize members of the public for their comments in
 10 the time allotted. The Board will then recess for
 11 lunch. When we return, the Board will then deliberate.
 12 I will summarize the outcome of the discussions in
 13 conjunction with the summary of any staff taskings and
 14 votes by the General Counsel.
 15 This concludes my opening remarks in my capacity
 16 as Chairman, and I have no individual remarks in my
 17 capacity as a Board member.
 18 So I turn to my other Board members,
 19 Mr. Hamilton?
 20 MR. HAMILTON: I have no opening remarks,
 21 Mr. Chairman.
 22 CHAIRMAN SULLIVAN: Thank you.
 23 Ms. Roberson?
 24 MS. ROBERSON: No remarks at this time,
 25 Mr. Chairman.

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1 CHAIRMAN SULLIVAN: Mr. Santos?
 2 MR. SANTOS: No remarks.
 3 CHAIRMAN SULLIVAN: Ms. Connery?
 4 MS. CONNERY: No remarks at this time.
 5 CHAIRMAN SULLIVAN: This concludes the Board's
 6 opening remarks.
 7 I would like to begin with the first order on
 8 the agenda which is the FY '18 strategic plan, and I
 9 call on our general manager, Mr. Glenn Sklar, to make a
 10 presentation on the strategic plan.
 11 MR. SKLAR: Thank you, Mr. Chairman.
 12 Mr. Chairman, Mr. Vice Chairman Hamilton and Board
 13 members, thank you for the opportunity to introduce the
 14 draft strategic plan for FY '18 through FY '22. I would
 15 ask you at this time to please flip to tab 3 where both
 16 the prior strategic plan and new draft strategic plan
 17 are located. The draft strategic plan, which was
 18 drafted by Board Member Connery, includes a mission
 19 statement, principles, operational guidance and goals.
 20 Ms. Connery has generously agreed to both
 21 introduce and review the strategic plan for us this
 22 morning, so at this point, I will turn it over to Board
 23 Member Connery.
 24 MS. CONNERY: Thank you, Mr. Sklar. So, I'm not
 25 going to take credit or responsibility for having

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1 written this, since this went through Orange Folder
 2 process and is an amalgamation of ideas from all of the
 3 Board members. I will say this, that this is in Yellow
 4 Folder; however, it is not ready for prime time, even
 5 after this meeting. One, because I didn't have a
 6 technical editor, so you will notice that principles is
 7 spelled wrong and it's not formatted correctly, but also
 8 I think that there's still some cleaning up to do as,
 9 again, this represents a number of individual views and
 10 it hasn't really congealed yet to something that I
 11 believe is worthy of putting forward.
 12 So the reason why I move this forward is because
 13 the staff didn't feel that they would be able to do so
 14 themselves. Part of it is because I think we have a
 15 differing view on the Board as to what a strategic plan
 16 is and whether or not one is needed. There's obviously
 17 guidance from OMB that requires a strategic plan, so
 18 it's a pro forma act in the view of some Board members;
 19 other Board members, myself included, feel that
 20 strategic plans are important to set the goals and the
 21 vision for the agency moving forward.
 22 From our strategic plan will flow performance
 23 plans and our budget requests and individual performance
 24 plans for staff members. So that's why I believe it's
 25 important.

8

1 So I am going to briefly outline what's here,
 2 you can read to let you know why it looks the way it
 3 looks and how we got here. So first of all, the mission
 4 statement comes straight out of the -- out of our
 5 statute, and that was agreed to by all Board members,
 6 which is good that we all agreed to the mission
 7 statement that is put forward in law, otherwise we would
 8 be in deeper trouble.
 9 The second section is principles. This was in
 10 former plans and vision statement. There is -- that was
 11 omitted for verbiage that was principles, it was a lot
 12 longer, and a lot of -- each Board member had views as
 13 to what should be included and what shouldn't be
 14 included. But these three principles that are listed
 15 here are ones that were agreed to by all Board members
 16 without exception.
 17 The second section is an amalgam of some things
 18 that were actually part of the goals of last year's
 19 plan, and some of the other items in the front part of
 20 last year's strategic plan. And these, again, come from
 21 Orange Folder comments from the Board members, and so
 22 some of them are a little bit repetitive, and I believe
 23 the last three were added by one Board member and so the
 24 other Board members haven't had a chance to comment on
 25 them.

9

1 I would say that one place where we've had some
2 repeated remarks by one of the Board members was the use
3 of the word "transparent," because some of our closed
4 meeting transcripts haven't been published to websites,
5 that's a decision of the Board. There's a Board member
6 who feels that we should not aspire to transparency
7 because we don't embody it now.

8 I don't believe that's the view of the majority
9 of the rest of the Board members, but I just note that
10 as it's an area of potential controversy.

11 I think some of the others are pretty
12 straightforward with regards to how we would conduct
13 business. Again, some of the last three items were
14 added by a Board member during Orange Folder comment, so
15 again, this is in Yellow Folder, but I think we still
16 have work to do.

17 But more importantly, let's get to the goals.
18 The goals come directly -- this is at the request of one
19 of the Board members, directed from the statute, and are
20 organized I think chronologically is how they're listed
21 in the statute. So the first goal talks about standard
22 and review, independent review of the content and
23 implementation of the standards. This is one of the
24 primary reasons why the Board was created. If you look
25 back at the legislative history, the strategic

10

1 objectives are kind of split up into three areas: One,
2 that the Board staff will provide independent oversight
3 for the development of safety standards, so that's our
4 goal within the REVCOM process; that we will provide
5 independent review of the implementation, and this is
6 part and parcel of what the staff does when they go out
7 and determine whether or not the activities are meeting
8 the standards; and the third is performing cross-cutting
9 analysis of the effectiveness of the standards, and this
10 would, again, come from reviews that are performed
11 across the complex where there is identification of
12 issues that may eventually lead to problems, and that
13 would be able to compare and determine whether or not
14 the standards themselves as written are not only are
15 they not being implemented in the correct way or that
16 even if they are being implemented in the correct way,
17 perhaps that's leading to safety challenge that needs to
18 be addressed at a higher level.

19 The second goal had to do with the investigation
20 of any event or practice which adversely affects or may
21 adversely affect public health and safety. The
22 strategic objectives came from one of the Board members,
23 which I believe came directly from the statute. I
24 understand that part of this will probably need to be
25 addressed in a work-in-progress by the Office of General

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1 Counsel with regard to how we handle safety complaints
2 or safety issues, but these are fairly straightforward
3 and I think this may be a goal that we have to
4 re-evaluate in terms of the verbiage underneath.

5 The third goal is systematic analysis of design
6 and operational data, it's kind of the bread and butter
7 of what the staff does, and again, there is an emphasis
8 from a number of Board members about the independent
9 analysis that needs to be done, the review, the safety
10 analysis reports and operational data. And then the
11 second objective to independently obtain and analyze
12 data related to the safe operations.

13 Goal four is about review of design of new
14 facilities before construction and periodically
15 thereafter, and again, we've just issued a policy
16 statement on this, so this should flow directly to the
17 policy statement and there should be no areas that are
18 contradictory. So I would ask both Board members and
19 staff to make sure that those are aligned with what your
20 expectations are.

21 And goal number five is proposal of
22 recommendations to the Secretary of Energy, when
23 determined necessary, to ensure adequate protection of
24 health and safety. And that, again, goes back to the
25 statute that if we're writing recommendations, that they

12

1 are high-quality recommendations that are technically
2 sound with sufficient risk analysis and technical
3 feasibility of implementation provided.

4 So that's where we are now. Again, I would say
5 that this is even when -- if we vote this up, I would
6 suggest that we vote it up as a draft and then continue
7 to work on it so that all Board members are in sync with
8 what is in the strategic plan. I would say that at
9 least two Board members commented that the strategic
10 plan only works if all five Board members are in
11 accordance with it. So we have to be able to get a
12 strategic plan that gets a 5-0 vote in order for some
13 Board members to believe that it's going to be
14 effective, and that's actually a goal that I would also
15 want to strive for.

16 So, with that, I will turn it back to our next
17 agenda item.

18 MR. SKLAR: So, at this moment in time, we have
19 about 10 minutes left for this section, if folks do have
20 any questions, this would be the time.

21 CHAIRMAN SULLIVAN: So, I have a question for
22 you, Mr. Sklar. So, if I look at last year's plan, or I
23 mean, sorry, the old strategic plan which covered the
24 '14 -- FY '14 to '18 time frame, there was a little
25 schematic on the last page which talks about strategic

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1 plan flowing down to the annual performance plan. And
2 then over on the left, office leveling work plans,
3 individual performance plans and appraisals.

4 So, as this is -- my question is, as this is
5 constructed, the goals and strategic objectives all
6 follow the statute, which is all technical, so there's
7 no goals or objectives that would apply to any of the
8 non-technical people who work for the agency, which is
9 everybody in your office, and the general counsel
10 sometimes does work in a technical side and sometimes
11 not.

12 So, there are some things in the operational
13 guidance section which are non-technical, and my
14 question is, does it matter if we have things in the
15 strategic plan, whether we call them strategic goals or
16 operational guidance, or whatever we call them in the
17 plan, does that matter when we get into the annual
18 performance plan and the individual performance plans
19 under the performance appraisal and accountability
20 system?

21 MR. SKLAR: I guess I can address that two ways.
22 One is what meets the strict legal definitions for this
23 type of strategic planning, and the other is operational
24 guidance for organizations that need to do our job here.
25 So I will leave the legal definitions to OGC, but I will

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1 say certainly we'll take as much guidance as we can get.
2 Certainly today we are hopeful to get some operational
3 guidance from this group as well, your thoughts about
4 where we need to be, where we need to go. Certainly
5 written is best, but we'll take whatever guidance we can
6 get from this group.

7 CHAIRMAN SULLIVAN: Okay, maybe you can give us
8 an answer later if we're not prepared, and I don't want
9 to ask the general counsel to start talking about
10 something that may sound like attorney/client privileged
11 advice, but what I was really just asking is a technical
12 question about the rules and the regs, and so that is
13 does it matter, you know, if there's something in the
14 strategic plan, but it's not listed as a strategic goal,
15 can I still cite to it and develop annual performance
16 plans around that? That's really my question. Do you
17 know -- I don't know if you know the answer off the top
18 of your head.

19 MR. SKLAR: My gut answer is yes, in that
20 certainly there's a lot of leeway as we develop our
21 performance plans, but again, I'll defer to legal for a
22 technical response maybe on the record.

23 MR. BIGGINS: I would add to that, Mr. Chairman,
24 if I may. So, the Congressional intent behind GPRA and
25 the GPRA Modernization Act would be so agencies are

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1 performing the mission that Congress assigned to them
2 and that's why GPRA is designed so that the statutory
3 mission flows into the strategic plan which then is
4 supposed to flow down into performance requirements for
5 the agency and for the agency employees. And much of
6 that is captured in OPM guidance with respect to what is
7 supposed to be in performance plans. So performance
8 plans themselves are supposed to tie back to specific
9 strategic goals of the agency and highlight in each
10 performance criteria what goal of the agency is being
11 fulfilled by the performance plan element itself.

12 CHAIRMAN SULLIVAN: So I take from that that
13 there might be a problem if we don't have any strategic
14 goals related to how well we're going to manage or
15 otherwise comply with other requirements? For example,
16 we have -- just to take an example, we have employees
17 who do the budget and there's general managers
18 responsible for the budget. We don't have any goal,
19 strategic goal that says that we will have a good
20 budget. Is there -- will I run into problems trying to
21 write -- do the things I need to do under the
22 performance appraisal system?

23 That was where I was trying to go with my
24 question, and whether or not it would actually make more
25 sense to try and take the operational guidance section

16

1 and relabel it so that it would be usable in the
2 performance appraisal system.

3 MR. BIGGINS: It might make more sense to do
4 that because it's my understanding that the OPM guidance
5 is specific to the goals of the agency, so we
6 wouldn't -- we probably would not match the nomenclature
7 used by OPM if we left items in a -- under a heading of
8 operational guidance versus a strategic goal.

9 CHAIRMAN SULLIVAN: Okay, thank you.
10 Ms. Connery?

11 MS. CONNERY: So, I'll just note the first draft
12 of this I set it up to comply with OMB guidance.
13 Several Board members decided that they didn't like the
14 nomenclature and edited them. So that's why you have
15 what you have today as I was trying to accommodate the
16 views -- strong views in some cases -- of Board members
17 who didn't like the term "strategic goal," didn't like
18 the term "goal," didn't like the term "objective,"
19 didn't want to put operational issues in that part of
20 the strategic plan.

21 MS. ROBERSON: Mr. Chairman?

22 CHAIRMAN SULLIVAN: Yes?

23 MS. ROBERSON: Having been one of those Board
24 members, I just want to make sure we're going to
25 deliberate later, right, so I don't need to respond?

17

1 CHAIRMAN SULLIVAN: That's right, I was just
 2 asking for input.
 3 MS. ROBERSON: But what I want to make sure that
 4 I could ask Ms. Connery a question, since she was part
 5 of the presentation here. Is that okay?
 6 CHAIRMAN SULLIVAN: That's fine with me.
 7 MS. ROBERSON: You stated in your comments that
 8 you felt there were things missing, is that the thing
 9 you were referring to, or is there something else?
 10 MS. CONNERY: I believe that that's one of the
 11 bigger items. I think we need to be able to -- if you
 12 go strictly off the statute, the statute already exists,
 13 we don't need to -- in my view we don't need to
 14 regurgitate it. We need to give the staff guidance and
 15 I think we need to give the staff guidance not only in
 16 terms of what we'll do with regards to the technical
 17 work plan, but kind of broader guidance of how we want
 18 the agency to operate, and this includes efficiency and
 19 effectiveness and it includes, you know, some of the
 20 other items that were struck from the original document
 21 that we had before.
 22 MS. ROBERSON: Thank you.
 23 CHAIRMAN SULLIVAN: Are there any other
 24 questions from Board members before we proceed?
 25 (No response.)

18

1 CHAIRMAN SULLIVAN: If not, thank you,
 2 Mr. Sklar, and Ms. Connery, and we will now go on to the
 3 presentation of the Office of the Technical Director's
 4 work plan. So, Dr. Adam Poloski will start the
 5 presentation.
 6 So, while we're working on this, on the
 7 presentation, this presentation and questions are
 8 scheduled to go until 10:35, but to keep us on schedule,
 9 I would like to take at least a five-minute break after
 10 this before we move on, so if we can finish by 10:30,
 11 that would be good.
 12 MR. POLOSKI: Good morning, my name is Adam
 13 Poloski, I am the technical director for performance.
 14 Slide 2, please. Here is an outline of today's
 15 discussion. The discussion is broken into two pieces.
 16 I am here to present and discuss the first piece on how
 17 we develop the technical staff's fiscal year 2018 work
 18 plan. Mr. Richard E. Tontodonato, the Board's technical
 19 director for engineering operations, will discuss the
 20 second piece, which covers the highest priority work
 21 plan for FY 2018.
 22 Slide 3, please. The Office of the Technical
 23 Director, or OTD, developed the fiscal year or FY 2018
 24 OTD work plan based on the Defense Nuclear Facilities
 25 Safety Board's oversight mission. The work plan is

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1 organized consistent with the Board's strategic plan,
 2 performance goals and OTD organizational structure as
 3 follows: Nuclear weapons programs, NWP; nuclear
 4 materials processing and stabilization, or NMPS; nuclear
 5 programs and analysis, or NPA; and nuclear facility
 6 design and infrastructure, or NFDI; and lastly,
 7 engineering performance, or EP.
 8 The FY 2018 overview work plan discusses the
 9 oversight approach and high priority work within each of
 10 these organizational areas. OTD conducted a
 11 comprehensive and oversight strategic planning for
 12 FY 2018 resulting in 38 plans. The plans define the
 13 strategy for conducting nuclear oversight of Department
 14 of Energy sites, projects and safety management
 15 programs. The plans also include internal OTD
 16 initiatives to improve execution of the Board's mission.
 17 Based on the oversight plans, the technical staff
 18 identified approximately 280 work activities for
 19 FY 2018.
 20 I would like to take some time now to thank the
 21 OTD staff involved in identifying all of the candidate
 22 work activities, and the engineering performance staff
 23 who helped develop them into a feasible work plan.
 24 Specifically, I would like to thank Mr. Todd Davis,
 25 Ms. Frances Sunderland, Ms. Katie Sullivan and Mr. Peter

20

1 Foster for their outstanding efforts in producing this
 2 work plan.
 3 The OTD leadership team reviewed and adjusted
 4 the work plan until the focus -- or the work focus was
 5 consistent with the Board's priorities and the resource
 6 loads were appropriate for the available technical
 7 staff. The FY 2018 work plan loading addresses
 8 activities to emerging activities, including Board
 9 initiatives, operational safety issues and changes in
 10 the DOE defense nuclear activities.
 11 Slide 4, please. Each year, OTD has improved
 12 the planning tools and processes to help drive the best
 13 oversight strategies and execution of the Board's
 14 highest priority work. For FY 2018, OTD implemented
 15 improvements in the following areas: The first is staff
 16 resource loading; second is prioritization; and then the
 17 third is cross-cutting review identification.
 18 I will now talk about each one of these areas in
 19 further detail. For staff resources, OTD revised the
 20 planning system to allow tailoring individual staff
 21 members' loadings for use.
 22 Slide 6, please. For prioritization, OTD issued
 23 a standing order in June 2017 that included new guidance
 24 on work priorities for the FY 2018 work plan. The
 25 standing order defines the following work activities as

<p style="text-align: right;">21</p> <p>1 nondiscretionary: These include actions directed by the 2 Board, such as approved requests for Board action; Board 3 commitments based on response to Inspector General 4 reports; Board activities, including site visits, public 5 hearings and reports to Congress, for example the annual 6 report; activities consistent with Board policy and 7 procedures, such as design and construction reviews, 8 directives reviews, review of implementation plan 9 deliverables for recommendations, annual correspondence 10 on open recommendations, and, lastly, actions needed to 11 meet annual performance goals for the agency. 12 The technical staff prioritizes other OTD work 13 based on the type of activity; that is, safety bases 14 reviews, safety management program reviews, or directive 15 reviews, and a safeguard score. The safeguard score 16 indicates or includes criteria associated with people, 17 facility and equipment, operations and design, and 18 safety bases. The process results in a priority score 19 of 1 to 6, with 1 being the highest priority. The 20 technical staff may adjust the priority when warranted; 21 for example, in response to an operational event or 22 based on the Board's interest. 23 Slide 7, please. For cross-cutting reviews, OTD 24 conducted a series of oversight planning meetings in key 25 review areas. For example, fire protection, electrical</p>	<p style="text-align: right;">23</p> <p>1 the constraints and major uncertainties of the FY 2018 2 work plan. The work plan for 2018 has two principle 3 constraints: One, the resources were taken to be the 4 total number and capability of the technical staff, 5 resident inspector and supervisory work was not included 6 in the work plan; two, the work plan activities are 7 based on our understanding of current DOE plans for work 8 activities in FY 2018. 9 Uncertainties associated with the scope of work 10 in the OTD FY 2018 plan are largely tied to potential 11 schedule changes on the part of DOE and the National 12 Nuclear Security Administration, or NMSA. Some review 13 activities are dependent on DOE and NMSA producing 14 specific documents and achieving milestones prior to the 15 review. Emergent DOE and NMSA activities can also drive 16 the need to perform additional oversight activities that 17 impact the work plan. OTD will adjust schedules and 18 tasks to reflect the Board's priorities and maintain the 19 quality of each review. 20 Additional items that could affect the OTD FY 21 2018 work plan include internal and external assessments 22 of work processes and activities, including the 23 Inspector General audits. OTD resources are needed to 24 support these assessments and develop corrective 25 actions. Staff attrition and new staff hires also</p>
<p style="text-align: right;">22</p> <p>1 systems, ventilation, quality assurance, criticality, 2 seismic and geotechnical. These meetings provided a 3 forum to discuss potential reviews across the defense 4 nuclear complex, the key aspects of each review and 5 potential cross-cutting areas. 6 The meetings also encouraged cognizant engineers 7 to discuss the priority of each review with staff 8 experts, and help ensure consistent prioritization in 9 disciplines where technical staff resources are limited. 10 During the meetings and subsequent discussions 11 with the OTD leadership team, the technical staff 12 identified the following areas where cross-cutting 13 reviews were completed in FY 2018: Safety control 14 implementation, readiness review process and 15 maintenance/infrastructure management. 16 OTD also added two additional reviews based on 17 discussions with Board members following a preliminary 18 briefing on the draft FY 2018 work plan. These reviews 19 include: One, a comprehensive review of the 20 effectiveness of DOE actions to implement currently open 21 Board recommendations; and two, an evaluation of Board 22 safety issues in the DOE defense nuclear complex that 23 the OTD staff has considered open for more than two 24 years. 25 Slide 8, please. Now I would like to focus on</p>	<p style="text-align: right;">24</p> <p>1 impact the technical staff's capability and capacity. 2 New staff members typically do not have the same level 3 of technical and DOE oversight experience as the staff 4 members that depart. New hires also require training 5 that limits their work and impacts staff members 6 involved in their training. 7 Slide 9, please. With constraints and 8 uncertainties discussed, I would like to speak about the 9 strategic review by the OTD leadership team. The OTD 10 leadership team uses oversight plan input from the 11 technical staff, along with other information on 12 potential issues and problems at defense nuclear 13 facilities to evaluate whether appropriate reviews were 14 planned for FY 2018. Based on this effort, the team 15 adjusts the plan to focus on the most important 16 perceived oversight areas. 17 In addition, the OTD leadership confirms the 18 areas for cross-cutting reviews. At that point in the 19 process, one of the challenges facing the leadership 20 team is that the technical staff has identified work 21 that exceeds the staff capacity. The OTD leadership 22 team then needs to distribute the identified work 23 appropriately among staff over the entire fiscal year. 24 The OTD leadership team works with the staff 25 leads to adjust the work plan by adjusting the work</p>

25

1 scope, review team composition, and changing review
 2 schedules.
 3 Slide 10, please. In July 2017, the Board
 4 approved Policy Statement 6, a policy statement on
 5 oversight of design/construction of defense nuclear
 6 facilities. OTD adjusted the work plan consistent with
 7 the policy to include appropriate design and
 8 construction reviews that are specified at logical
 9 points in the process.
 10 The work plan includes technical staff work to
 11 support formal reports to the Board for the following
 12 design and construction phases: Conceptual design,
 13 final design, construction and commissioning.
 14 This concludes my prepared remarks. At this
 15 time I would like to turn over to Mr. Richard
 16 Tontodonato, the Board's deputy technical director for
 17 operations, to describe the work activities in greater
 18 detail.
 19 MR. TONTODONATO: Good morning. For the record,
 20 I am Richard E. Tontodonato, I am the staff's technical
 21 director for engineering operations.
 22 Now that Dr. Poloski has presented the approach
 23 that OTD used to develop our work plan, I will present
 24 the highest priority work plan for fiscal year 2018.
 25 As shown on this overview chart, our proposed

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1 work plan includes 280 activities derived from 38
 2 oversight plans. Now, I use the term "activities"
 3 instead of "safety reviews" because the work plan
 4 includes activities such as developing training
 5 programs, executing our internal control program and
 6 other activities that aren't safety oversight reviews.
 7 We build all that into deciding how much safety
 8 oversight we can do.
 9 Focusing on the highest priority activities, our
 10 work plan proposes 69 nondiscretionary activities, seven
 11 priority 1 reviews and 33 priority 2 reviews. The small
 12 number of priority 1 reviews is the result of two main
 13 considerations: First, we did make a concerted effort
 14 this year to make sure our prioritization methodology
 15 was more discerning than it was in past years. Simply
 16 put, if everything is a number 1 priority, then nothing
 17 is really a number 1 priority. And secondly, a
 18 significant proportion of the high priority reviews met
 19 our criteria for being treated as nondiscretionary, so
 20 they didn't count as a priority 1.
 21 Our planning process recognized that different
 22 activities require different amount of resources.
 23 Instead of counting activities, this chart counts the
 24 relative allocation of resources by group and priority
 25 as proposed in the work plan. So the y axis, you can

27

1 treat as proportional to the amount of work that a
 2 person can do in a year. It's a figure of merit that we
 3 tweaked until we were satisfied that we were
 4 realistically representing how much work we could plan
 5 to do during FY '18.
 6 This next chart is the last overview I'm going
 7 to show. It shows how our planned allocation of
 8 resources among the OTD mission focus areas has changed
 9 from FY '16 to FY '18. You can see there really haven't
 10 been any tectonic shifts from year to year. The decline
 11 in work that we've categorized in the nuclear programs
 12 and analysis mission area isn't a sign that we have less
 13 interest in nuclear safety programs or safety analysis,
 14 it reflects the fact that we have been associating a
 15 larger proportion of those reviews with either the
 16 nuclear weapons program's mission area or the nuclear
 17 materials processing stationary mission area. Those are
 18 the areas that encompass safety oversight of the
 19 facilities that implement those safety programs.
 20 Before I discuss the highest priority work
 21 proposed for each OTD mission area, I would like to
 22 emphasize that this is just a plan. We review and
 23 adjust the work schedule on a regular basis to respond
 24 to changes in DOE's plans and activities, emerging
 25 nuclear safety issues, new direction from the Board,

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1 changes in the duration of staff activities, and changes
 2 in the available resources. We will update the Board
 3 periodically on the status of high priority reviews and
 4 significant changes to the work plan.
 5 As Dr. Poloski mentioned, the OTD work plan is
 6 organized along the programmatic areas defined in the
 7 agency's strategic goals and objectives as they were
 8 established in the Board's strategic plan for fiscal
 9 years '14 through '18. Goal 1 is concerned with the
 10 safety of defense nuclear facility operations.
 11 Accordingly, goal 1 encompasses the oversight activities
 12 in OTD's nuclear weapons program mission area, and the
 13 nuclear materials processing stabilization mission area.
 14 So, beginning with the nuclear weapons program's
 15 mission area, this is responsible for oversight of the
 16 safety of the operations regarding maintenance of the
 17 nuclear weapons stockpile and weapons related to
 18 research development and testing. This mission area
 19 supports the Board in notifying NMSA of potential safety
 20 issues at NMSA nuclear facilities and nuclear explosive
 21 operations and will contain near continuous oversight
 22 presence through our resident inspectors at Los Alamos,
 23 Y 12 National Security Complex and the Pantex Lab.
 24 For Los Alamos, and it's reflected in here, we
 25 developed an integrated oversight plan that includes

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1 both NMSA and DOE environmental management activities,
 2 because they have extensive work going on in both of
 3 those areas.
 4 The nuclear weapon programs activities represent
 5 about 26 percent of the resource allocation in this work
 6 plan. The scope covers the entire range of facilities
 7 at the seven sites where NSA conducts nuclear
 8 activities. This chart shows the distribution of work
 9 among the different sites. You can see that Los Alamos
 10 and Pantex are the two largest pieces of effort and that
 11 is consistent with the scope and hazard activities of
 12 those sites.
 13 This next chart is very busy, but it is in the
 14 work plan, and it lists the reviews that we categorized
 15 as either nondiscretionary or priority 2. By our
 16 scoring system, none of the NWP activities scored as
 17 priority 1. So, as I said, that is in the plan for
 18 closer scrutiny.
 19 Continuing with strategic goal 1, the nuclear
 20 material processing and stabilization mission area is
 21 responsible for oversight of the safety of operations
 22 and cleanup of legacy defense nuclear waste test
 23 facilities. NMPS will support the Board in notifying
 24 DOE of potential safety issues as DOE disposes of excess
 25 radioactive materials, cleans up surplus defense nuclear

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1 facilities, and begins operations of new facilities at
 2 the EM sites. NMPS, again, with our resident
 3 inspectors, will maintain oversight at Savannah River
 4 and Hanford.
 5 So, NMPS activities represent approximately 25
 6 percent of the resource allocation in our plan. This
 7 scope covers more than 70 defense nuclear facilities at
 8 five EM sites. The work plan focuses on facility
 9 operations, in particular safety bases, adequacy and
 10 implementation, operations safety and processes and
 11 programs relied upon for safety.
 12 So this chart shows the distribution of work
 13 among the EM sites, and a couple of specific Board
 14 recommendations that are remaining open at EM sites. As
 15 you can see, Hanford and Savannah River get the largest
 16 share of the staff's effort, and you have to add up the
 17 two separate wedges of Hanford to see that, but that
 18 separates out the Department of Protection from the
 19 Richland Field Office.
 20 The next table is similar to the one that I put
 21 up for NWP. These are the reviews that scored out as
 22 either nondiscretionary, priority 1, or priority 2.
 23 So, the Board's second strategic goal deals with
 24 oversight of DOE's use of safety standards at defense
 25 nuclear facilities. Our nuclear programs and analysis

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1 mission area encompasses oversight of the development,
 2 implementation and maintenance of DOE's regulations,
 3 requirements, and guidance for providing adequate
 4 protection of public health and safety at defense
 5 nuclear facilities, and also the establishment and
 6 implementation of safety programs at defense nuclear
 7 facilities.
 8 Our efforts to support those objectives at
 9 individual defense nuclear facilities are primarily
 10 encompassed in the oversight plans that we developed for
 11 the NWP and NMPS mission areas. The NPA mission area
 12 includes programmatic reviews including criticality
 13 safety, quality assurance and emergency management
 14 across the DOE defense nuclear complex. These reviews
 15 address the Board's overarching mandate to ensure
 16 adequate protection of public health and safety.
 17 The activities that we found in the NPA mission
 18 area are about 16 percent of the resource allocation in
 19 this work plan. One thing that I will point out in this
 20 is that the safety culture wedge there is larger than we
 21 intended it to be. When we were incorporating the Board
 22 member feedback that we got on the preliminary version
 23 of the plan, we incorporated a review of open
 24 recommendations which we instead of merging with the
 25 safety culture review that was doing the exact same

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1 thing, we added on. So as of Monday, that wedge was 4
 2 percent, not 12 percent, and it's going to go back to
 3 something like 4 percent once we correctly account for
 4 the things.
 5 And you'll see in the list I'm about to put up
 6 that we kind of triple counted it. So that we did not
 7 discover that in time to fix it in what we handed to the
 8 Board in the Yellow Folder, but I just wanted to make
 9 sure that I highlighted that.
 10 So, apart from that, you'll see that we have a
 11 strong emphasis on nuclear criticality safety programs
 12 and emergency management. The other wedge I wanted to
 13 discuss a little bit is the one called Knowledge
 14 Transfers. This represents an initiative we have to
 15 assign some of our senior technical experts the task of
 16 developing the next generation of staffers for us in
 17 those fields, because these are some particularly
 18 high-demand fields that are hard to fill, and so we
 19 actually have structured programs in place to train a
 20 new cadre of experts in fields such as safety analysis,
 21 quality assurance and nuclear criticality safety. I
 22 believe that is discussed in our staffing plan that
 23 we're going to get to later on in the meeting today.
 24 So this one is actually divided into two slides
 25 because we had enough numbers of priority 1,

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1 nondiscretionary, and priority 2 reviews for NPA. So
2 this slide is the nondiscretionary and priority 1, and
3 you can see the multiple appearances of recommendation
4 2011-1 there. We are going to be merging those back,
5 and it will represent the effort that we've said we're
6 going to do, it's just kind of triple counted in the
7 method right now. And these are the priority 2 reviews.
8 And again, you'll see criticality safety and directives
9 are leading the way in that section.

10 All right, so the Board's third strategic goal
11 from its current strategic plan deals with safety and
12 design of new defense nuclear facilities and major
13 modifications to existing facilities. So, as Adam
14 mentioned, Policy Statement 6 is guiding the way we
15 approach the reviews in those areas, and the mission
16 area that accomplishes that for us is nuclear facility
17 design and infrastructure. These reviews support the
18 Board in recommending and promoting safety of design and
19 construction of new and modified defense nuclear
20 facilities, and they represent about 22 percent of the
21 resource allocation in this work plan.

22 So this chart shows clearly the magnitude of the
23 oversight effort that we have under way for the Hanford
24 Waste Treatment and Immobilization Project. It also
25 shows the smaller but still significant effort that we

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1 have planned for the Y12 Uranium Processing Facility
2 Project and the waste isolation pilot plant's permanent
3 ventilation system.

4 And again, this next slide lists our
5 nondiscretionary reviews in this mission area. Again,
6 as Adam said, we treat reviews driven by Board policy as
7 nondiscretionary, so the reviews that we view as driven
8 by Policy Statement 6 get binned as nondiscretionary.
9 And this next slide are the priority 2 reviews that we
10 have planned.

11 It is worth noting that the Board's PS-6
12 requires OTD to "execute independent oversight by
13 performing reviews with defined scope and durations as
14 specified and in logical points in the process, and
15 document the review results in four formal reports to
16 the Board." So those four formal reports are the
17 nondiscretionary type of actions that I talked about in
18 this slide.

19 So, the Board's fourth and last strategic goal,
20 and this actually ties back to a little of the
21 discussion that happened at the end of the new strategic
22 plan, is called currently achieve excellence in
23 management and communication of stakeholders. Work plan
24 activities in our engineering performance mission focus
25 area deal with the elements of that goal that are

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1 associated with the Office of the Technical Director.
2 So this includes the Board's strategic objective to
3 improve management controls to achieve the Board's
4 mission efficiently and effectively, to improve and
5 sustain effective transparent communications between the
6 Board and its stakeholders on safety issues and the DOE
7 defense nuclear complex, and on the Board's operations.
8 This mission area represents about 11 percent of the
9 resource allocation in this work plan.

10 Performance monitoring and development and
11 maintenance of internal controls both represent
12 significant levels of effort, as you can see on this
13 chart, but the largest activity right now in that area
14 is work that we have under way to develop the structured
15 training program for our office.

16 And this final table lists the activities that
17 we categorized as nondiscretionary for this area. Since
18 this area doesn't go do safety reviews, there aren't
19 priority 1 and priority 2 activities. These are
20 activities aimed at improving our performance as an
21 element of the agency.

22 And that concludes my presentation.

23 CHAIRMAN SULLIVAN: Okay, thank you. So, at
24 this point, Board members, questions?
25 Ms. Roberson?

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1 MS. ROBERSON: One question. During the
2 preliminary review, OTD had estimated about just under
3 31 FTEs working with actual oversight in the plan. Has
4 that changed as a result of Board member comments and
5 adjustments, up or down?

6 MR. POLOSKI: So, we went through in effort, we
7 added those additional reviews, we kept the number of
8 FTEs -- the number of resources constant, and we
9 releveled the plan in order to try to make the
10 adjustments of adding the reviews, but we had to rescope
11 and take some items off. So we tried to keep it
12 constant.

13 MS. ROBERSON: So is it about the same estimate?

14 MR. POLOSKI: I think it was 30.9 instead of
15 30.5.

16 MS. ROBERSON: 30.9?

17 MR. POLOSKI: Yeah, so just slightly higher.

18 MS. ROBERSON: Thank you.

19 CHAIRMAN SULLIVAN: Mr. Santos?

20 MR. SANTOS: Thank you, Mr. Chairman.

21 You mentioned there's a total of 280 activities
22 planned. Out of those 280, what percentage you will say
23 are safety reviews?

24 MR. POLOSKI: So, I guess there are different
25 ways that you can count that. One would be to look at

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1 the FTE percentage, and based on that, if you subtract
2 out 11 percent of the EP group, that would result in
3 89 percent being focused on the mission areas that Rich
4 went over. If you want to do a count of the number of
5 activities, which would be another way to do it, I would
6 have to pull up a -- we have a pivot table that we could
7 actually easily derive that information, I can provide
8 it to you later, but I don't have it off the top of my
9 head.

10 MR. SANTOS: Mr. Chairman, for the record, can
11 we table this question so they can provide a precise
12 counting of the safety reviews?

13 CHAIRMAN SULLIVAN: So noted. Do you have other
14 questions?

15 MR. SANTOS: Yes. You mentioned the activities
16 consistent with Board policies are nondiscretionary.
17 Why is that? Like, for example, you mentioned Policy
18 Statement 6?

19 MR. POLOSKI: The thought process on Policy
20 Statement 6 was that the reviews that were identified or
21 the activities that were identified to support that
22 policy, we consider to be that we are obligated to do to
23 try to maintain our work consistent with the Board's
24 policy, so that's why it was categorized as
25 nondiscretionary.

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1 So things that went above and beyond that,
2 activities that went above and beyond the activities
3 defined in the policy statement would be considered
4 discretionary and would be prioritized appropriately.

5 MR. SANTOS: If the Board were to have a policy
6 on standards, will those then become nondiscretionary?

7 MR. POLOSKI: It would depend on the content of
8 the policy statement, but if it was constructed in a
9 similar manner to the Policy Statement 6, we would
10 probably interpret it the same way. I would anticipate
11 it that way.

12 MR. SANTOS: Thank you. Can you go to slide 13?
13 Oh, look at that. That was interesting.

14 Those are the plan charts throughout the years.
15 Do you have a similar chart of the actual outputs or
16 completed work for previous years so we can compare the
17 planned activities versus the completed activities for a
18 given year?

19 MR. POLOSKI: So part of the process in
20 developing the work plan is we analyze the metrics for
21 the previous year. So we do have those charts for
22 FY '17, and we could produce them for FY '16 when we
23 started -- and for the last couple of years when we
24 started tracking work activities. So that is a -- that
25 information is available and can be provided.

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1 MR. SANTOS: Can we take note also for the
2 record, Mr. Chairman?

3 CHAIRMAN SULLIVAN: So noted.

4 MR. SANTOS: And the last question I have, can
5 you describe the process that generates the oversight
6 plans? My understanding is that every review and
7 everything flows from you mentioned 38 oversight plans.
8 Can you briefly describe what goes into developing an
9 oversight plan?

10 MR. POLOSKI: Sure. So, oversight plan is
11 broken into a couple of different pieces. The first
12 piece is really -- really focuses in on the strategy for
13 the year. So we have a horizon that we look out of 18
14 months. We try to focus in on our understanding of
15 DOE's work activities. So each oversight plan is
16 associated with a site, a project, or a program that's
17 significant. We try to identify what DOE is doing in
18 that area, what the safety oversight objectives would
19 be, and then the strategies for us to try to achieve
20 those oversight objectives.

21 We describe that in a plan and then we derive
22 work activities to actually implement those strategies.
23 And those work activities are the reviews that we have
24 presented in the work plan. So it's broken into two
25 pieces, a strategy piece and then an execution piece.

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1 CHAIRMAN SULLIVAN: Ms. Roberson?

2 MS. ROBERSON: I'm not like Mr. Santos, I don't
3 remember what slide it was, but you had one slide where
4 you identified several items that were communicated as
5 Board interest, and I recognized those, so I wanted to
6 understand how those were dispositioned, because I
7 suspect they will be topics of discussion this
8 afternoon.

9 MR. POLOSKI: So --

10 MS. ROBERSON: How you handle them in the work
11 plan.

12 MR. POLOSKI: So, there were some comments that
13 were made in the Orange Folder process from a Board
14 member that we tried to implement some of the activities
15 that were described there through the Orange Folder
16 change process. So we did end up adding I believe six
17 reviews that corresponded to those two topics that were
18 discussed, and those were captured -- I think the
19 comments were to score them as a priority 1 activity.
20 So several of them are actually shown on the tables, but
21 we didn't highlight them or --

22 MR. TONTODONATO: Right, I mean, I put up the
23 NMPS slide here as an example. If you look under
24 priority 1s, you'll see the progress reviews, further
25 recommendations 2012-1 and 2012-2. That's an example of

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1 two of those. So that actually helped as we went from I
2 think two priority 1 reviews to seven as a result of
3 incorporating those into the plan.

4 So basically we -- and this is part of the
5 reason why we ended up with the triple counted
6 recommendation 11-1 work is in the last few days we
7 crashed through, went through, put those in the plan,
8 put staff on them, re-allocated other staff, and
9 reproduced all the slides and charts and everything to
10 make sure that we now were still staffing everything we
11 said we were going to staff.

12 So basically they're in the plan and they're
13 turned on.

14 MS. ROBERSON: Thank you.

15 CHAIRMAN SULLIVAN: If I can ask you to go back
16 to slide 14. And you may need the assistance -- if you
17 need the assistance of the NWP associate technical
18 director to answer this question, please feel free to
19 bring him up. But I'm looking at the Y12 number, and
20 saying 10 percent seems low. In the presentation you
21 explained why the pieces of the pie for LANL and Pantex
22 were large based on risk, and I understand that uranium
23 is not as risky as plutonium or actual warhead assembly
24 or disassembly, but then I'm looking at Sandia, which at
25 12 percent, and my personal assessment of the risk at

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1 defense nuclear facilities at Sandia is pretty low. So
2 a lot more happens at Y12, certainly the magnitude of
3 operations there are considerably larger than, say, at
4 Sandia, or for that matter, Lawrence Livermore National
5 Laboratory. So, the question is, why is Y12 so low?

6 MR. TONTODONATO: Well, I can address a little
7 bit of why Sandia and Livermore, and even Nevada look
8 larger, it's because we do not have site reps at
9 those -- or resident inspectors at those sites. So we
10 have dedicated person at headquarters from each of those
11 sites who goes out and makes regular visits to the site
12 to provide some degree of operational awareness so that
13 things don't get rolling out there that we don't know
14 about. So that tends to inflate the scores for those
15 sites because Y12 has two resident inspectors at it
16 full-time that don't appear in that pie chart.

17 I would also say Y12, a lot of their effort gets
18 binned into other bins, so the criticality oversight we
19 do there is the principal hazard we worry about is
20 uranium, criticality safety that's done under NPA. The
21 effort to design and build the uranium processing
22 facility is done under NFDI. I don't think Mr. Dwyer is
23 in the audience here.

24 MR. DWYER: Yes, he is.

25 MR. TONTODONATO: So, if you have anything else

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1 that I should add to that.

2 MR. DWYER: The other thing is Pantex is
3 artificially inflated because we were directed to move
4 all of the NES oversight into Pantex.

5 MR. TONTODONATO: Yeah, I'll explain that one a
6 little, then. So, in a previous iteration of this, we
7 had a separate wedge called nuclear explosive safety
8 that encompassed work around the complex that supported
9 work at Pantex. So it included a weapon response
10 development that's done at the National Laboratories,
11 high explosive testing that's done at the National
12 Laboratories, testing of electronic, you know,
13 instrumentation that's supplied to nuclear weapons at
14 Pantex. All those things were binned in a different
15 wedge.

16 We've gone back and rebinned them so we don't
17 have a separate program area for nuclear explosive
18 safety, and that also went and increased the size of the
19 wedge for Pantex, the wedge for Sandia, the wedge for
20 Livermore and the wedge for LANL, as all those sites
21 were involved in supporting nuclear explosive work at
22 Pantex. And Y12 doesn't, so they didn't benefit from
23 that rebinning either.

24 CHAIRMAN SULLIVAN: Okay. Thank you for the
25 answer. I think I understand better.

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1 My next question goes to your next slide, which
2 is 15. So, under priority 2, the fourth item -- I'm
3 sorry, the third item. Yeah, the third item down. I'm
4 looking at a different -- is this different than the one
5 that I have in my Yellow Folder? There's a Chief of
6 Defense Biennial NNSA Los Alamos Review. Is that not in
7 here?

8 MR. TONTODONATO: That's listed first in this
9 chart, first under priority 2.

10 CHAIRMAN SULLIVAN: So you have a different
11 slide than what I have in my -- what I was given in
12 Yellow Folder. Is that correct?

13 MR. POLOSKI: Apparently so. The content should
14 be the same, and we will do a double check to make sure.

15 CHAIRMAN SULLIVAN: All right. Having resolved
16 that, so your first item in the table which says
17 priority 2, and my question is going to be, when I get
18 to it, what's actually in there in terms of a review for
19 the staff? And the reason I'm asking this question is
20 if this were assigned to me, I understand that there
21 will be a -- a Chief Defense Nuclear Safety Assessment
22 Report of Corrective Actions, and I would read it, with
23 interest, it might take me an hour, and then I would set
24 it aside, and anything in the future that might happen
25 here would be based on my independent analysis and

<p style="text-align: right;">45</p> <p>1 assessment.</p> <p>2 So what is the staff going to do with respect to</p> <p>3 that report?</p> <p>4 MR. TONTODONATO: All right. I mean, the intent</p> <p>5 of that item is the CDNS did a review at LANL that came</p> <p>6 up with a series of pretty significant findings that</p> <p>7 were worth following up on, and it is the staff's effort</p> <p>8 to see what is done to address them, and if we find that</p> <p>9 there are elements of it that aren't getting addressed</p> <p>10 properly, to bring that to the Board's attention.</p> <p>11 So, it's -- we take information wherever it will</p> <p>12 come, and as far as we're concerned, the CDNS review is</p> <p>13 a very good source of safety relevant information, and</p> <p>14 when they come up with problems, we do our own check to</p> <p>15 see if the problems are getting resolved correctly and</p> <p>16 adequately.</p> <p>17 So that may end up not being a huge effort. It</p> <p>18 may end up being, like you said, we read it and we</p> <p>19 follow along and they resolve everything, you know, to a</p> <p>20 high degree of completeness, and all we do is report</p> <p>21 that to the Board in an information paper, but it is</p> <p>22 something that is worth doing in our opinion.</p> <p>23 CHAIRMAN SULLIVAN: All right. Thank you.</p> <p>24 Can we jump to your slide 19, which is another</p> <p>25 table. This is the -- it's probably actually your slide</p>	<p style="text-align: right;">47</p> <p>1 3009. So the staff is going to look at the results of</p> <p>2 the Department of Energy's evaluation from the previous</p> <p>3 3009 to the new 3009 as they go through and look at the</p> <p>4 facilities and what the new standard will apply to and</p> <p>5 what it won't.</p> <p>6 CHAIRMAN SULLIVAN: Okay. Thank you.</p> <p>7 My next question, which I think is my last</p> <p>8 question, is on your slide 21. And the question has to</p> <p>9 do with the whole left part of that pie, which is WTP at</p> <p>10 50 percent. Last year we had a similar pie and it</p> <p>11 listed WTP at 29 percent, 50 percent of NFDI. If I</p> <p>12 understand some of your earlier tables and charts</p> <p>13 represents about three and a half to four FTE, which as</p> <p>14 we discussed earlier, that's like -- since there's only</p> <p>15 about 30 FTE in the entire review, that's a big chunk.</p> <p>16 And most of WTP is years away from operation.</p> <p>17 So, is this something that we're going to have</p> <p>18 to do every year is dedicating a large portion of our</p> <p>19 review plan just to the waste treatment plant in order</p> <p>20 to do what needs to be done under the statute?</p> <p>21 MR. POLOSKI: So, no, sir. Every year when we</p> <p>22 prepare our oversight plans, we factor in DOE's</p> <p>23 activities for each project and site. This year, if you</p> <p>24 go actually to the next slide, there are a number of</p> <p>25 nondiscretionary activities that are listed for WTP, and</p>
<p style="text-align: right;">46</p> <p>1 20, I think you broke this up into two. All right, so</p> <p>2 we'll see if this is the same. And it looks to be the</p> <p>3 same. So the fourth item from the bottom says</p> <p>4 directives, and it's on DOE-OE-1:2015 review. So,</p> <p>5 there's five line items total on this chart that say</p> <p>6 Directives and all the others are the same.</p> <p>7 So this is like Sesame Street, which one is not</p> <p>8 like the others? All the others say we're going to do</p> <p>9 this directive to review and we're going to look at the</p> <p>10 draft, and this one says, we're going to review and</p> <p>11 comment on the -- I'm sorry, we're going to -- it says,</p> <p>12 "we're going to review the facility screening and</p> <p>13 evaluation results." So, somebody please tell me, what</p> <p>14 is that? What are we looking at?</p> <p>15 MR. POLOSKI: I'm looking for Chris. Do you</p> <p>16 want to come up?</p> <p>17 CHAIRMAN SULLIVAN: So now we're going to call</p> <p>18 up Chris Roscetti, who is the associate technical</p> <p>19 director responsible for this part of the work plan.</p> <p>20 Mr. Roscetti?</p> <p>21 MR. ROSCETTI: For the record, my name is Chris</p> <p>22 Roscetti. The fourth line from the bottom, Directives</p> <p>23 DOE-OE-1:2015 Review, it's a holdover from the</p> <p>24 Department of Energy's implementation plan for Board</p> <p>25 Recommendation 2009-1 when they revised DOE standard</p>	<p style="text-align: right;">48</p> <p>1 several of those have to do with new safety bases</p> <p>2 documents that are going to be produced for I believe</p> <p>3 the LAW and the HLW facilities. Those take a</p> <p>4 significant amount of staff effort and that's not a</p> <p>5 yearly activity that would occur.</p> <p>6 So when those documents come in, consistent with</p> <p>7 the policy statement, we would review those documents</p> <p>8 and prepare a report. Like I said, next year, those</p> <p>9 documents won't be produced again, I wouldn't</p> <p>10 anticipate. So as the project matures, they're going</p> <p>11 to -- the activity is going to ebb and flow and so would</p> <p>12 our oversight.</p> <p>13 Another thing is that there are I think 17 open</p> <p>14 Board safety issues. We're anticipating getting closure</p> <p>15 responses for several of those this year, and again,</p> <p>16 that would require staff effort to analyze those</p> <p>17 documents as they come in and we're planning on doing</p> <p>18 that.</p> <p>19 CHAIRMAN SULLIVAN: All right. Can you give me</p> <p>20 subsequently, for the record, some input on what</p> <p>21 percentage of the WTP work -- what percentage of the</p> <p>22 nondiscretionary -- give it to me in FTE. How many FTE</p> <p>23 are doing nondiscretionary WTP work and what is that</p> <p>24 work? As I understand what you're saying, this comes</p> <p>25 from the policy statement which the Board could provide</p>

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1 an exception to if it so desires.

2 MR. POLOSKI: Certainly.

3 CHAIRMAN SULLIVAN: And if they answer, if they
4 provide a response, some of these Board issues that
5 asked for some response are several years old, so if it
6 took them several years to develop the response, do we
7 really need to jump on it right away? Or could some of
8 these be pushed into next year if we just are trying to
9 level the load of what we're doing with respect to the
10 waste treatment plant?

11 That's really what I'm trying to figure out
12 here, so that we don't necessarily have this very
13 complex project which will take many more years to come
14 to fruition and actual operation for most of it. Do we
15 need to dedicate a large chunk of time of our staff this
16 year to that? That's what I'm trying to figure out.

17 MR. POLOSKI: Okay, yeah, we can certainly
18 provide that information to you, and -- yeah, in terms
19 of dedicating, you know, a significant amount of staff
20 on a year-by-year basis in resolving the issues, in my
21 opinion, there's a window of opportunity where things
22 are in paper where we can review items to see how
23 effective they are at -- for controls at preventing
24 accidents and mitigating accidents, as opposed to when
25 they turn into concrete and steel and that window of

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1 opportunity closes, it's much more difficult to have an
2 adequate system.

3 CHAIRMAN SULLIVAN: Oh, I understand. If you
4 want to provide the information, and then also provide
5 any of your own opinion on whether or not any of it
6 makes sense to defer, we would be happy to take that,
7 too. Thank you.

8 I have no other questions. Would any other
9 Board members like to ask questions?

10 Mr. Santos?

11 MR. SANTOS: I would like to ask a similar
12 question to one you asked earlier on slide 21, please.
13 If you can -- if you look at the WIPP permanent
14 ventilation system compared to UPF, for example, they
15 seem to be very similar percentage yet the scopes are
16 orders of magnitude different. Can you explain some of
17 that?

18 MR. POLOSKI: So, both of those projects are
19 going through design evolution, both are nearing the end
20 of their design, so both of -- I guess UPF is 50 percent
21 higher, so I think that in my opinion is significantly
22 more, but you could debate 10 or 15 percent being
23 significant, if you look at it. It depends on your
24 perspective.

25 So there are significant design activities going

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1 on, safety bases activities that are going on at both of
2 those facilities, and we have corresponding oversight
3 activities to take a look at those to make sure that DOE
4 requirements are being followed appropriately and that
5 ultimately there will be a DSA that provides adequate
6 protection to the public.

7 MR. SANTOS: One last question, going back to
8 the safety reviews, if you can provide -- I don't need
9 it right now, so it can be for the record, a percentage
10 of safety reviews that are independent of DOE
11 evaluations and schedules or deliverables. You know,
12 meaning work that the staff just considered that they
13 wanted to perform independently of a particular DOE
14 activity or review or document that is being generated
15 by the Department. Do you understand what I'm
16 questioning?

17 MR. POLOSKI: Yeah. So, those -- we do have a
18 couple of categories called timed and untimed. Timed
19 activities are typically derived off of DOE schedule;
20 untimed activities are things that we could do at any
21 point in time. And most -- it would be relatively easy
22 for us to categorize those and present the data and that
23 should give you a good sense of the breakdown of those
24 type of activities.

25 MR. SANTOS: Mr. Chairman, can we take that

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1 answer for the record?

2 CHAIRMAN SULLIVAN: So noted.

3 MR. SANTOS: Thank you.

4 CHAIRMAN SULLIVAN: Other questions? Board
5 members?

6 (No response.)

7 CHAIRMAN SULLIVAN: All right, if not, I think
8 we are done, and we're a little bit ahead of schedule,
9 so if we could take a 10-minute break and reconvene just
10 after 10:30. We're off the record.

11 (Whereupon, there was a recess in the
12 proceedings.)

13 CHAIRMAN SULLIVAN: All right, we're back on the
14 record, and the next thing on our agenda is a
15 presentation from the general manager on the general
16 manager's work plan.

17 Mr. Sklar?

18 MR. BIGGINS: Excuse me, Mr. Chairman, before he
19 begins, Mr. Roscetti asked for a clarification of the
20 record. He indicated in his discussion of the NPA
21 director's review of the OE-1 that he referenced
22 recommendation 2009-1 when it was actually 2010-1. So I
23 wanted to get that clarification on the record.

24 CHAIRMAN SULLIVAN: Okay, thank you.
25 Now, Mr. Sklar?

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1 MR. SKLAR: Thank you, Mr. Chairman.
 2 So, in our FY '18 OGM work plan, we build around
 3 several themes and I would like to highlight a few of
 4 those. The first is top-notch support to the Board and
 5 everybody else sitting in this room; second is
 6 modernization, we will try to modernize wherever we can,
 7 including staying electronic; third, try to build a
 8 secure DNFSB, both from a physical security standpoint,
 9 from our physical infrastructure, as well as our IT
 10 infrastructure as well; and, finally, compliant with all
 11 new mandates that are coming out, and there are many,
 12 but staying nimble enough so that we don't shut down the
 13 organization as we comply with all of those mandates.
 14 So we've broken our work plan into four big
 15 segments: Operational services, IT, HR, and budget and
 16 acquisitions. And those are enumerated, of course, at
 17 tab 5 at our work plan, and I will quickly move through
 18 our work plan. We don't have a lot of time here, but I
 19 want to highlight a few areas because we think they're
 20 particularly important.
 21 So in the operational services category, I would
 22 like to highlight the records management area. We
 23 certainly closed a lot of ground here. There are really
 24 important mandates that came down to make email records,
 25 both permanent and temporary email records, make

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1 those -- preserve those for the appropriate
 2 recordkeeping time, and we have moved very aggressively
 3 to implement what is called the Capstone approach.
 4 We've briefed the Board multiple times. We are
 5 well-positioned to do that, and in FY '18 we will do
 6 whatever we need to do to make sure Capstone is fully
 7 implemented, including spending time with each and every
 8 Board member so that you're comfortable with exactly
 9 what happens to your records, and that's important.
 10 A second area of emphasis is in cyber threat.
 11 Tremendous progress was made prior to my arrival in OGM
 12 in this area. We've been recognized by outside entities
 13 as very well positioned for insider threat, but we want
 14 to continue to build there and we will continue to
 15 deploy resources to the cyber threat. We think it's
 16 incredibly important for us.
 17 Another area of emphasis, of course, is physical
 18 and personnel security. We continue to upgrade certain
 19 areas -- certain pieces of our physical security,
 20 including our security system. We will continue to make
 21 sure that our personnel security processing moves
 22 quickly and appropriately so that we can bring on -- not
 23 only have DOE move our classified personnel through, but
 24 also individuals that do not need specialty clearance,
 25 so we can move those through quickly, including

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1 contractors.
 2 If I could flip to the information technology
 3 piece, I'm going to linger here a bit, because we have a
 4 lot at play in the IT realm. The first is data
 5 strategy. That's something we really want to do across
 6 the enterprise is come up with a comprehensive data
 7 strategy so that whenever hands are on keyboards we at
 8 least have the capability, if we want to, to capture
 9 that information, analyze, display and then store as
 10 metadata.
 11 We will be obviously working with the Board and
 12 with our fellow component partners as we come up with a
 13 comprehensive data strategy. We don't have one now, but
 14 we are designing one and FY '18 hopefully will be our
 15 year for implementation.
 16 Another piece of this strategy involves personal
 17 drives for everybody in this room. There's obviously a
 18 single point of failure if your hard drive crashes
 19 that's not a good thing, so we would like to come up
 20 with a segmented secure place on the network where you
 21 can make your work available, a redundant second copy,
 22 and that will be safe and secure. We want to, of
 23 course, balance that against the need for collaboration
 24 as well. We want to make sure that both aim to
 25 recognize that you have a private, secure place to store

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1 your information, but that you also have the capability
 2 to collaborate with others when necessary.
 3 Another big area of emphasis in the IT realm is
 4 cloud. As the world moves to the cloud, we need to
 5 certainly look closely at all aspects where the cloud
 6 can help us be more redundant, where our COOP plan, our
 7 disaster recovery, and all those pieces can benefit from
 8 being up in the cloud. Obviously security is paramount,
 9 we don't want to sacrifice that.
 10 Additional projects, skipping ahead to 3 on that
 11 list, we are putting in place an elaborate defense
 12 in-depth strategy for cyber. We are well along our way,
 13 we will continue to build on that. Obviously I am not
 14 going to get any deeper than that in this room, as this
 15 is an open meeting.
 16 The correspondence management system is well
 17 under way. This is a project that began last year. It
 18 certainly was well under way when I arrived. A piece of
 19 this project was demonstrated to the Board, the voting
 20 module. There are two additional modules that we would
 21 like to demonstrate to the Board, both the
 22 correspondence management piece, as well as the
 23 acquisitions module as well.
 24 To be clear, we're obviously talking to our
 25 counterparts in OTD, so we're not tripping over each

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1 other as to how we do our work. We obviously want to
 2 make sure that this correspondence management system is
 3 value-added, it is not redundant of something else
 4 that's happening right now at DNFSB, or in OTD.
 5 We'll also continue to upgrade SharePoint. We
 6 will probably jump ahead a couple of generations of
 7 SharePoint technology, assuming we have support from the
 8 Board, in FY '18.
 9 Phone replacement, something near and dear to
 10 everybody in this room. I am pleased to report that the
 11 new contract has been signed, that we will have a -- at
 12 least a new sub for phones, and that hopefully every
 13 Thursday our phone service will still be functional, and
 14 today is Thursday. By January of FY '18, we will roll
 15 out with new equipment and the new provider.
 16 Finally, on this list is something called the
 17 test environment. It is fairly typical and most IT
 18 environments have the opportunity to test new pieces of
 19 software or other peripheral devices, or IT -- any type
 20 of IT functionality in a test environment where you do
 21 not jeopardize the operational sanctity of the
 22 organization.
 23 In other words, we don't want to bring down the
 24 entire organization every time we test something new, so
 25 this would give us that capability. We do think that's

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1 quite important and it's something we don't have right
 2 now.
 3 Just a couple of high-level points on cyber.
 4 Obviously many of the mandates coming down are, indeed
 5 mandates, they are mandatory. We have the President's
 6 executive order to comply with. We are literally
 7 receiving new things to do weekly. We have FISMA
 8 obligations as the financial statement audit is done,
 9 and as they continue to look at all our systems. We
 10 have a lot of FISMA requirements to meet around cyber.
 11 And I would finally add that our average IT
 12 spending, we do try to benchmark against other small
 13 entities and we are within range. And certainly --
 14 certainly no more extravagant than any other small
 15 agency that we benchmarked against.
 16 Turning to human resources, we have put a
 17 premium on moving to a fully electronic DNFSB. We took
 18 a big step in that direction this fiscal year, moving to
 19 a fully electronic SES performance system. We
 20 appreciate the support from the Board. Everybody, my
 21 colleagues, the chair, who has certainly been willing to
 22 learn new things as we move to this new SES system. And
 23 this is a warm-up act, we hope, for moving the DN system
 24 to the same type of platform. It is something that's
 25 being strongly encouraged by the Office of Personnel

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1 Management, it's something that's relatively
 2 inexpensive, and will put us in good stead certainly in
 3 this realm.
 4 As we move to a fully electronic performance
 5 system, there will need to be some conforming changes
 6 made. We'll need to certainly do some training. We
 7 obviously are not going to roll something out where
 8 people aren't comfortable or people aren't ready or
 9 people aren't confident that it's going to work right.
 10 And one of the areas we'll probably need to tackle is a
 11 new appraisal template in the DN realm, mainly because
 12 we're moving to a new performance -- a new platform. So
 13 lots of work ahead here, if we decide to go down that
 14 route, but I would strongly recommend it.
 15 We're also developing a handbook for executive
 16 development. That's certainly something that's being
 17 encouraged by the Office of Personnel Management.
 18 Jumping ahead to budget, finance and
 19 acquisitions. There are a couple of key points here,
 20 and then I'll stop, and certainly welcome questions. So
 21 we are taking a hard look right now at how we do our
 22 accounting at DNFSB, not that it's not accurate, but it
 23 is done by an outside entity. So the question is, do we
 24 need to rely on this outside service provider, or is
 25 this something that we can move in-house and do locally.

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1 To address that challenge, we will be employing a
 2 contractor to end to end look at how we do our
 3 accounting here, and make a recommendation to us as to
 4 which way, which direction we should go.
 5 The second point I'd like to make is about the
 6 chief financial officer position. This has been a
 7 little bit controversial. We do think it's something
 8 that could make us better, to have a properly
 9 credentialed and titled chief financial officer at our
 10 organization.
 11 One of the key points here is to decouple two
 12 things. We do find it a little bit troublesome that the
 13 GS-15 in charge of these areas, who has done a great
 14 job, is both in charge of the budget and in charge of
 15 acquisitions. And typically, those two functions are
 16 separate in most organizations.
 17 So one of the solutions, obviously, would be to
 18 bring in a properly credentialed and titled CFO.
 19 Certainly there's a counterargument. The
 20 counterargument would be that we're small, and that not
 21 all CFO -- not all smaller agencies have a CFO, so we
 22 are going to undertake a benchmarking exercise, we will
 23 come back to the Board, but that's something that we
 24 wanted to tee up and put in play for everybody around
 25 the table. We're certainly malleable on this point, but

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1 it's something we wanted to bring to your attention.
2 And, finally, in the acquisitions area, as
3 mentioned previously, we are interested in moving to a
4 more electronic environment for acquisitions, and really
5 trying to restart as we do a new hire in this area, in a
6 fully electronic environment.

7 So those are the high points. I don't want to
8 take up the entire time. I want to give folks the
9 opportunity for questions. So I'll stop there.

10 CHAIRMAN SULLIVAN: All right, I'll ask the
11 first question, Mr. Sklar. The first two sections you
12 talked about, which were operational services and
13 information technology, have some items in them listed
14 as mandatory, and the second two that you talked about
15 which was human resources, budget, finance and
16 acquisitions, nothing is labeled mandatory, meaning that
17 there's nothing mandatory to be done in those areas?
18 How do I interpret "mandatory" as it appears in your
19 work plan?

20 MR. SKLAR: That's a fair question. There are
21 mandatory requirements, in fact many, many, many
22 mandatory requirements in the HR realm. Just note that
23 those particular projects did not track with any new
24 initiative coming down from the Administration, but some
25 of these are discretionary; for example, moving to an

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1 electronic performance management system. But to be
2 clear, that is correct, there are many obligatory things
3 we must do in the HR realm, and we will do those.

4 CHAIRMAN SULLIVAN: Mr. Santos?

5 MR. SANTOS: Yeah, a follow-up on the mandatory
6 as it relates to 4(b).

7 CHAIRMAN SULLIVAN: In what section are you
8 referring?

9 MR. SANTOS: On page 3, Operational Services.

10 CHAIRMAN SULLIVAN: Thank you.

11 MR. SANTOS: Could you explain more detail of
12 the personnel security processing, what is entailed and
13 what aspects of it is mandatory and what is the source
14 of that?

15 MR. SKLAR: Sure. So, perhaps the writeup makes
16 it sound slightly more complicated than it actually is,
17 and that's on us. All security clearances, Q
18 clearances, are run through DOE. We don't get involved
19 with that, we don't want to get involved with that, but
20 there are some individuals who will no longer have a Q
21 clearance. That was a recommendation that we had by
22 some of the oversight entities that came to DNFSB and
23 make recommendations as to why all 115 employees have Q
24 clearances. It's not necessary.

25 So as we begin to draw back from that, there

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1 will be individuals who do not go through DOE. So we
2 wanted to make sure that we had the proper
3 infrastructure in place, and we do now, to process
4 whatever needs to be processed here in terms of
5 adjudications and so forth.

6 The other issue is we want to make sure that
7 things move timely. We do have from time to time
8 contractor turnover, and we want to make sure, since DOE
9 is not processing those, that those do not sit, they do
10 not backlog, and that we can continue to give you the
11 support you need when you need it.

12 So this is really a no-cost item. It sounds
13 like we need to go out and do a great deal of things.
14 Most of these things are in place, but we just wanted to
15 bring it to the Board's attention.

16 MR. SANTOS: So to be clear, you will process
17 all security clearances less than Q in-house? I'm a bit
18 confused.

19 MR. SKLAR: We're not going to process any
20 clearances here, but there are issues that need to be
21 adjudicated. If there's a question about somebody's
22 truthfulness in a statement on a particular item, and
23 they're not somebody that DOE clears, what I can do is
24 instead of getting into the complexities of the
25 clearance process, we'll be happy to provide additional

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1 information for the record. I do see that this was a
2 bit of a confusing writeup in that this is largely
3 something that's in place now that we wanted to bring to
4 your attention, and is also a no-cost item.

5 MR. SANTOS: I appreciate that. We can take
6 that for the record, I mean, if you can add in that,
7 what aspects are mandatory.

8 MR. SKLAR: Absolutely.

9 MR. SANTOS: In your explanation. Thank you.
10 Mr. Chairman, can we take that for the record?

11 CHAIRMAN SULLIVAN: Yes, we can.

12 All right. I had one other question regarding
13 your pitch for the chief financial officer. You know,
14 we get to the staffing plan later, but since you brought
15 it up, will this require an additional FTE to decouple
16 these things that you talked about, or is this a
17 reshuffling of responsibilities within the Office of the
18 General Manager such that you don't need any more bodies
19 to do it?

20 MR. SKLAR: Like every action says, it depends,
21 but at the moment, I believe this would be a reshuffling
22 of personnel, in that if you do look at the resource
23 requests in the staffing plan, and I don't want to jump
24 ahead, we're actually drawing down. We're authorized up
25 to 26 and we're dropping down to 24.

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1 CHAIRMAN SULLIVAN: Okay, thank you.
 2 Ms. Roberson, do you have a question?
 3 MS. ROBERSON: I do, I have a couple of
 4 questions real quick. On item 4, physical and personnel
 5 security, I have a question about the no-cost. I mean,
 6 someone else was doing it before, do you mean no
 7 additional cost or are we actually going to save money?
 8 MR. SKLAR: I think it's no additional cost.
 9 Again, since traditionally everything was processed
 10 through DOE, we didn't have to think about this, but as
 11 we begin to draw down, and obviously we will save money
 12 by not having folks carrying clearance that they
 13 shouldn't carry. Perhaps there's a little bit of
 14 savings there.
 15 MS. ROBERSON: Okay. And then the other
 16 question I had was on the IT. Do you recall, who did we
 17 benchmark against, do you recall?
 18 MR. SKLAR: Yeah, I believe it was FERC and
 19 Millennium Challenge Corporation and perhaps one other
 20 entity, but we certainly can go deeper if the Board was
 21 interested as well, and we can make that -- we have that
 22 document and we can make that available to you this
 23 afternoon.
 24 MS. ROBERSON: Okay. Thank you.
 25 MR. SKLAR: Thank you.

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1 CHAIRMAN SULLIVAN: Are there any other
 2 questions for the general manager?
 3 MR. SANTOS: Yes, Mr. Chairman.
 4 CHAIRMAN SULLIVAN: Mr. Santos?
 5 MR. SANTOS: On information technology, page 4,
 6 section on data environment, D, cloud capability. What
 7 is your ambition that the data -- our Government data
 8 will be like? Is it going to be on a Government cloud
 9 or some private company will now have the Government
 10 data? Can you explain what "cloud" means?
 11 MR. SKLAR: Yeah, I'm going to explain at the
 12 surface, and then I'm going to defer to my CIO, who will
 13 give a more detailed answer behind me, but anything we
 14 do would be federally certified. Obviously things like
 15 Amazon Cloud, there are, or Microsoft, there are pieces
 16 that are approved for use by the Government, that GSA
 17 certifies, and multiple Government entities are using
 18 these secure environments. So we would only use
 19 something that was Fed ramp certified, but to go deeper
 20 than that, actually I would need to call on Mr. Floyd.
 21 MR. SANTOS: So there's a potential that the
 22 data will be in some private entity's infrastructure?
 23 MR. SKLAR: Again, other large parts of the
 24 Government, like DOD, and as you might imagine, national
 25 security agencies do use these services, but it's only

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1 after a very rigorous testing is done by GSA and other
 2 entities that everybody is confident that the data is
 3 secure.
 4 MR. SANTOS: And I guess you will provide some
 5 kind of cost benefit between that and having it
 6 in-house?
 7 MR. SKLAR: Absolutely.
 8 MR. SANTOS: Okay. Did you have another
 9 question?
 10 MS. ROBERSON: I'm done.
 11 MR. SANTOS: Another question on page 5, section
 12 3, projects, the test environment. How are we defining
 13 the scope of that effort and the boundaries of that
 14 effort? I'm familiar with test environments that can be
 15 very big, very large.
 16 MR. SKLAR: That's a fair question, and once
 17 again, I just wanted to introduce the concept and the
 18 idea and what we can do is have our CIO, Mr. Floyd,
 19 provide more information about the test environment for
 20 the record. I'm sure it's pretty technical.
 21 MR. SANTOS: My preference is once you have
 22 defined scopes or cost benefit analysis that I'll get a
 23 briefing on it, and other Board members that might be
 24 interested. I'm a little bit concerned with the scope.
 25 MR. SKLAR: Okay.

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1 MR. SANTOS: Help me a little bit about the test
 2 environment.
 3 MR. SKLAR: Fair point. So certainly we could
 4 do a cost benefit on the cloud and on the test
 5 environment as well.
 6 CHAIRMAN SULLIVAN: So, just for clarification,
 7 you're not requesting a cost benefit be done to be
 8 included in the record?
 9 MR. SANTOS: That is correct.
 10 CHAIRMAN SULLIVAN: Okay, so what are you asking
 11 for as part of this record?
 12 MR. SANTOS: That the scope of the test
 13 environment be better defined. So an expansion on the
 14 description currently provided on 3(e).
 15 CHAIRMAN SULLIVAN: So noted. Other questions?
 16 Ms. Roberson?
 17 MS. ROBERSON: One more follow-up question to my
 18 question on the IT. When you guys benchmarked, and I
 19 know you will provide that, when I think about FERC,
 20 they have a fairly extensive document control and
 21 docketing system, and Millennial does as well, too,
 22 because of the nature of what they do.
 23 Did we identify best practices we're trying to
 24 implement here that would aid in our processes in
 25 addition to whether we're spending equal an amount?

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1 Have we identified practices and actions that they have
2 taken that would benefit us?

3 MR. SKLAR: That's a fair question that I
4 believe is more of a financial exercise, in that we
5 literally looked at their financials and tried to figure
6 it out. Those two entities were chosen because they had
7 isolated the financials, or FTEs, so it was easy to find
8 it, but we certainly could benefit from best practice
9 discussions with other similarly sized entities.

10 CHAIRMAN SULLIVAN: Mr. Santos again?

11 MR. SANTOS: Back to the page 9 on budget,
12 finance and acquisition, in item 2 on the chief
13 financial officer, we are not a CFO Act agency, correct?

14 MR. SKLAR: Correct.

15 MR. SANTOS: If we were to bring a CFO, the fact
16 that we have -- if we have a CFO, does that mean that we
17 need to start now complying with CFO Act requirements,
18 or is that just a naming nomenclature, or are we
19 bringing requirements and functionality because we're
20 moving to having a CFO? Do you understand what I'm
21 asking?

22 MR. SKLAR: I do, and again, I'll defer to
23 legal. Certainly Mr. Biggins can correct me if I go
24 astray, but I assume CFO Act agency is a very specific
25 thing and identifies maybe 24 CFO Act agencies. I'm not

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1 aware that by using that titling that we subject
2 ourselves to that scrutiny, but again, I defer to
3 Mr. Biggins.

4 MR. BIGGINS: I think it would require specific
5 analysis of the statute, but my recollection of the
6 wording of the statute is that it applies to specific
7 agencies; however, much of the guidance or data -- data
8 requests that come out of the White House administration
9 OMB, those could be expanded beyond just the statutory
10 definition of CFO Act agencies. So it would probably
11 result in a case-by-case review of each data request to
12 see if they are specifically referring to a CFO Act
13 agency, or if they're referring to agencies that have a
14 CFO.

15 MR. SANTOS: And follow-on question, General
16 Counsel, if we then create a CFO, will there be an
17 expectation by outside oversight that we then need to be
18 in compliance with CFO Act requirements?

19 MR. BIGGINS: I don't think it would trigger
20 those requirements absent the statutory requirement.

21 MR. SANTOS: Thank you.

22 CHAIRMAN SULLIVAN: Ms. Connery?

23 MS. CONNERY: Just a quick follow-up on that,
24 for the general manager, you had said that you wanted a
25 properly credentialed and titled CFO. And so that means

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1 that you're going to have to go external and find
2 somebody with those credentials, but you said that you
3 were going to be shuffling people in-house. So are you
4 thinking that you're going to take somebody that you
5 have and credential, or are you thinking that you are
6 just going to have a slot and that you are going to
7 bring in a CFO and then typically CFOs are at least a 15
8 or an SES. So, what would be the tradeoff there?

9 MR. SKLAR: The thought process is that this
10 would be a GS-15 position, and we certainly have made no
11 type of decision, internal, external, or possibly both.
12 We certainly wouldn't want to isolate anyone internally
13 who could take over those functions.

14 MS. CONNERY: I guess I'm referring to the term
15 "credentialing" and what it means as it's very specific
16 for a CFO, for instance.

17 MR. SKLAR: At this point I think it would be
18 unfair to answer that question with any specificity, but
19 I think we will be researching do we need an MBA, do we
20 need an accountant, and those types of credentials or
21 not. I will say, though, that many of the CFOs in
22 today's world are just really good managers, so that's
23 something that's really a trend away from an
24 accountant-type background to somebody who is an
25 exceptional manager who understands the organization.

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1 CHAIRMAN SULLIVAN: Any other questions for
2 Mr. Sklar?

3 (No response.)

4 CHAIRMAN SULLIVAN: All right. Let's move,
5 then, to the next item on the agenda, which is the
6 Office of General Counsel work plan, and so Mr. General
7 Counsel?

8 MR. BIGGINS: Thank you, Mr. Chairman, Vice
9 Chairman and Board members.

10 Since the start of fiscal year 2016, I have been
11 working to establish the tracking of OGC's workload to
12 improve planning and accountability for the office in
13 its supporting role in this agency. While the first
14 iteration of our tracking system was accrued as
15 imperfect as a spreadsheet capture of support request,
16 it was certainly an improvement over no tracking.

17 For FY 2017, excluding ethics support requests,
18 OGC processed approximately 185 legal review and support
19 requests. This is in addition to support for
20 approximately 90 Board gatherings, an estimated 50 Board
21 briefings, five Board meetings and one Board hearing.
22 This does not include the support for rescheduled or
23 cancelled meetings and hearings for which OGC also
24 provided support.

25 OGC has also supported several complex

1 employment law cases, many untracked ethics issues, 15
2 public financial disclosure reports and 28 confidential
3 financial disclosure reports.

4 Under Chairman Connery and under Chairman
5 Sullivan, the general counsel, and for a short time the
6 deputy general counsel, also supported dozens of office
7 director meetings and one-on-one briefings with Board
8 members.

9 Our small but mighty Office of the General
10 Counsel will continue this work under the proposed
11 FY 2018 work plan. I have organized the work plan into
12 two sections: Section 1 deals with direct support
13 services; section 2 deals with OGC planned discretionary
14 work.

15 This proposed work plan lays out the important
16 supporting role OGC will continue to meet in the coming
17 fiscal year. The discretionary work will provide
18 important improvements and enhancements to the work flow
19 and office practices that will make OGC more responsive
20 and accessible to agency needs.

21 For example, updating and compiling OGC legal
22 opinions will enhance Board member and staff access to
23 the historic and current interpretation of the legal
24 authorities and responsibilities of the agency. What
25 this proposed work plan does not include is emergent

1 work. The work plan combined with the requested
2 staffing level for the office should provide the needed
3 flexibility for the office to support the agency in any
4 emerging challenges.

5 For example, an influx of FOIA requests, an
6 increase in employment cases stemming from conduct,
7 performance or security matters, or questions about
8 unique or new DOE practices in managing defense nuclear
9 facilities have the potential to disrupt the planned
10 workload if resilience is not built into the office.

11 Turning now to the specifics of the proposed
12 FY 2018 work plan, I will highlight a few particular
13 work planning items for Board consideration rather than
14 describing each item in the work plan that has already
15 been provided to the Board in writing in the Yellow
16 Folder.

17 Under the first category, Board Nominations.
18 With the approach of October 18, the Board will have
19 four out of five sitting members with expired terms. I
20 anticipate that the President's administration will
21 present nominations or possible renominations this
22 fiscal year. This will result in an intense effort to
23 process the nomination and potential confirmation of
24 four appointees, including their financial disclosures
25 and ethics agreements.

1 In the next category, OGC review of technical
2 documents. OTD is presenting a goal of 38 oversight
3 plans in its work plan. The resultant technical
4 documents of these reviews are reviewed by OGC for
5 analysis of applicable legal and regulatory
6 requirements, assurance of correctly interpreted and
7 stated standards stemming from those requirements, and
8 logical support for staff conclusions.

9 In the next category, contracts. During
10 FY 2016 -- pardon me, during FY 2017, OGC has
11 coordinated with OGM to begin the review of agency
12 contracts. While we initially started reviewing all
13 contracting matters, after an initial period, we
14 examined with OGM the efficacy of 100 percent review,
15 and as a result, have now set a threshold parameter or
16 parameters to review only those contracts likely to
17 present the greatest risk to the agency.

18 In the next category, ethics. This is an area
19 of support that is not transparent to the rest of the
20 agency. OGC processes numerous requests each month for
21 employees that are seeking outside employment
22 opportunities. On that, directly proportional to the
23 agency attrition rate, if each employee who leaves the
24 agency explores employment with three potential
25 employers, OGC will continue to remain busy researching

1 conflicts and preparing recusal agreements for employees
2 currently on board.

3 The ethics arena also includes many other work
4 tasks, such as advising on speaking engagements,
5 political activities, and replacement of filtered water
6 systems. Yes, thank you. In order to provide the Board
7 with an opportunity to explore OGC's proposed plan, I
8 yield the floor back for questions.

9 MS. CONNERY: You just snuck that in there.

10 CHAIRMAN SULLIVAN: All right, questions for the
11 general counsel?

12 (No response.)

13 CHAIRMAN SULLIVAN: I'm going to lead with a
14 question. Your section 2 is labeled Planned
15 Discretionary Work, and your section 1 is Direct Support
16 Services. And so my question is, under section 1, is
17 everything nondiscretionary?

18 MR. BIGGINS: Mr. Chairman, it's not so much
19 that each particular item is discretionary or
20 nondiscretionary, in many cases it's often a matter of
21 degree. In other words, how we perform the work is
22 likely discretionary. The extent of effort that is
23 expended on each work item is discretionary.

24 So, for example, under Support to the Board, the
25 first item is Hearings. Obviously OGC's role in a

1 hearing is discretionary with respect to the Board
2 unless a quorum is present, which would require the
3 presence of at least one attorney. The amount of work
4 that OGC does to help prepare for a hearing has
5 fluctuated during my tenure here with the agency where
6 OGC was previously primarily responsible for much of the
7 coordination of hearings; that changed, a lot of that
8 was transferred to OGM. They now do much of that work
9 and do a good job with that.

10 And so it is rather the level of effort or the
11 amount of OGC involvement that is the discretionary
12 piece of those items than to say that each item
13 independently is completely discretionary or completely
14 mandatory.

15 CHAIRMAN SULLIVAN: Thank you. On your Support
16 to the Technical Staff, you have Technical Documents.
17 Is that all technical documents that OGC reviews? Many
18 documents produced by the technical staff are
19 information papers which remain internal to the agency.
20 Does OGC review those?

21 MR. BIGGINS: OGC does not review every
22 technical document prepared by the technical staff. In
23 fact, many technical documents don't go through formal
24 concurrence at all. And so we primarily review the
25 documents that are presented as official work product to

1 the Board for its consideration of safety issues that go
2 through the formal concurrence process.

3 CHAIRMAN SULLIVAN: Thank you. DOE directives,
4 you have Review of DOE Directives of Interest to the
5 Board. The Board has a list of DOE directives of
6 interest to the Board which was generated, I don't know
7 how many decades ago, but it's a very lengthy list, so
8 what does your office actually do there? Can you
9 explain that just in more detail?

10 MR. BIGGINS: Certainly. OGC has traditionally
11 reviewed DOE directives to ensure that the way that DOE
12 uses its directive system in order to pass along
13 regulatory requirements and safety standards to its
14 contractors is sufficiently designed that those
15 standards and requirements are clear, that the staff
16 here at the Board has a clear understanding of what
17 those mean, and also that the directives carry forward
18 the appropriate legal and regulatory requirements to the
19 contractors in the execution of safety at DOE sites.

20 So I'll contrast that with the technical staff's
21 role where the technical staff is reviewing the actual
22 safety issues associated with implementation of the DOE
23 directives, OGC's role is to identify any instances
24 where vagaries or other lack of continuity between
25 regulatory requirements and implementation of those

1 requirements at the contractor -- DOE contractor level,
2 could cause potential problems, and to assist the staff
3 in identifying those issues and conveying those to the
4 Board for consideration.

5 CHAIRMAN SULLIVAN: Thank you. And the last
6 item I'm going to ask you to expound upon is under the
7 next section, which is Support to the General Manager
8 and the Staff, and it's labeled Security. I'll just
9 read it, your description is "support the processing of
10 security matters for personnel security, facility
11 security and information security." What is the general
12 counsel's role with respect to security?

13 MR. BIGGINS: With respect to security, over the
14 last year, or even longer, it's probably best to explain
15 that with a few examples. At the time that the
16 significant review of security handling of classified
17 documents here at the agency occurred, OGC was closely
18 coordinating with OGM in ensuring that the appropriate
19 requirements for marking and handling of classified
20 information were identified. Those applicable
21 requirements were captured in guidance here at the --
22 guidance and staff operating procedures here at the
23 agency, and the concerns were adequately conveyed to the
24 authorities that were conducting the reviews; in other
25 words, the IG and DOE's security office itself.

1 In addition to that, with respect to personnel
2 security, OGC is often involved in coordination of
3 personnel security matters where, for example,
4 information indicated that employees or contractors were
5 not forthcoming or completely honest on their
6 application materials, and that the agency was taking
7 appropriate action in response to those security
8 concerns.

9 CHAIRMAN SULLIVAN: Thank you.
10 Are there other questions for the general
11 counsel?

12 Ms. Connery?

13 MS. CONNERY: So, I just want to -- I guess it's
14 under your Planned Discretionary Work, at one point in
15 time you were speaking about cataloguing all of the
16 decisions and opinions of the Office of General Counsel
17 for electronic review, and I believe there was an IT
18 challenge to that, and so it kind of got put off for a
19 while until whatever that IT challenge was corrected. I
20 just wanted to know is that something that you're going
21 to have the staff to do in FY '18 or is that going to
22 get pushed further?

23 MR. BIGGINS: So, the technical challenge has
24 been worked on by OGM, they've been diligent recently in
25 trying to follow through on questions related to the DMZ

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1 requirement for the IT system in order to support this,
 2 and have met with us multiple times recently to try and
 3 finalize the issues concerning the IT system support.
 4 With respect to your specific question as to
 5 sufficient staffing, I'll defer discussion of that to
 6 the staffing plan, but I do believe that the requested
 7 resources in the staffing plan would allow the office to
 8 process that information beginning this year, FY '18,
 9 this coming fiscal year, and initiate the upload of most
 10 of the OGC prior legal opinions and memoranda into the
 11 system and make it accessible to the Board and to the
 12 staff.
 13 And so a large part of that effort will be
 14 capturing things that are already electronic, but also
 15 scanning in documents that only exist in paper form, and
 16 we will start with the more recent documents first, but
 17 go back and capture some of the historic documents so
 18 that the agency doesn't lose that knowledge over time.
 19 So it will be an ongoing effort, and there will
 20 be a large portion of the work that I will try to get
 21 done in FY '18, if the Board supports this task, but I
 22 do believe based on the staffing request that I
 23 submitted to the Board for its consideration that we
 24 will be able to start that.
 25 CHAIRMAN SULLIVAN: Other questions.

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1 (No response.)
 2 CHAIRMAN SULLIVAN: All right. Hearing none,
 3 let's move on to the last presentation, which is the
 4 staffing plan, and so, again, we call on Mr. Sklar.
 5 MR. SKLAR: Thank you, Mr. Chairman.
 6 The goal of the FY '18 staffing plan is a highly
 7 skilled and motivated workforce. We're also trying to
 8 create a framework for a strategic hiring, and that's
 9 why it is so important to have a staffing plan so that
 10 we can look ahead, we can be clever and strategic and
 11 thoughtful about where we look, and make sure we bring
 12 the very best talent back to this organization.
 13 Before we break into individual component
 14 discussions, and I think that's appropriately where the
 15 bulk of this should reside, I just want to draw your
 16 attention to a couple of issues that might trip us up in
 17 advance, just so we don't get tripped up.
 18 Under our FY '18 budget request, we did request
 19 120 FTE, that is comprised of 115 staff, plus five Board
 20 members, for a total of 120. Again, 115 plus 5 equals
 21 120.
 22 Now we are shooting in this plan for 122. Why
 23 is that? To get to the magic number of 115, you need to
 24 overshoot sometimes. Principally because you'll often
 25 go long periods of time in a CR where positions are just

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1 vacant, through no fault of your own, you have a
 2 surprise departure. So, to get to 115, we're shooting
 3 for 122.
 4 MS. CONNERY: We thought that was a
 5 justification for the CFO.
 6 MR. SKLAR: The second point, just to emphasize
 7 what a highly educated workforce we have. It's unusual.
 8 And extraordinary. And obviously we want to continue
 9 that.
 10 And the last point of emphasis is that we have a
 11 huge number of retirement-eligible folks in this
 12 organization. And that's why succession planning is so
 13 critical, that's why having a thoughtful staffing plan
 14 is so important, and why I really will make a plug and a
 15 pitch to get a group staffing plan for FY '18.
 16 So at this point, I'm going to turn it back to
 17 my colleagues, we will each take our turn as the
 18 document evolves, and then we will save time at the end
 19 for some questions. And I believe it's back to
 20 Mr. Biggins, who is first in the draft FY '18 staffing
 21 plan.
 22 CHAIRMAN SULLIVAN: Is there confusion here as
 23 to who's talking?
 24 MR. SANTOS: No, that's fine.
 25 CHAIRMAN SULLIVAN: Mr. Biggins?

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1 MR. BIGGINS: Thank you, Mr. Chairman. The
 2 current low staffing level of OGC hinders our efforts to
 3 provide support services, support internal control
 4 assessment and corrective action, and support business
 5 process improvements. I will continue to work with HR
 6 to pursue multiple avenues for recruiting high-quality
 7 legal support personnel; however, low agency Fed scores
 8 and agency ranking make it difficult to recruit talented
 9 attorneys who often do research into the agency before
 10 either applying or interviewing.
 11 Just as important, the public view of the Board
 12 and how it functions can affect the public perception
 13 for potential employees. The market for the legal
 14 support is strong, and our public reputation makes
 15 recruiting difficult or results in poorly qualified
 16 applicants.
 17 Over the past year, this has been compounded by
 18 the hiring freeze instituted by the administration, and
 19 delays from OPM for trying to fill the OGC vacant
 20 positions. The result of any continued diminished
 21 competitiveness will be fewer and less qualified
 22 applicants and potentially higher salary costs in order
 23 to bring people on board.
 24 I do not want to sacrifice the direct legal
 25 support to the Board in exchange for hiring the wrong

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1 person into the Office of General Counsel. With respect
2 to the deputy position in the office, the plan is to
3 fill the deputy position at the SES level. This
4 position is critical to the consistent operation of OGC,
5 the fulfillment of the competing demands of support to
6 the Board, and the operation of the Office of the
7 General Counsel, and to the continued development of OGC
8 staff.

9 OGM, due to Board-level disagreement over the
10 deputy position, has delayed the posting of this
11 critical position, and I believe was seeking clear
12 direction from the Board with respect to filling this
13 position, which I also share a request for clear
14 direction.

15 I would request that in improving the staffing
16 plan, the Board explicitly provide for direction with
17 respect to its wishes for the deputy position.

18 As to the secretary, I am requesting permission
19 to fill the OGC secretary position as a Federal
20 employee. This position is critical for OGC workflow
21 and daily organization. While the office has relied on
22 a contract secretary for the past two years, there were
23 instances where in my opinion contractors' interests
24 complicated with the interests of the agency. The
25 result was the loss of a secretary who was devoted to

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1 the mission of the agency, was effective in her job, and
2 had excellent credentials as a paralegal. If
3 supervision of the employee was vested in the office, I
4 am certain that all issues concerning conduct or
5 performance would have been handled in the best
6 interests of the agency, and would not have necessarily
7 resulted in the cost to the agency of replacing an
8 employee.

9 I would note that I understand the current plan
10 for the OGC and OTD secretaries is to move them under
11 the supervision of the Board's new special assistant. I
12 personally oppose this plan. The break in the chain of
13 command will likely result in additional confusion about
14 approval of schedules, leave requests, work assignments
15 and priorities.

16 I ask the Board to consider other alternatives
17 to this proposed plan, and I personally find it odd that
18 it would be necessary for the already-important position
19 of the Board's executive secretary to be a supervisory
20 position in order to justify filling the position at a
21 GS-15 level. There must surely be better options, more
22 consistent with OPM principles, for making such a
23 crucial position a GS-15, and to move the supervision
24 potentially in name only, of other secretaries under
25 that position.

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1 A paralegal in the Office of General Counsel has
2 several long-standing -- presented based on several
3 long-standing needs for updating the organization that
4 depend on staff availability. The paralegal position is
5 intended to provide direct research support to the
6 office, as well as to take the lead on office
7 improvements.

8 Generally speaking, the office staffing level is
9 something that I put much thought into. The workload of
10 the office is a heavy burden on the current skeleton
11 crew and will quickly result in burnout. The one
12 benefit to the current situation is that it provided me
13 with a strong understanding of the level of work that
14 the office can support at different staffing levels in
15 the context of the demands of the agency.

16 Over the two years of my tenure, I have at
17 different times had one, two, three and four attorneys,
18 and have been able to observe the relative workload at
19 each staffing level. During this time, the agency has
20 often employed the assistance of contracted legal
21 support for employment law matters. My insights gained
22 through the lens of experience here lends me to
23 propose -- leads me to propose what I believe is the
24 optimal level of staffing for the agency at its current
25 size, and anticipated mission and support workloads.

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1 Because OGC is primarily a support office, our
2 workload is a function of the agency's size and
3 workload. The OGC input to the staffing plan represents
4 my best estimate of OGC staffing levels to best support
5 the agency needs. Thank you.

6 CHAIRMAN SULLIVAN: Mr. Sklar, who's next?

7 MR. SKLAR: Mr. Chairman, I would just like to
8 make some brief remarks. I think the enduring quality
9 of our submission is that it's short and brief, and my
10 comments will likewise be short and brief. Primarily
11 because we're at a steady state environment. OGM is not
12 making a substantial staff request. In fact, we're
13 largely asking to stay in place. I'll just recite a few
14 numbers historically which should give some perspective,
15 and then hopefully yield the remainder of my time to the
16 Office of the Technical Director.

17 So in 2015, we had 22 FTEs on board; in 2016,
18 OGM had 23; in 2017, we now have 23, even though we were
19 authorized up to 26; and in 2018, we are requesting 24,
20 with a request from the Board that the additional FTE
21 being a request from the Board for a special assistant
22 position. So we are largely steady state.

23 Obviously, we do get support from other Federal
24 entities. We're strong believers in shared services.
25 We rely on the USDA for certain functions, we rely on

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1 OPM for certain functions. We're always out looking for
2 additional entities that might be able to assist us at
3 reasonable costs, and obviously we are responsible for
4 two large contracts that service the entire entity, both
5 the IT contract and the admin contract.

6 So with that, I'm going to yield the remainder
7 of my time to the Office of the Technical Director,
8 because there's not a huge amount of time for this
9 segment.

10 CHAIRMAN SULLIVAN: So, we are back now with
11 Dr. Poloski.

12 MR. POLOSKI: For the record, my name is Adam
13 Poloski, I am the board's deputy technical director for
14 engineering performance. I am here to present and
15 discuss the fiscal year 2018 staffing plan for the
16 Office of the Technical Director.

17 We evaluated the technical staff's ability to
18 execute the Defense Nuclear Facilities Safety Board's
19 nuclear safety oversight mission and identified 12 OTD
20 vacancies. We did this through establishing a baseline
21 for OTD staff for the beginning of FY 2017. Since that
22 time, three engineers have transitioned into new
23 supervisory positions, and eight engineers were
24 reassigned to support the engineering performance
25 activities. I'll note that the eight engineers that

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1 were assigned a loading of 50 percent for engineering
2 performance activities, so this is an effective change
3 of a reduction of four engineers.

4 When coupled with the attrition of two engineers
5 during this year, this results in a total of nine
6 engineering vacancies in OTD. The remaining three
7 vacancies correspond to currently open positions within
8 OTD that consist of a senior executive for the nuclear
9 facility design and infrastructure group, a senior
10 leader and a resident inspector.

11 OTD completed a strengths, weaknesses,
12 opportunities and threats, or SWOT evaluation, of the
13 technical staff workforce to identify potential impacts
14 and improvements to support the Board's nuclear safety
15 oversight mission. We identified the following
16 significant near-term skill needs: Includes fire
17 protection, confinement ventilation and nondestructive
18 assay.

19 Based on the Board's potential oversight mission
20 in FY 2022, and attrition in the next five years, OTD
21 also identified the need for additional technical
22 staffing in the areas of health physics and nuclear
23 criticality safety. For these areas, OTD is working
24 with the Office of the General Manager on two fronts:
25 One is recruitment and/or retention of highly qualified

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1 technical experts; and two, programs to train current
2 staff. If needed, OTD will also consider the use of
3 outside experts to supplement staff capability in these
4 areas.

5 For training, OTD is developing a comprehensive
6 technical staff training program that will include
7 annual training focused on staff-wide topics, including
8 safety bases, technical writing, issue analysis, agenda
9 and interview techniques, and other key areas. In
10 addition, the program will develop training guides to
11 improve technical expertise in specialty areas,
12 including safety bases, nuclear criticality safety,
13 confinement ventilation and quality assurance.

14 Technical staff training is also ongoing in many
15 other areas to improve staff capability and capacity.
16 The next topic of discussion is our knowledge transfer
17 efforts. Within the highly experienced technical staff
18 levels that include BAM-5, 16 of 32 staff members are
19 eligible to retire within the next five years. Because
20 of this, OTD is aggressively pursuing all its transfer
21 activities of the current group of staff experts to
22 other less experienced staff.

23 Technical staff members are performing knowledge
24 transfer activities in the following specialty areas:
25 Nuclear criticality, confinement ventilation, electrical

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1 distribution, quality assurance, and safety bases.

2 Next we would like to discuss the professional
3 development program. OTD will continue the use of the
4 professional development program as a structured career
5 path for employees with a bachelor's degree. This
6 program allows junior technical staff members to gain
7 agency experience before earning their master's degrees
8 and gaining external experience.

9 This program has been successful in attracting
10 and retaining highly skilled and motivated candidates
11 straight out of college and the model can potentially be
12 broadened in creative ways at all stages and levels of
13 their career. By doing so, the agency is able to
14 improve the staff's current skill set with the
15 disciplines and experience most needed to help the
16 agency fulfill its mission.

17 Lastly, OTD is requesting external resources in
18 the following areas: One, administrative support. For
19 administrative support, OTD plans to continue using
20 contractor support totaling the equivalent of five
21 full-time employees. This includes four in secretarial
22 support roles and one in a technical editor role.

23 Two, engineering performance group program
24 support. OTD requests using additional contractor
25 support of two full-time employees. These employees

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1 would serve as a short-term solution to enable staff
2 engineers who are currently developing, assessing and
3 maintaining our internal controls to return to nuclear
4 safety oversight work.

5 Three, technical contractor support. The
6 technical staff uses outside expertise via technical
7 contractor support for, one, evaluation of site
8 characterization, seismic hazard, geotechnical
9 engineering and structural design at various defense
10 nuclear facilities; two, review of maintenance and
11 operations at DOE facilities bases, safety bases; and
12 three, review of nuclear criticality safety issues.

13 This concludes my prepared remarks. I would
14 like to take a moment to thank several key staff who
15 were involved in preparing the OTD staffing plan,
16 specifically Mr. Todd Davis, Mr. Robert Oberreuter and
17 Mr. Ray Daniels. At this time I would like to answer
18 any questions you may have.

19 One thing that we did have in our table that I
20 would like to point out for looking at vacancies for the
21 next year, was we did have two Federal administrative
22 support staff listed, and we would like to continue the
23 current organizational arrangement and kind of parallel
24 with what Mr. Biggins had mentioned.

25 CHAIRMAN SULLIVAN: Questions?

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1 MR. SANTOS: Point of order. Are we going to go
2 in the order that they're presented or to any questions?

3 CHAIRMAN SULLIVAN: I had no plan.

4 MR. SANTOS: No plan, okay.

5 CHAIRMAN SULLIVAN: So fire away.

6 MS. CONNERY: Have at it.

7 MS. ROBERSON: So, my question is to -- for OTD.
8 And I applaud you guys for your developing --
9 development and training initiatives. I think the Board
10 definitely hires the smartest people out there, but we
11 have not necessarily been that good at ensuring we
12 invested in their development when it came to doing
13 effective oversight, knowing how to apply that, those
14 smarts. So I applaud what you guys are doing.

15 One of the things that concerns me, and I'm
16 asking you if it's something you guys consider, is
17 balancing the priority of the mission needs with
18 discretionary development opportunities. We see -- we
19 have a lot of mobility in OTD, and everybody should --
20 I'm not saying we don't want to afford opportunities of
21 everybody to support that, but I'm wondering how you
22 guys consider that in identifying your staffing needs,
23 or in your training needs. Is there a minimum line that
24 all employees must have certain skills and capabilities
25 so that they can be mobile from need to need? Did you

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1 guys consider the mobility that's occurring in the
2 organization?

3 MR. POLOSKI: So, the way that we designed our
4 training program, there were three levels associated
5 with it. One was a basic level that everybody would
6 apply to everybody, and had a core set of training
7 associated with it. The second level got into a
8 different role, which was a review lead, which we hope
9 people would aspire to, but it should be pretty
10 universal across the staff, especially the more senior
11 staff. And then the third level really got into
12 project-cognizant engineer roles, resident inspectors
13 and some of the more specialized areas.

14 So we had training components designed around
15 each one of those and we're trying to promote a career
16 path where people would get experience in each one of
17 those roles.

18 MS. ROBERSON: So a follow-up question. Let's
19 just take the lead reviewer. Does that mean every
20 employee in OTD will need to complete that training?

21 MR. POLOSKI: So, the answer is yes. So we
22 broke it out into two pieces, training versus
23 qualification. New employees will have to be qualified,
24 trained and qualified; current employees will be
25 trained, and the concept is that they are already

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1 qualified to do their jobs because they've been doing it
2 for several years already, but additional training as a
3 discretionary based -- well, I guess it is mandatory,
4 but without the qualification component seems like a
5 good solution here.

6 MS. ROBERSON: Thank you.

7 CHAIRMAN SULLIVAN: Mr. Santos, did you have a
8 question?

9 MR. SANTOS: Yes, thank you, Mr. Chairman.

10 OTD, you have a vacant senior leader. For how
11 long that has been vacant?

12 MR. POLOSKI: I believe two years, sir.

13 MR. SANTOS: Now, how many supervisors are
14 currently in OTD? Are employees performing a
15 supervisory role, total?

16 MR. POLOSKI: I believe that there's nine.

17 MR. SANTOS: Nine? Okay.

18 MR. POLOSKI: Roughly.

19 MR. TONTODONATO: Right now it's 9.

20 MR. POLOSKI: Yeah, nine.

21 MS. ROBERSON: Nine filled?

22 MR. TONTODONATO: Yes, nine people right now
23 doing it.

24 MS. ROBERSON: Okay, but you have a vacancy,
25 right?

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1 MR. TONTODONATO: Right, we have a vacant SES
2 position, yes. The person doing that is also one of the
3 supervisors that we didn't replace for his supervisory
4 role.
5 MS. ROBERSON: Is that nine SESs? Is that what
6 you're counting?
7 MR. TONTODONATO: No, no, no.
8 MS. ROBERSON: You're counting the SESs as well?
9 MR. TONTODONATO: That includes everybody, SES
10 and not SES.
11 MS. ROBERSON: Okay.
12 MR. TONTODONATO: So, two of those are not SES.
13 MR. POLOSKI: There's three DN-5 supervisors.
14 MR. TONTODONATO: Right, one of them is acting.
15 MR. POLOSKI: Okay.
16 MR. TONTODONATO: We'll just say who the people
17 are, technical director, two deputies and three
18 assistant technical -- associate technical directors, so
19 currently six in place with one vacant in the SES
20 positions.
21 MR. SANTOS: Mr. Sklar, this might be a hard
22 question to ask because of how things are transforming
23 and translating, but I want to ask it anyhow. You
24 mentioned the 122 FTE, those are Federal FTE, correct?
25 MR. SKLAR: Yes, sir.

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1 MR. SANTOS: Is there a way -- I know we have
2 shared services, and I know we have some contractors
3 that do specific projects that have a defined scope, but
4 there's others that provide more of a continuous
5 support. You can take it for the record, but I would
6 like to kind of get a sense of the total body support of
7 people, both feds and contractors, for the past maybe,
8 you know, two years. And how that trend has changed.
9 And you can break it down per office.
10 CHAIRMAN SULLIVAN: If I can add, there's also
11 a -- there's direct contract support and then we have
12 interagency agreements, so some of our functions are
13 done by other agencies and we just pay those agencies
14 for them, but those would translate to FTE if we were
15 trying to do them ourselves.
16 MR. SANTOS: Correct, that's what I recognized
17 as shared services, that's what I called it. I'll defer
18 to the general manager how he wants to present the
19 information and any clarification to accommodate what
20 you are saying, also. I'm just trying to get a total
21 sense of the amount of people involved in supporting
22 this agency, both Federal, contractors, shared services.
23 MR. SKLAR: Absolutely. We can provide that,
24 and I believe the request was for the last two fiscal
25 years, so that's FY '16 and '17?

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1 MR. SANTOS: Yes.
2 MR. SKLAR: Okay, yes.
3 CHAIRMAN SULLIVAN: Ms. Connery?
4 MS. CONNERY: The first question is for
5 Dr. Poloski. When you talk about the engineering
6 performance group support, you note that it's not
7 currently reflected in the FY '18 budget. You didn't
8 say whether or not the technical contractor support, the
9 second iteration of that, was currently reflected in the
10 contract cost. Is that -- is it just the one that's not
11 reflected or are they both not reflected?
12 MR. POLOSKI: I'm sorry, what two are you
13 talking about?
14 MS. CONNERY: So, you've mentioned the
15 engineering performance group program support, two FTEs
16 to help with --
17 MR. POLOSKI: You mean the Federal hires versus
18 the contractors?
19 MS. CONNERY: The contractor, we're talking
20 about the contractor, you said it's not in the budget
21 right now.
22 MR. POLOSKI: Right.
23 MS. CONNERY: And then you talked about the
24 technical contractor support, which is outside expertise
25 that you hope we can do to get your criticality safety

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1 and your seismic hazards.
2 MR. POLOSKI: Um-hmm.
3 MS. CONNERY: You didn't mention whether or not
4 that was reflected in the budget. Is it?
5 MR. POLOSKI: That's a continuation of an
6 existing contract, so yes, it would be included. The
7 new component would be the engineering -- the
8 engineering performance support, yes, ma'am.
9 MS. CONNERY: Okay. My next question is for
10 Mr. Biggins. So, I guess my question has to do, I know
11 that you put a lot of thought into your staffing plan.
12 My question is did you think about since at one point in
13 time you were using your direct hire secretary also as a
14 paralegal, is there a way to combine those functions
15 into one individual if you were able to recruit one, so
16 that you would have one FTE reporting to you that
17 wouldn't necessarily strictly be a secretary and
18 therefore a paralegal would naturally have to report to
19 you?
20 MR. BIGGINS: So the experience that we have in
21 the office is having a contract secretary, and for a
22 short period of time a paralegal at the same time, and
23 they performed different functions. And when the
24 paralegal, for personal reasons, that I won't go into in
25 a public meeting, ended up being absent from the office

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1 for a period of time, and then ultimately leaving the
2 agency, the problem that I had was the workload on the
3 secretary, the contract secretary, was essentially a
4 full-time workload, and that person was not able to,
5 even though she had a paralegal certificate, was not
6 able to spend time performing the paralegal function or
7 taking care of the other office initiatives that I had
8 assigned to the paralegal. So having one person to
9 combine both jobs, I wasn't able to accomplish the
10 things that we were trying to accomplish.

11 MS. CONNERY: Okay, thank you.

12 And the last question is for Mr. Sklar. So, you
13 indicated that you are not looking for any additional
14 people, you have two vacancies, does that mean that
15 you're not going to fill those? On the chart you said
16 you have two vacancies, but they're vacancies without
17 assignment. They're like floaters? I'm just not sure
18 what their jobs are and whether or not you are asking us
19 to fill them.

20 MR. SKLAR: Yeah, that's correct, we do not
21 intend to fill those vacancies.

22 CHAIRMAN SULLIVAN: All right, so I have a
23 question for Mr. Sklar. We heard from the other two
24 speakers about a tentative plan to move consolidation
25 support under the general manager, they spoke in

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1 opposition, but we didn't hear from you.

2 MR. SKLAR: So we do have a plan to hire a
3 special assistant GS-15 to support the Board and the
4 Board's functions, and it's certainly possible to or
5 desirable to have that individual supervise the admin
6 support across the enterprise. So we certainly have no
7 objection, and, frankly, at least in my personal
8 opinion, it would seem to make sense to consolidate
9 those functions in one place.

10 CHAIRMAN SULLIVAN: Okay, thank you. And for
11 the technical staff -- I'm sorry, Ms. Connery, did you
12 want to jump in?

13 MS. CONNERY: No.

14 CHAIRMAN SULLIVAN: All right, so for the
15 technical staff, looking at last year's plan, it
16 stated -- this, again, was the input from the technical
17 staff that you had 85 people on board, you had two
18 positions to be filled, Federal positions. At the time
19 you had external resources, four secretarial support,
20 one tech editor, four assurance group program support,
21 technical contractor support submitted as \$500,000 and
22 other contractor support not to exceed \$100,000.

23 This year's plan says that you have 83 people on
24 board, and in addition to that. So I mean, again, last
25 year it was 81 on board with two to fill, this year, 83

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1 on board and 12 vacancies. And your external support is
2 four secretarial support, one tech editor, two full-time
3 equivalents instead of four for the engineering
4 performance group support, and the rest of the technical
5 contract support of \$500,000 and \$100,000 is the same.

6 So that -- I mean, I'm just doing the math, I'm
7 looking at 10 more bodies in the Office of the Technical
8 Director than what you said you needed last year. Can
9 you elaborate on why that is true, if it is true?

10 MR. POLOSKI: Sure. I think I gave a pretty
11 comprehensive background in the remarks that I went
12 through earlier of how we broke it down for baselining
13 it off of pay period 4 staffing levels, so we're looking
14 at potentially a different snapshot in time versus what
15 we were using as a baseline of what we considered was a
16 good level of oversight.

17 The numbers with the reassignments from the
18 engineering -- into the engineering performance roles
19 and the loss of the engineering -- the management
20 analyst contract, coupled with the reorganization and
21 engineers transferring from nuclear safety oversight
22 roles into supervisory roles all contributed to that
23 number. And training as well is a component for focus
24 on the engineering management or performance group.

25 CHAIRMAN SULLIVAN: Okay, so let's just ask my

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1 simpler question: Am I reading this correctly, is the
2 technical staff saying they need 10 more bodies than
3 they said a year ago?

4 MR. POLOSKI: If that's the way that the math
5 works out from year to year, we're taking a fresh look
6 at where we would like to be this year, and that's what
7 the number said.

8 CHAIRMAN SULLIVAN: Okay. Thank you.

9 Any other questions for --

10 MS. ROBERSON: I do. I have a question.

11 CHAIRMAN SULLIVAN: Ms. Roberson?

12 MS. ROBERSON: I think for Mr. Sklar, I think
13 you're probably the candidate. So we're estimating
14 creating in total, if we took everybody's request, we
15 would be hiring about 17 people, right? That's our
16 plan. And that includes our attrition rate. Is that
17 assumption that where attrition occurs, we will do a
18 one-for-one replacement? I know we can't know where
19 somebody might leave, but I'm just wondering, do we have
20 a process to evaluate our needs based on some priority
21 rather than assuming one-for-one replacement?

22 MR. SKLAR: I guess if you look at the chart on
23 page 5, so it does -- it starts out at current we're at
24 114 and today we're actually at 114, but on next Monday,
25 on Monday, the start of the fiscal year, we will be at

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1 113, for what that's worth.

2 This does include your projected losses, you see
3 the minus 9. So at that point, there would be 17 hires
4 to get back up to where we would need to be.

5 MS. ROBERSON: So yes? I mean, that's probably
6 all we can do is assume one-to-one since we don't know
7 when people will leave. Do you know offhand what's the
8 most the Board has been able to hire in a year?

9 MR. SKLAR: I'm sure that's available.
10 Obviously there's been much more aggressive hiring in
11 prior years. I know last year, I don't have the number
12 in front of me, but it was quite sizeable the number of
13 people we brought on in one fiscal year. Somewhere
14 between a dozen and two dozen.

15 MS. ROBERSON: I don't think it was 17. But if
16 you can check, I would love to have that for the record.

17 MR. SKLAR: Yeah, we can do that, sure.

18 CHAIRMAN SULLIVAN: So, let me follow up. I do
19 think there is a disconnect between the table 5 and then
20 the subsequent tables presented by each office. That is
21 the math on table 5 would have eight additional FTE
22 above where we are now, Federal FTE, but as general
23 counsel pointed out, he's significantly undermanned, and
24 he needs six FTE to get to where he wants to be, and the
25 Office of the Technical Director said that they needed

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1 MR. BIGGINS: I would like to address the
2 question as well, Mr. Chairman.

3 CHAIRMAN SULLIVAN: Certainly.

4 MR. BIGGINS: So, with respect to the OGC
5 request for six additional people, when you look at that
6 in terms of FTE for a fiscal year FTE count, we are
7 coming up on October 1st, very quickly here, it is
8 unlikely that even if the Board approved filling all of
9 these positions, that it would equal six additional FTE
10 for FY '18 because of the lag time of getting people on
11 board and the potential attrition just within OGC.

12 So, my estimate is that even though that six
13 positions that I'm requesting be authorized by the Board
14 to be filled, that the FTE number would actually be less
15 than that for FY '18.

16 CHAIRMAN SULLIVAN: Thank you. And I understand
17 that. But if we were successful, we would end up the
18 year with, just in your case, nine people in the Office
19 of the General Counsel, if we approve this plan. And
20 similarly with the Office of the Technical Director, we
21 could end up with 12 more people at the end of the year,
22 which presents a question of that next year going on, if
23 all those people are on the payroll, the question would
24 be whether the budget for a follow-on year would support
25 it.

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1 12 additional Federal FTEs. So that's 18. That's a lot
2 more than six.

3 MR. SKLAR: Yeah.

4 CHAIRMAN SULLIVAN: So I'm just reading this as
5 a disconnect. My question is simply is there a
6 disconnect between what's on table 5 and then what's in
7 the subsequent tables?

8 MR. SKLAR: We certainly do want to speak for
9 the components as to what their requests would be, and
10 obviously if we honored all their requests in this
11 particular staffing plan, we would be well above the 115
12 number at the end of the fiscal year.

13 CHAIRMAN SULLIVAN: Okay, I just wanted to make
14 that clear, because if I take that to be true, then
15 given the budget request that has already been
16 submitted, the Board necessarily has decisions to make
17 in approving this plan. Okay. Thank you.

18 Other questions?

19 MR. SANTOS: So to clarify, when we get to
20 deliberations, it sounds like we might need some
21 reconciliation. We have to look at these tables
22 ourselves this afternoon to match our requests. Did I
23 get that right?

24 CHAIRMAN SULLIVAN: We have work to do, yes.

25 MR. SANTOS: Yes. Okay.

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1 MR. BIGGINS: I agree, Mr. Chairman.

2 MR. SANTOS: I know we're over time, one quick
3 one for Mr. Sklar. On the Board's special assistant, is
4 there enough functions to justify a nonsupervisory
5 position, or is the reason that this person needs to
6 have supervisory roles because there are not enough
7 functions identified? Can you expand on that job?

8 MR. SKLAR: Well, I can speak to the way it's
9 currently written, that we did roll in those functions.
10 It's a big job. There's a lot of pieces and moving
11 parts to that job, it would be all media, it would be
12 Congressional relations. It's a big portfolio. The
13 question is whether it's a GS-14, GS-15. Obviously we
14 think it's an important job with a high profile, we
15 think it should be graded as a GS-15.

16 You've asked me something that I really haven't
17 thought about, the executive function, could it still
18 exist at a GS-15, I have to get back to you on that.
19 But it is currently posted as a GS-15 position,
20 supervisory.

21 MR. SANTOS: Oh, it's already posted, I didn't
22 know that.

23 MR. SKLAR: I believe so. Is it posted?

24 MS. HERRERA: Yeah, we're waiting on the list,
25 it's already closed.

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1 MR. SANTOS: That answers it.
 2 CHAIRMAN SULLIVAN: All right. Other questions?
 3 (No response.)
 4 CHAIRMAN SULLIVAN: Thank you to all of you for
 5 the presentations. So at this point in the agenda, we
 6 open up for public comment. I'm going to look to one of
 7 our attorneys to see if we had anybody sign up.
 8 MR. BIGGINS: Mr. Chairman, no one has signed up
 9 for public comment.
 10 CHAIRMAN SULLIVAN: All right, so we have nobody
 11 signed up for public comment. Do we have anybody in the
 12 room who cares to make a public comment?
 13 (No response.)
 14 CHAIRMAN SULLIVAN: And I'm not seeing anyone,
 15 so at this point, I think we will go into recess for
 16 lunch, and we will come back at 1:00 for Board
 17 deliberations. Thank you.
 18 (Whereupon, at 11:54 a.m., a lunch recess was
 19 taken.)
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1 AFTERNOON SESSION
 2 (1:00 p.m.)
 3 CHAIRMAN SULLIVAN: All right, we are ready to
 4 reconvene. And before we move on with the agenda, I
 5 understand from the general counsel that there's one
 6 correction from this morning that he wants to read into
 7 the record.
 8 Mr. General Counsel?
 9 MR. BIGGINS: Thank you, Mr. Chairman.
 10 In response to a question from Board Member
 11 Santos, Mr. Sklar misspoke. Apparently the response
 12 should have been that the agency will be using a
 13 government-owned cloud, not a contractor-owned cloud.
 14 Thank you.
 15 CHAIRMAN SULLIVAN: All right. Thank you. So,
 16 now we move to the portion of the agenda that broadly
 17 says "Board Deliberations." So we didn't have any
 18 established order. I would suggest that we try to go
 19 through deliberating in the same order as things were
 20 presented this morning.
 21 So, if there's no objection, the first thing
 22 that we were presented with this morning was the
 23 strategic plan, and I open it up to Board members to say
 24 whatever they want regarding the proposed strategic
 25 plan.

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1 MS. ROBERSON: I'll start. Great. Well,
 2 actually, I kind of like what we have. I would circle
 3 back around to the conversation you and Ms. Connery were
 4 having earlier about not including the -- whatever we
 5 call it, management and excellence section, and I was
 6 one of those Board members Ms. Connery referred to who
 7 commented on removing that. And I wanted to elaborate
 8 why I did that and what my views are.
 9 So, my views are the Congress is very clear in
 10 the functions it assigned to the Board, and I believe we
 11 are drifting in our prioritization of those functions,
 12 and I think the simplest way to get back to basics is to
 13 get back to basics. And so that's why I proposed what I
 14 did.
 15 It wasn't to say we don't want to have
 16 excellence in management or anything else, but I think
 17 we have those because they support the functions
 18 Congress told us to do. So that was my thinking going
 19 into this exercise for the two comment cycles we've
 20 done.
 21 CHAIRMAN SULLIVAN: Any other Board member want
 22 to speak?
 23 MR. SANTOS: I want to thank Ms. Connery for
 24 taking the initiative and championing this effort. I
 25 think what we have in front of us and what's briefly

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1 presented could become a good starting point, she used
 2 the word "draft" or "living document" that as we
 3 continue to work at it we can get to a state that can
 4 become our new strategic plan.
 5 I guess I have a question, our actual deadline,
 6 Mr. General Counsel, you can help me, or maybe
 7 Mr. Sklar, but when should the Board have an approved
 8 final strategic plan?
 9 MR. BIGGINS: I don't know that date. I would
 10 defer to the general manager for that.
 11 MR. SKLAR: I believe the date has passed at
 12 this point in time.
 13 MS. CONNERY: So my understanding was it was due
 14 September 11th, if I'm not mistaken. People are
 15 nodding. But I also understand that the Office of
 16 General Manager had a conversation with OMB letting them
 17 know that we were going to submit our plan for budget
 18 without a strategic plan, but that we were working on
 19 it. So I think we have a little bit of time, but I
 20 wouldn't necessarily say we have endless time.
 21 MR. SANTOS: My understanding was the September
 22 11th date was a draft, so I think we still have time, I
 23 think according to the requirements of the organization
 24 draft.
 25 MS. CONNERY: We actually didn't put in a draft

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1 plan at all. We put in nothing. So we do owe them a
2 draft plan, so you could call this a draft of a draft.
3 I don't think we're in submission format as of this
4 point in time.

5 MR. SANTOS: Okay.

6 MS. ROBERSON: Can I ask a question? And I'm
7 actually going to ask Ms. Connery, since you really
8 coordinated this for the Board. I guess what I'm
9 starting to wonder is if we're all far enough apart,
10 maybe we should just consider keeping the old one until
11 we get someplace else with a new one. How far apart do
12 you think we are on a new strategic plan?

13 MS. CONNERY: So, again, I would say that the
14 original document that I started with, which is the
15 one-pager that was submitted by OGM, that one-pager, by
16 their definition, did not meet requirements. I think
17 that we could probably get to something that could be
18 submitted in the next couple of months. I would say
19 that an outsider looking at it, based on what we agree
20 on, would say it's slightly anemic, but not dead, if it
21 came out of this process.

22 I would say that to your other comment with
23 regards to getting back to basics, again, I see the
24 value in a strategic plan is not only about the mission,
25 but also how we conduct the mission, and that's the

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1 primary purpose behind giving guidance on a strategic
2 plan is to give direction from the Board. And my
3 personal view is that as leaders, we absolutely have to
4 put safety first, but we also have to understand that we
5 are guardians of the taxpayer dollars, and that we
6 should be directing our staff as to how they should
7 conduct their business and in what manner, and I believe
8 a vision statement put out by the Board that articulates
9 that is to the benefit of the Board, to the benefit of
10 the staff, to the benefit of the agency, and ultimately
11 to the Government and the U.S. citizens.

12 So that's why I'm a strong advocate for putting
13 this together in a more traditional sense of a strategic
14 plan. Again, I don't know if we could get there. We
15 might be able to get closer, but we would be able -- to
16 answer your question -- we would be able to get to
17 something, I believe, that we could all agree upon
18 within the next, you know, 60 days.

19 MS. ROBERSON: And I mean, just in response, I
20 don't disagree with anything you said, I agree we should
21 invest in our employees and we should have excellence in
22 management. My concern is to what end. It's not a goal
23 in and of itself, and my concern is we have not done a
24 good job of tying those expectations to the actual duty
25 that Congress assigned to us. That's my opinion. But I

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1 don't disagree, we have to invest in those areas, it's
2 to what end.

3 CHAIRMAN SULLIVAN: So, I've struggled with this
4 whole concept of strategic plan. As you all know my
5 background, through the United States Navy, this would
6 be like a five-year strategic plan for my ship, when the
7 truth is I was going to go sail my ship wherever I was
8 told to sail it and do as good a job I could on any
9 orders that I was given for a particular mission.

10 I sort of see our agency being the same. You
11 know, we're going to provide oversight of the Department
12 of Energy, so what's our five-year plan to provide
13 oversight at the Department of Energy, I suppose depends
14 on what the Department of Energy is doing. Yes, we're
15 going to execute our mission. How you make a five-year
16 plan would assume that strictly on the basis of the
17 agency as it exists today, that we're going to go
18 somewhere different.

19 If we're not going to go anywhere different,
20 then it's not really a strategic plan, it's just a plan
21 to keep doing what you're doing. If you think we should
22 do something different, or be structured differently,
23 well then we could create a plan to go from where we are
24 to where we want to be.

25 I think on that part of it, I think there is

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1 disagreement amongst the five Board members in terms of
2 if we assume we were going to go somewhere else, to take
3 the current agency structure, the way it operates, the
4 size of the agency, and change it in some aspect, what
5 would the new agency look like? That I'm not sure we
6 are aligned with. So I think we might have some trouble
7 coming up with a strategic plan.

8 So, the other thing I always struggle with is
9 that we're being tasked with creating a four-year plan
10 which if you look at the law, seems to me to make sense
11 for those CFO agencies, the large Federal Government
12 departments or agencies, most of which are run by a
13 unitary person, secretary of the department, who comes
14 in at about this time frame at the beginning of an
15 administration and creates a four-year strategic plan
16 that coincides with the administration.

17 The Board, on the other hand, has five members,
18 and those members, as designed under the statute, serve
19 in terms and can change regularly. So for this Board to
20 create a strategic plan that lasts four years, well,
21 what happens when you get new Board members and they
22 don't agree with the strategic plan as laid out and they
23 want to go somewhere else?

24 So for all those reasons, I'm just talking about
25 the fact that I struggle with the concept as it is

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1 created in law and as it applies to this agency, which
2 is not the same as many of the other agencies in the
3 Federal Government.

4 MS. ROBERSON: So, anybody else can jump in any
5 time, but if they don't, I'll keep going. I believe a
6 strategic plan is a valuable instrument in this agency,
7 and I believe it's a valuable instrument because we have
8 five Board members who have different life experiences,
9 different views, and what we communicate to the staff we
10 value is really all we can offer to drive it where we
11 want it to go. I believe a strategic plan is important.

12 I believe I'd rather get something right than
13 just do something. I mean, I will be honest, but I
14 think it is important, and I think we don't have to
15 be -- I personally, I think we have -- I'll call them
16 regulatory, even though they're not really regulatory
17 drivers. We have drivers, but what's more important to
18 me is the Board, even if we can't agree on everything,
19 then whatever it is we can agree on, provides a message
20 to the staff, and it flows into how they specify the
21 specifics.

22 I don't think we need to specify what we're
23 going to look at at a site in a strategic plan. What we
24 have to say is what we're going to value out of the work
25 and the different duties that we have. I do think it's

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1 time to redo the strategic plan, but to be honest, I
2 would rather make sure it's going to communicate
3 something meaningful to what we expect rather than just
4 do it. That's just my view.

5 MR. SANTOS: I agree, and to Ms. Connery's
6 point, I also agree that the Board needs to be providing
7 a little bit more specificity of the expectations for
8 the execution and standards of work, but that's very
9 hard work, and I believe that is better suited for at
10 the policy level.

11 And if you look at our functions, we've just
12 done one recently on the design and construction, and
13 that took a lot of effort, but it engaged the Board and
14 now we have a Board policy. I think a similar effort
15 should happen for every other function, and I think
16 that's the vehicle where we can be providing that
17 additional level of granularity that Ms. Connery refers
18 to, but at a strategic level, I think we can probably be
19 a little bit higher and a little bit closer to our
20 statutory requirements. That's just my view.

21 MS. CONNERY: So, just to clarify, I wasn't
22 advocating that we become more granular, because I think
23 that is the role of the policy, but to the point to some
24 of the struggles that Mr. Sullivan is having, you know,
25 first of all I would say we're not a ship, I'll just

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1 reiterate that. I'm not from the Navy. We are a
2 Government agency.

3 Yes, we have five Board members, so is the NRC,
4 they managed to provide a strategic plan to guide their
5 staff. The idea behind strategic planning isn't the
6 idea that it's for the five Board members or even in
7 other agencies for the head of that agency, but it's for
8 the staff, particularly the senior leadership, that is
9 part of the enduring mission of the U.S. Government.
10 They are the ones that carry on when we are not here,
11 and the "what" is clearly articulated in the statute;
12 however, laws are meant to be then extrapolated and then
13 executed, and we are supposed to execute what is in the
14 statute. How we execute that is what should be at the
15 highest level in our strategic plan. How do we intend
16 to provide that oversight that is the "what" that is in
17 the directive.

18 And I think that that's why I'm a big proponent
19 of the process. And, again, if everybody buys into the
20 value of the process, then I think we will have a chance
21 to get to something more meaningful; and if we can't,
22 then I agree with Ms. Roberson, we should probably stick
23 to what we already have and then maybe have a longer
24 process.

25 With regards to reshaping the agency, again, you

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1 know, in that case, I would ask the question why? To
2 what end? What part of the mission are we not doing or
3 are we not executing well that would warrant a
4 restructuring of the agency for the restructuring sake?
5 Are there places where we could do better? In order to
6 understand that, and in order to execute any kind of
7 change to the structure, we have to undo the work of
8 understanding the strategic "how" we're going to be
9 wanting to perform our mission. Once you have the
10 "how," then perhaps you could look at are we structured
11 in the right way to move in that direction.

12 At this point in time, it's simply in my view
13 change for change's sake without any strategic thought
14 behind it, and I would advocate that you would have to
15 have a strategic planning process first in order to even
16 begin to conceive of any kind of viewpoint as to how to
17 restructure the agency, unless your goal was simply to
18 do away with it.

19 MS. ROBERSON: I don't know, was that for me?
20 Everybody is looking at me.

21 MR. SANTOS: I just want to -- my view, again,
22 regardless of whether to stick to this one or we go
23 back, my message is, we as a Board need to continue to
24 work in developing policies, and we have some momentum
25 and it kind of dropped off and we should regain that,

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1 because regardless, that will help everybody. So,
2 that's my viewpoint.
3 MS. ROBERSON: Are you done?
4 MR. SANTOS: For now.
5 MS. ROBERSON: Well, listen, I don't really know
6 where we are. I don't know how far apart we are, and,
7 frankly, I don't think we have to agree on everything.
8 And personally, when I think about the strategic goals
9 of the agency, I don't confine it based on organization,
10 structure or anything else. I actually look at the
11 statute and flow from there. And in my mind, the
12 statute is pretty specific. I personally think Congress
13 laid out the goals.
14 Now how we achieve them is different. That's
15 why I supported pulling the "by specific function" from
16 the statute. It's not really relevant how we're
17 organized if we can't even agree on what we're going to
18 do. That's just my opinion.
19 CHAIRMAN SULLIVAN: So, to be clear, I'm not
20 sure I'm hearing anything that differs from what I
21 actually thought I was trying to say, which is look, if
22 the strategic plan amounts to execute the statute, and
23 more or less keep doing what we're doing, well then
24 fine, but I'm not sure I think we need a detailed
25 document that says that. And I think the last strategic

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1 plan for us, and some of the strategic plans I've seen
2 for other agencies, more or less are that. They're
3 nice, lengthy, glossy documents that don't really say
4 much.
5 So, you know, if the idea is to produce a
6 document that says keep doing what we're doing, well we
7 can do that, but I don't think it takes a whole lot to
8 say that.
9 MS. ROBERSON: Well, Mr. Sullivan, I'm certainly
10 not saying that. I think we have room to improve. I
11 think we have room to focus. I think we have room to
12 make sure that the work that we do, we have room to
13 become a little bit more independent. I actually do
14 think we have room to improve. It's not structural. I
15 tend to believe it doesn't matter how you're structured
16 if you understand what the expectations are.
17 So I'm not really focused on the structure. I
18 am focused on -- and I think it shows, whenever we go
19 through this exercise, at the end of it, we often do
20 accept something, but it's not like we're actually
21 aligned behind even some subset. Like I don't have to
22 get everything that I want, nor does any other Board
23 member, but there should be some minimal subset of
24 expectations or goals that we can agree on.
25 So I do think there is room to improve and

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1 enhance the Board and the rest of the organization, and
2 I would like that. I think any organization that
3 doesn't think that is drinking too much of their own
4 Kool-Aid.
5 CHAIRMAN SULLIVAN: Thank you. So, if I
6 understood you, you said we have room to improve. How
7 does this document detail that? I mean, in other words,
8 what should the staff be taking out of this as an
9 indication of -- or a recognition of, all right, I see
10 where we need to improve based on the strategic plan,
11 and now I know how I should focus my improvement
12 efforts. Because I think that's what we said is the
13 whole purpose of this plan.
14 So, can you help me there? Can you show me
15 where you think this document would send a particular
16 message to the staff?
17 MS. ROBERSON: Well, that would be one
18 independence, but the other one is just take the work
19 plans and line them up to these functions. That's
20 probably the best way to do it.
21 CHAIRMAN SULLIVAN: All right. And so here's my
22 point. I'm looking at the last strategic plan, and it
23 had improve strategic goal one, improve safety of
24 operations, and it had an objective 1.1 and 1.2 and both
25 of them start off with the words "accomplish independent

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1 and timely oversight," which are very similar to what we
2 have here under strategic goal 1. So I'm just, again,
3 I'm trying to figure out whether or not this sends any
4 signal of where we need to improve, or does this send
5 the signal of just keep doing what we're doing? And if
6 it only says keep doing what we're doing, and we
7 actually have areas to improve, that we want to
8 identify, and set as a Board, well then perhaps we
9 should spell them out in more detail under this
10 document.
11 MS. ROBERSON: So I think any of us could read
12 any of them in a way that's comfortable. I mean, we all
13 have different eyes and different glasses we're looking
14 through. The specific duties called out in the statute
15 to me are very different, and that this is very
16 generalized, and I think it does send a different
17 message as to when you look at your work planning, how
18 you prioritize, how you make decisions. I think it
19 does.
20 MS. CONNERY: So I can give a concrete example,
21 when I came to the Board as Chairman, did I look at the
22 strategic plan as to how I want to operate as a member
23 of the Board, and the strategic goal number 4 from the
24 previous plan talks about achieve excellence in
25 management and communication with stakeholders. We

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1 didn't have anybody assigned from this agency to have
2 conversations with Congress, with the press, or with
3 outside groups, and I felt that that was a big gap in
4 how we were doing our job and how we were doing our job
5 in comparison to the strategic plan and, frankly, common
6 sense.

7 So that is why I made the motion and had the
8 support of the Board to hire somebody whose job it was
9 to do external communications. And because of that, we
10 put some emphasis on having good conversations and
11 relations with Congress, and having meetings with
12 stakeholders that we didn't have previously, and
13 improving those communications. So I think that the
14 strategic plan actually does impact that.

15 I think the same thing with improve the
16 alignment with human capital strategies with agency and
17 mission goals and objectives. I think the staff has
18 been trying to do that with looking at succession
19 planning and actually looking at the staffing plan in
20 order to make sure that they have the right mix of
21 people to address the mission at hand. And when they
22 were looking at that, at least from the briefings that I
23 got from the Board, from the staff, they were looking at
24 that in terms of what they expected to happen with the
25 Department over the next several years.

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1 The Department's mission is not necessarily
2 changing in the global sense, but they will change
3 emphasis, and we will have to be responsive to that
4 emphasis. And so by commenting on how we need to align
5 ourselves to adapt to DOE's mission, we are signaling to
6 the staff and to our senior managers that they have to
7 be able to be adept at doing so.

8 So I think there's a very clear linkage and I
9 think there's a reason to go through the exercise.

10 MS. ROBERSON: Did you want to -- or were you
11 actually asking me to respond to something,
12 Mr. Sullivan?

13 CHAIRMAN SULLIVAN: Again, I was trying to
14 figure out whether this document was -- that is in front
15 of us, was saying anything significantly different than
16 the old document, and if so, what it was. And such that
17 if the staff -- if I understood it -- if I could
18 reasonably expect the staff to understand it, then we
19 would have some signal sent to the staff that says, oh,
20 okay, we see from this plan that the Board wants to go
21 in a certain direction on whatever that might be. And
22 so now we know how we should be adapting our performance
23 in order to meet the goals of the strategic plan.

24 And it just wasn't clear to me that this
25 document actually said anything of that nature, and

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1 could be interpreted as, well, just keep on doing the
2 same things in a similar fashion to what we were doing
3 before.

4 MR. SANTOS: I can just point to one example to
5 your point. I'm just grabbing one, that I see a
6 difference. Page 9, the goal says, "recommend and
7 promote safety in design for new or modified defense
8 nuclear facilities."

9 CHAIRMAN SULLIVAN: So you're in the old plan.
10 Is that right?

11 MR. SANTOS: Yes. So that goal right there
12 would be different the way our statute and/or, you know,
13 new policy reads, for example.

14 CHAIRMAN SULLIVAN: Show me again which one.
15 You're talking about the old plan.

16 MR. SANTOS: It says, "recommend safety and
17 design for new and modified nuclear facilities." I'm
18 just highlighting different words that will lead to
19 different executions. To your point what are the
20 differences? And I just picked one.

21 CHAIRMAN SULLIVAN: Again, I'm on page 9. What
22 goal in particular?

23 MR. SANTOS: Goal 3 at the top of the page, it
24 says, "goals."

25 CHAIRMAN SULLIVAN: I'm sorry, I was looking at

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1 the strategic objectives. So you're just looking at the
2 goal?

3 MR. SANTOS: Yes.

4 CHAIRMAN SULLIVAN: Okay. All right.

5 MR. SANTOS: So you compare that to goal number
6 4, for example, that's a difference. I'm just
7 highlighting the difference.

8 CHAIRMAN SULLIVAN: And if you were a staff
9 member, what message is sent to you by that? Again,
10 that's what I'm trying to figure out. Just take your
11 example. Does that mean that there's a shift in the way
12 the agency is going to operate, or what we're trying to
13 accomplish? What is the shift?

14 MR. SANTOS: You're asking me? I don't know. I
15 don't know how the staff is going to read that. I just
16 know that there's a difference. A likely conclusion
17 could be that they could have different interpretations.
18 What are those? I don't know. I'm just going strictly
19 by the change of words.

20 CHAIRMAN SULLIVAN: That's all right. But a
21 document that has a bunch of different interpretations
22 doesn't necessarily say something. It doesn't
23 necessarily guide the agency if everybody is going to
24 read it differently. So I was asking you, all right, so
25 words are different between the old plan and the new

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1 plan, what is your opinion of what that would translate
2 to in terms of any change within the agency?

3 MR. SANTOS: Go ahead.

4 MS. ROBERSON: Are you going to say anything
5 else? I don't know if I'm going to answer your question
6 or even try to answer your question, because I mean it's
7 not to set it aside, but I think it's an assumption that
8 we are going to develop the entire performance process.
9 I think our job is to set the high-level goals and
10 expectations.

11 My view is very simple: We're not DOE or DHS
12 that has broad programmatic goals. Congress told us
13 what it wanted us to do. And, frankly, I think
14 restating stuff in a generalized state allows all kind
15 of stuff to float in underneath whereas I believe the
16 staff focus more specifically on those goals Congress
17 gave us will result in a honing.

18 It may not eliminate anything, but I think
19 people will see it different. And we see it in
20 everything they do. They roll everything up to a
21 strategic goal. A strategic goal that says improve
22 safety is nebulous. That's not actually -- I mean, and
23 that isn't what Congress told us to do. It doesn't mean
24 we can't do it, but it should roll underneath --
25 Congress gave us specific functions. I don't even know

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1 why we have to restate them, personally. At our level.
2 That doesn't mean they don't become more embellished as
3 they roll down. I don't know why we need to embellish
4 them at this level.

5 MR. SANTOS: I think we need to restate them
6 because of what you said. If we don't have those words
7 and we use the old words that are different from the
8 statute, that could be an explanation of why you
9 perceive there is any erosion. Do you see what I'm
10 saying?

11 MS. ROBERSON: I do. I see what everybody is
12 saying. I hope everybody sees what I'm saying. Okay?

13 CHAIRMAN SULLIVAN: Anybody else want to say
14 anything before we move on?

15 MS. CONNERY: No.

16 CHAIRMAN SULLIVAN: All right. So, nobody has
17 made any motions for any --

18 MS. ROBERSON: Well -- go ahead.

19 MR. SANTOS: I am of the strong opinion that I
20 like this for what Ms. Connery came up with better than
21 the old one as a starting point. It needs some work, we
22 talked about both Ms. Connery and the Chairman talked
23 about some of the items in the operational guidance that
24 would probably need to be changed or the wording or what
25 have you, but to restore the wording closer to the

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1 statute I think is important, and that therefore I would
2 like for our new plan to be closer to what Ms. Connery
3 presented here.

4 CHAIRMAN SULLIVAN: Okay. Thank you. So nobody
5 has put forward any motions or anything on this, just
6 before we move on, I just want to state what my sense is
7 of where we're going, which is that this document is in
8 Yellow Folder, and I think we said we were going to
9 leave all of these documents in Yellow Folder until
10 Monday. Is that right?

11 MR. SANTOS: The 5th of October.

12 CHAIRMAN SULLIVAN: Okay, which would be
13 Wednesday, I think, if that's right. So, which means
14 that absent any other motions here, we have time for
15 Board members to seek to amend this document through the
16 amendment process. And then we would be voting on it,
17 and all that would happen through notational voting.
18 And if there's no other --

19 MS. CONNERY: I have a comment. So, my
20 expectation is that we're voting on, when we get to that
21 process, that the outcome of that Blue Folder is still
22 only a draft is what I would recommend.

23 MS. ROBERSON: Why?

24 MS. CONNERY: Well, I really don't believe that
25 we've gone through the strategic planning process that

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1 is significant. One, we've talked amongst ourselves, we
2 haven't gotten any feedback from staff, which would be
3 helpful. People make amendments, there might be staff
4 feedback.

5 Two, normally strategic plans have at least some
6 stakeholder re-engagement. We have not engaged in any
7 staple engagement, other than I think a brief
8 conversation of the fact of it with OMB. We haven't
9 talked to our OMB examiner, we haven't talked to the
10 Department of Energy, we haven't talked to the folks on
11 the Hill.

12 So I guess my question would be, if you want it
13 to be a draft and you want it to be final, then we will
14 have a strategic plan that is probably less than, and if
15 that's where the Board decides to go, that's fine. My
16 suggestion is that we get it to draft and then we
17 continue to work on it, since we missed the first
18 deadline, we have some time to make sure that it's a
19 better product.

20 CHAIRMAN SULLIVAN: Well, whether we do
21 something in draft or call it a strategic plan, I'm not
22 aware of anything that would prohibit us from three
23 months after producing a strategic plan producing
24 another one or changing it. And I'm not sure that
25 there's a significant difference functionally between

1 those two. I think we do need to know when we move into
 2 the performance system what strategic plan we're
 3 operating under.
 4 MS. ROBERSON: So, I'm assuming Mr. Sklar will
 5 know this, I think there are actually regulatory
 6 requirements for public comment. Is that before
 7 finalizing, do you recall?
 8 MR. SKLAR: For the strategic plan?
 9 MS. ROBERSON: Right.
 10 MR. SKLAR: I'm not aware of any public comment.
 11 MS. ROBERSON: Last time we did it, we had to
 12 post it. I just don't recall if it was before or after.
 13 Mr. Chairman?
 14 CHAIRMAN SULLIVAN: Mr. Tontodonato was the
 15 ringleader of the last effort, do you want to say
 16 something?
 17 MR. TONTODONATO: The last time before we
 18 finalized it, the Board posted it on the website for I
 19 forget what the period was, 30 days or something, to
 20 provide comment.
 21 MS. ROBERSON: And my recollection was OMB
 22 required us to do that.
 23 MS. CONNERY: Yes, you are required to post it
 24 in draft form.
 25 MS. ROBERSON: So I guess what I'm wondering is,

1 if we are not sure we have to do that, we should find
 2 out. I support doing it, it doesn't bother me. I think
 3 we ought to be comfortable and accountable, internally,
 4 externally, I don't care, but if it's going to take a
 5 while, maybe we should seriously look at delaying for a
 6 year and sticking to the previous, not the one here, the
 7 previous strategic plan.
 8 CHAIRMAN SULLIVAN: All right, so I hear a lot
 9 of different things as possibilities, and all I'll say
 10 is that as we go through this notational vote process, I
 11 think it needs to become clear what strategic plan the
 12 agency will be operating under at any given moment.
 13 Right now, we have one and it's expired. And so
 14 whether we call it a draft and it's a draft for 30 days,
 15 is required to get comment, or whether it's a draft but
 16 we're going to live to it, or whether it is this is the
 17 plan, but we might change it again some time in the near
 18 future. Whatever the case may be, as long as it's clear
 19 from, you know, when we begin writing the performance
 20 plans for the next fiscal year, what strategic plan we
 21 are writing them to. That's all.
 22 MR. SANTOS: Chairman, if I could ask for the
 23 record, if we could get the answers to Board Member
 24 Roberson's process question so we can all go back to
 25 this meeting and understand what would that be in terms

1 of public comment, deadlines, and everything associated
 2 with that, I think it will be very helpful for
 3 everybody.
 4 CHAIRMAN SULLIVAN: I'm sure we can.
 5 MR. SANTOS: Thank you.
 6 CHAIRMAN SULLIVAN: All right. So, if there's
 7 no other discussion on the strategic plan, let's move to
 8 the work plan for the Office of the Technical Director.
 9 And I invite any Board member who wants to start with
 10 anything dealing with the OTD work plan to raise it.
 11 MS. CONNERY: Since it's so quiet in here, I
 12 will start with a couple of kudos to the staff for
 13 incorporating some of the lessons learned we had from
 14 the process for the scorecard. I think the
 15 prioritization is a lot clearer than it was -- a lot
 16 more clear than it was last year. I think that's
 17 helpful.
 18 Not with regards to the strategic plan, but for
 19 the work plan for this cycle, but I think we need to
 20 continue to get better at doing cross-cutting issues,
 21 and I notice that there is an emphasis on a couple of
 22 years during this work planning process. I know that we
 23 stopped doing the deep dives on a regular basis, but I
 24 do think that cross-cutting deep dives would be very
 25 helpful to help refocus the Board on some of those

1 issues, and the staff to be able to identify issues that
 2 come up as in particular issue areas at sites where
 3 you're visiting and be able to relate them to other
 4 sites.
 5 The last thing I would note, just preliminary
 6 remarks, is I'm encouraged to see that the training
 7 program went from 5 percent to 39 percent, and I believe
 8 that that also affected your view that you needed to
 9 hire more people for the staffing plan. Again, I'm
 10 somebody who looks forward to the next couple of years
 11 in terms of determining where we need to be and not just
 12 where we are right now, and I believe that we're going
 13 to have to have a stronger staffing effort and training
 14 effort within the next couple of years as we will be
 15 facing a lot of retirements and folks in the agency, we
 16 want to be able to bring on talent to be able to
 17 replace -- not replace the talent we lose, but to
 18 replicate the activities of those folks that are
 19 leaving.
 20 MS. ROBERSON: Well, thank you, all Board
 21 members. I, too, appreciate the work of the staff. And
 22 since, you know, we've had the opportunity to do a
 23 preliminary review of this, I mean the staff has pretty
 24 much responded to most of my questions, all the ones I
 25 felt were important, and we'll see if they survive the

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1 Board's vote.

2 But I did want to advise that one change in what
3 I had commented on on the document was an evaluation of
4 open recommendations to determine their status, not in
5 IP check land, but actually substantively, and their
6 impact on our conclusion or previous Board conclusions
7 on protection.

8 Since that time, we have voted to close a
9 recommendation, Recommendation 14-1. So I do plan to
10 submit a request for Board action to add, which would
11 actually delete, the review that is captured -- that
12 would be captured now for that recommendation, but to
13 add an alternative report from the staff based off of
14 all of their reviews and site visits and inquiries.

15 The staff's response to your question two days
16 ago, Mr. Sullivan, are there potential vulnerabilities
17 the Board needs to pay attention to, whether it's at a
18 site level or a function level.

19 So I'll be proposing that to the Board.

20 CHAIRMAN SULLIVAN: All right, I would note that
21 the work plan as it exists says -- calls it a progress
22 review for 14-1, but it says the staff will evaluate the
23 Department of Energy actions on the recommendation that
24 as written. Would that cover what you're actually
25 looking for?

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1 MS. ROBERSON: It would be very close and I
2 think it could -- I don't know if the resource needs
3 would be the same, I'm assuming they would be. I'm
4 seeing the head shaking from the staff. But it would be
5 worded a little bit different, and in my view, we have
6 allowed ourselves more original thinking in closing the
7 recommendation.

8 We have a lot of work, but we should look at
9 that work and see is there something, because whether
10 you think 14-1 wasn't needed or wasn't having the effect
11 that we intended. And so I don't want to keep it as an
12 anchor, I want to give the staff the broad room to look
13 at all the information that they have and tell us if
14 there's some other avenue we should take on something
15 specific.

16 So it probably is the same resources, but I
17 would word it a little bit different.

18 CHAIRMAN SULLIVAN: All right. I would also
19 note that one of the other open recommendations is
20 2011-1, which was the safety culture recommendation, and
21 my understanding was there was no IP steps that were
22 left to do, and, in fact, the staff was planning on
23 bringing us a closure letter.

24 So, again, you may want to just look at -- I
25 wouldn't object to having somebody do what might

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1 essentially be a postmortem on that recommendation, but
2 there may not be any open recommendation at the time.
3 So, again, if we just look at the wording that's in
4 here.

5 MS. ROBERSON: I will include it with whatever I
6 propose. I think it's a good idea.

7 CHAIRMAN SULLIVAN: All right. I want to bring
8 the Board's attention back to one item that I asked a
9 question about earlier that's on page 9 of the plan.
10 This is the Chief of Defense Nuclear Safety Biennial
11 NMSA Los Alamos Site Office Review Assessment, and as a
12 priority 2 review, the staff team was planning to review
13 this DNS assessment report corrective actions.

14 My personal opinion is that we should not be
15 just reviewing their review. I think the staff can
16 certainly read this report, and I think they can
17 certainly send it to the Board members and the Board
18 members could read it, and if anybody has any questions
19 about it, the Board could then at that time, has tasked
20 the staff to do something, but I don't see the need for
21 a priority 2 review to be planned simply based on the
22 fact that over in the NNSA, they're planning to do
23 something, which they should do, and it has to do with
24 their in-house stuff, and I don't think we should be
25 planning on having our staff critique that until there's

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1 some obvious potential problem that might grow out of
2 it.

3 So, I would be proposing that we delete this as
4 a staff priority 2 review.

5 MS. CONNERY: So, association I would like to
6 respond to that, because I think perhaps this is a
7 lexicon issue. My understanding of this review is not
8 that it would be just looking at what it is that was
9 given to us by the Department, but that the staff would
10 be doing an independent look at some of the issues that
11 were brought up, if they would reinforce some of the
12 issues.

13 The reason that I state this is because after we
14 had that last briefing, I got an issue paper from the
15 staff that they are currently -- or sorry, I got an info
16 paper from the staff which they are currently turning
17 into a document that we can transmit to the Department
18 that is specifically targeted at issues that they
19 brought up -- that the Department brought up during that
20 conversation we had with the site office.

21 So I do see that there is valuable information
22 that is to be culled from those conversations, and my
23 view is that this might be just a lexicon issue with the
24 staff that perhaps you could get clarified before you
25 made your amendment.

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1 CHAIRMAN SULLIVAN: I have something else to
 2 talk about, if nobody else cares to comment on that
 3 particular issue, we'll move on.
 4 Mr. Santos, you had something you wanted to
 5 bring up?
 6 MR. SANTOS: No, I want to make sure you go
 7 through all your questions before I jump in.
 8 CHAIRMAN SULLIVAN: All right. So, the other
 9 item I planned on bringing up for the Board to take a
 10 look at has to do with the table on page 13. So this is
 11 in the NPA group of four of five directives reviews
 12 saying that the staff team will review and comment on
 13 the adequacy of the draft document.
 14 So we had a policy statement that didn't get
 15 approved, but I think in my view we should be doing a
 16 lot less of review and comment on draft directives, that
 17 the Department itself has a pretty good set of
 18 directives and they ought to be able to revise them.
 19 And after the fact, if we find a problem, we are free to
 20 tell the Secretary that we found a problem, but I think
 21 we do an awful lot of effort in reviewing what they plan
 22 on changing, a lot of that ends up being editorial
 23 comments or other things which take up necessarily a lot
 24 of our staff time, and I'm not sure it's productive.
 25 So when I look at the staffing plan which is

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1 proposing adding quite a few people to the staff, I
 2 think we need to find an alternative to find things that
 3 say we don't really need to be doing that. In my view
 4 this is one of those things. We don't really need to be
 5 reviewing all of these directives and commenting on them
 6 when the Department is in the middle of their own
 7 process to change directives.
 8 MS. ROBERSON: Actually, I was going to ask the
 9 question, because I meant to look this up, we did have a
 10 policy, I think it was a two-part policy, and trying
 11 to -- and it failed. We voted and it failed. If we
 12 ought to just pull the policy up and not try to connect
 13 the list of directives and really just focus on what we
 14 want in a policy. If we ought to reactivate that. I
 15 think we should.
 16 CHAIRMAN SULLIVAN: So, my recollection is of a
 17 policy statement is essentially that we were going to
 18 have a tier one and tier two, and tier one was going to
 19 be those things that we really did want to see whether
 20 they put the signature on the final product; and tier
 21 two was going to be those things we just asked to see
 22 after they made any changes.
 23 And my hope as I went through it was that the
 24 current list of directives that went to the Board, which
 25 I think was seven pages long, was going to get chopped

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1 down to something on the order of maybe 10 things that
 2 would be in tier 1 and 25 things that would be in tier
 3 2. And the rest, there was an awful lot of things that
 4 I didn't understand why we had any interest in. Which
 5 would translate to a lot less work on a regular basis
 6 for what our staff does in this area, I would presume.
 7 Now, the policy didn't pass, and I can't speak
 8 to why it didn't pass because I was one of the people
 9 who voted for it. I didn't -- you know, I had issues
 10 and problems with the lists that were simultaneously
 11 being presented to us, but we never got to voting on
 12 those lists. Since the policy itself didn't pass, we
 13 never went into amendments on the lists and trying to
 14 approve the lists.
 15 MS. ROBERSON: So, I did not vote for the
 16 policy, and the primary reason I did not vote for the
 17 policy is because of the distribution of directives,
 18 standards and manuals in tier 1, tier 2. So it was
 19 really a cyclic process, no matter how you look at it.
 20 And as I reflect on what happened, there are
 21 cases where you crossed off orders I was interested in
 22 and I crossed off orders you were interested in. And so
 23 maybe as a Board we should discuss and give each other a
 24 little bit of leeway, recognizing we have different
 25 interests. And I think the list was much shorter, but I

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1 think there was no give in the list and so the staff had
 2 a hard time trying to figure out how to make it work for
 3 everybody.
 4 CHAIRMAN SULLIVAN: I don't know what the staff
 5 -- I don't know what led to that conclusion, simply
 6 because we made our comments in Orange Folder on those
 7 lists, and we never got to the point where we were
 8 trying to finalize them, in my view, as I recall.
 9 But nevertheless, I'm coming back around to the
 10 work plan, because that's where we're at, and I was
 11 simply telegraphing that by amendment, notwithstanding
 12 the fact that we don't have a policy, I was going to
 13 seek to strike these things because all four of these
 14 appear to be reviewing draft documents and I don't see
 15 why we need to be reviewing their draft document. We
 16 ought to let them have a document and then if based on
 17 what they produce, if we find an issue with adequate
 18 protection of their revised document, we can bring that
 19 to the attention of the Secretary.
 20 MS. ROBERSON: And I understand your main point,
 21 but I also think it is still important for the Board to
 22 have a policy, and in spite of your proposal to the
 23 Board to strike stuff from the work plan, my comment
 24 was, and I know that's the reason because the staff
 25 talked to each one of us and I looked at the list. And

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1 I so guess what I'm saying is at the end of the day, we
 2 can work through or pick things out or we can provide
 3 general guidance, and I think that policy was intended
 4 to do and I still advocated doing that. That's my only
 5 point, we should do one.
 6 MS. CONNERY: I just want to take a stab at
 7 this. I disagree with the fact that we shouldn't have
 8 staff looking at draft -- having draft directives being
 9 reviewed. I actually think that's exactly where we
 10 should be making the comments, and it varies the amount
 11 of staff time that is involved in the draft.
 12 My very first function listed in our statute is
 13 the Board shall review and evaluate the content and
 14 implementation of standards related to design,
 15 construction, operation and decommissioning of defense
 16 nuclear facilities," and that was one of the first
 17 things we talked about in the strategic plan, and I
 18 think it's, again, important to look at these things as
 19 they're being developed and provide insight to the
 20 Department of Energy rather than wait until they commit
 21 to a directive and then point out the flaw in the
 22 directive.
 23 I think it's a crazy misuse of Government
 24 resources to come to them after the fact when we could
 25 have prevented a miscalculation on the part of the

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1 Department in actually writing the directive.
 2 So I think you're -- I think in this case, that
 3 perhaps we're taking an ax where a scalpel is needed.
 4 If there's one or two of those that you don't think we
 5 should be reviewing at all, that's a different story,
 6 but to say that we shouldn't be reviewing any directives
 7 in draft, is in my view misguided.
 8 CHAIRMAN SULLIVAN: So, again, just by way of
 9 counter, we have a seven-page list that we do, and we
 10 are driven almost exclusively by their schedule when
 11 they put stuff into revision, we start looking at it, as
 12 opposed to the Board making its independent assessment
 13 of the orders and standards that most impact nuclear
 14 safety and reviewing those on our own schedule to see if
 15 there are things that should be revised that they may
 16 not be planning to revise for who knows how many years
 17 before they put that document into revision.
 18 So, again, I see ourselves as not really being
 19 independent in this area, I see ourselves as being
 20 wholly dependent on what the Department of Energy
 21 decides to do, and I don't think that is a good place,
 22 and I think this seven-page list that we have is
 23 overkill to a very large a degree.
 24 MS. CONNERY: You're talking about four items in
 25 a work plan, not a seven-page list at this point in

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1 time, though.
 2 CHAIRMAN SULLIVAN: Right. Nevertheless, they
 3 are four out of the five items that are here, of the
 4 thing that is in front of us. That's why I'm talking
 5 about them.
 6 MS. ROBERSON: So, I guess I'll just say the
 7 same thing I said before. I think if we had a policy
 8 and we identified those directives that were of highest
 9 priority to the Board, to a large extent, this debate
 10 would be nonexistent. If we actually approved a policy.
 11 CHAIRMAN SULLIVAN: Yeah, I won't disagree with
 12 that at all, but we took a stab at it and we didn't get
 13 there, and now we have a work plan in front of us.
 14 That's all I'm saying. If we approve this work plan,
 15 the staff can march off and might be doing these things
 16 in the very near future.
 17 All right, Mr. Santos, I had nothing else I
 18 wanted to discuss on this. You indicated before you had
 19 something you wanted to discuss.
 20 MR. SANTOS: Thank you. I'm just going to share
 21 with my fellow Board members some of the thoughts, but I
 22 will follow the process that is laid before us in the
 23 Yellow Folder and additional voting to make any concrete
 24 proposals.
 25 So, some of the themes that I'm going to be

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1 looking for, first off is a concept of independent work.
 2 I'm a little bit concerned as I dive into some of the
 3 activities that we are eroding a little bit of our
 4 ability to perform independent work in our own schedule
 5 and with our own capabilities. So I had some questions
 6 regarding them.
 7 I think the term used by the staff was the
 8 number of timed reviews versus nontimed reviews, and I
 9 want to look at the number of activities at our safety
 10 reviews before I make any specific recommendations that
 11 might go to any specific activities.
 12 But at a high level, I'm a big supporter of us
 13 being an independent agency performing our own
 14 independent analysis for the work. So that's one.
 15 The other one is I appreciate the staff efforts
 16 to develop all of these activities from the bottom up,
 17 but like we learned, most of these review activities
 18 come from oversight plans, and we as a collective, the
 19 five of us, really don't get visibility or any
 20 discussion on what those oversight plans are. And I'm
 21 not clear why.
 22 I think we will all benefit from having a
 23 broad -- not at the activity level, but a broad
 24 understanding of these are the main oversight priorities
 25 for us, whether it's by site or cross-cutting, and

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1 provide a Board-level guidance so they can then refine
2 their own oversight strategies that drive their reviews.

3 I think we come in too late in the process,
4 meaning when the product is finalized. Sometimes things
5 show up on my desk in random events. My original
6 understanding is that we were going to meet quarterly to
7 kind of go through the work plan and we understand how
8 the plan is being executed, what items are on and off.
9 I think we have lost a little bit of ability for the
10 Board to be more aligned with the execution of the plan.

11 So that's a process issue, not a work plan
12 issue. And I can put work as an issue. Right now there
13 is not a good mechanism for Board input to impact the
14 work plan, other than now. So I am going to use
15 Ms. Roberson. She had some comments through the Orange
16 Folder process, so now it's going to be put in front of
17 the Board.

18 Once that is approved or moved forward, then all
19 the other mechanisms would be our RFBAs, for any Board
20 member to impact, so it's kind of not clear what the
21 process is, and it's not smooth on how Board member
22 individual input based on their own experience,
23 expertise, travel throughout the site, questions that
24 they ask. How is that getting -- you know, folded into
25 the work plan?

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1 As you know, in the past I have made some
2 suggestions, and the answer is I've got to wait till
3 now. I've got to wait till the next year work plan, yet
4 the staff has more flexibility. They at any time can
5 turn items on and off, add new items without even
6 consulting the Board.

7 So I look forward to better practices that will
8 also provide an opportunity for any individual Board
9 members' expertise and input to be considered. So I
10 don't think we have a good process there. So that's
11 another one.

12 And the other one has to do with the policy
13 statements and nondiscretionary items. It was never my
14 view that because we wrote a policy any activity that is
15 derived or can be tied to a policy automatically becomes
16 nondiscretionary. So, for example, if we go to page --
17 NFDIs. Yeah, page 15. Yeah. Page 15.

18 Thirteen items are considered nondiscretionary,
19 and the answer we got this morning is because their type
20 of policy, policy statement 6. I don't understand why
21 it's that. Why wouldn't those items go through a
22 similar prioritization process?

23 CHAIRMAN SULLIVAN: Well, in the staff's
24 defense, we wrote a policy statement and it says we are
25 going to do certain reviews tying to certain events

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1 within a Department of Energy design and construction
2 project. So if those events are scheduled to occur in
3 the next year, then following the policy statement, we
4 gave them, they should be planning to do the review.
5 That's why they put it in there as nondiscretionary.

6 MR. SANTOS: When I evaluated, it wasn't
7 necessarily tied up to the DOE events, but we wanted to
8 have certain two and two activities. And if you
9 extrapolate this, if we write policies on everything,
10 then everything would become nondiscretionary, and if
11 everything is nondiscretionary, there will be no
12 priority.

13 CHAIRMAN SULLIVAN: Yeah, and if we are true to
14 form, we will task them to do twice as much as any human
15 being could possibly do, but I think that's --

16 MR. SANTOS: So what I'll do --

17 CHAIRMAN SULLIVAN: If we need to revisit the
18 policy statement, we can do that. Or as I alluded to
19 this morning when I asked for more information, was
20 perhaps we should just make exceptions to our own policy
21 statement on a case-by-case basis, particularly in an
22 area where it would seem like we're putting an awful lot
23 of emphasis on one project as a result of the policy
24 statement.

25 MR. SANTOS: Yeah, and I'll make specific

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1 proposals because I wasn't trying to tie it up to
2 events, but to discrete activities -- independent
3 discrete activities that we will perform as an agency.
4 So, I will look through that list to make sure, and I
5 will make a proposal. It just seems quite a lot.

6 MS. CONNERY: To echo Mr. Sullivan, though, it
7 is a function of the fact that these are design and
8 construction, so there is a time frame within which we
9 have to perform the activities. So you would
10 actually -- why are you shaking your head? That's part
11 of our statute to perform reviews at particular phases
12 in design and construction, and we were tasked by
13 Congress to work with the Department, which is why we
14 have a policy now. So I agree with Mr. Sullivan, if you
15 want to move anything out of that
16 discretionary/nondiscretionary category, then we would
17 have to make an exception to the policy.

18 It's not to say every policy we would have would
19 make things nondiscretionary or discretionary, it's to
20 say in this particular case as this is tied in the
21 statute and as we were directed by Congress to have this
22 conversation with DOE, that we have something
23 predictable and understandable by both sides that
24 actually moves towards safety and is not something
25 that's being argued for any other reason.

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1 MR. SANTOS: I don't disagree with what you're
2 saying. I think it's a matter of when we do them, okay?
3 And to me, those are decisions that we make as an
4 independent agency and they don't necessarily need to
5 tie up to any event at the Department. That might be
6 convenient and something worth discussing.

7 MS. CONNERY: Okay, there's a life cycle to
8 design and construction, so we have to follow the life
9 cycle.

10 MR. SANTOS: I understand. No disagreement.

11 CHAIRMAN SULLIVAN: But in our plan, on page 14,
12 they quote a particular sentence that would seem
13 relevant. "We approved a policy statement that requires
14 the staff to exercise independent oversight by
15 performing reviews with defined scope and durations at
16 specified and logical points in the process and document
17 their review results in four formal reports to the
18 Board."

19 So the devil is in the details as to what are
20 those specified and logical points, and I don't have
21 that language in front of me. Mr. Hamilton is trying to
22 see if he can bring it up, but I think this staff
23 interpreted that as, well, they were told by the Board
24 to do things at certain times, and this plan reflects
25 that.

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1 MS. CONNERY: I think also on last year's
2 prioritization scheme, these were all priority 1, and
3 that was our issue with it last year, and there were
4 actually a lot more of them because we didn't have the
5 policy statement yet. So my guess is if you took last
6 year's formula, you would have all of these be priority
7 1s, and there would be more of them looking to add items
8 that were not on that.

9 MR. POLOSKI: I believe most of the priority 2
10 items that are listed there were priority 1s.

11 MS. CONNERY: Yes.

12 CHAIRMAN SULLIVAN: So, Mr. Hamilton has called
13 up the actual policy statement. So the four specified
14 and logical points were conceptual design, including the
15 safety design strategy and the conceptual safety design
16 reports; final design, including preliminary documented
17 safety analysis; construction, and I won't read all the
18 words; and commissioning.

19 So, as was indicated earlier by Dr. Poloski,
20 there were some things where there are design
21 construction projects that are scheduled to have either
22 the conceptual safety design report or the preliminary
23 documented safety analysis was scheduled to be produced
24 during the fiscal year. So following the policy,
25 they're planning on doing reviews on those and then

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1 considered them nondiscretionary.

2 MS. CONNERY: And I would note that two of those
3 are preliminary DSA reviews, therefore they were
4 staff-intensive.

5 CHAIRMAN SULLIVAN: All right, is there any
6 other discussion on the Office of the Technical Director
7 work plan?

8 MR. SANTOS: Ms. Roberson, you had a comment
9 regarding the Board level issue. How did that get
10 responded?

11 MS. ROBERSON: Yeah, it was in the presentation.

12 MR. SANTOS: It's on, right?

13 MS. ROBERSON: It is on. It's on. Turned on,
14 right?

15 CHAIRMAN SULLIVAN: Great. What was on, now
16 that we concluded that it was on? What was on?

17 MS. ROBERSON: One of my comments was to
18 review -- oh, one of my comments to the staff during the
19 interval review was to source a review of all open
20 Board-level issues older than two years old, and I think
21 I said but it will be up to the staff to come back to
22 the Board and tell us what they think of that task as
23 turned on is my understanding.

24 MR. POLOSKI: Right, it consisted of open IACTS,
25 there were two years of Board issues as well as staff

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1 safety issues.

2 MR. SANTOS: I'm sorry, I couldn't hear.

3 MR. POLOSKI: So, the scope of that review was
4 to look at all open IACTS, which is our database system
5 open issues, which included open board safety issues, as
6 well as staff safety issues that were listed there that
7 were older than two years, do a fresh assessment of
8 whether or not they should remain in an open status or
9 not and provide that determination or assessment to the
10 Board.

11 MR. SANTOS: You said staff issue, you were
12 using a different nomenclature, what does that mean?

13 MR. POLOSKI: In our internal directive system,
14 we have a staff safety issue, it's case 3 issues that
15 are listed in IACTS, and the number of these reports,
16 safety issues are case 4, so we were planning on looking
17 at both sets.

18 MR. SANTOS: And refresh my memory, what's item
19 2? Or item 1?

20 MR. POLOSKI: Category 2? Case 2, it's we need
21 more information in order to assess whether or not it's
22 a case 3 or case 4.

23 MR. SANTOS: Do you plan to look at those two,
24 also?

25 MR. POLOSKI: I think it was a listing of all

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1 open issues and there might be case 2 in there as well,
2 I'm not 100 percent sure, but it was all old open issues
3 in IACTS that were greater than two years old. They're
4 primarily 3 and 4.

5 MR. SANTOS: I guess part of the process, it's
6 not tied to the plan, but we look at the quarterly
7 briefings we get, you know, when staff just open --
8 turns on or turns off or adds new items to the work
9 plan, it would be good to get some visibility on how the
10 planning is evolving as it's being executed. So that
11 was something I would like to work with staff to improve
12 those quarterly presentations to the Board.

13 CHAIRMAN SULLIVAN: Okay. Thank you.

14 Before we move on, I'll just point out again, as
15 I -- this morning I asked for additional information on
16 some of these design and construction reviews, and
17 depending on the answers, I may move to try to defer
18 some of these into later years, depending on the
19 response I get to my questions that I asked this
20 morning.

21 All right, so if there's no other discussion on
22 the technical director's plan, I'll just point out that
23 we have about 45 minutes left, and we have three plans
24 to talk about, so general manager, the general manager's
25 plan is next on the table.

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1 Do any Board members have comments, questions,
2 some point they want to deliberate amongst the members
3 on the general manager's work plan?

4 MS. CONNERY: So I just want to take
5 responsibility for asking them to put the mandatory and
6 discretionary or nonmandatory nomenclature on there
7 because they had it in there last year and I found it
8 helpful. So that's where that came from, they weren't
9 surprised.

10 CHAIRMAN SULLIVAN: Okay, again, does anybody
11 want to talk about any specific item in here?

12 MS. ROBERSON: I don't know, looks guilty, maybe
13 I should.

14 MR. SANTOS: As a general comment, there's been
15 a lot of change, tremendous change, in the Office of the
16 General Manager, and a lot of improvement in, you know,
17 many, many areas, that it's hard to keep up. I don't
18 know -- I'm still thinking about and I'll follow process
19 through the Yellow Folder if I can come up with some
20 sort of activity or assessment.

21 I would like to know what are all the
22 requirements that we are complying as an agency? You
23 know, we are a small Federal agency, and right now we're
24 driving to compliance and find gaps and fill those gaps
25 as quickly as possible. It will be good to know where

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1 we are, and craft an activity that gives us visibility.
2 Because I'll be honest with you, there's so much change,
3 I don't know where we are in terms of all the compliance
4 base and what's left and what's really applicable to an
5 agency our size.

6 And most of the changes I see in OGM have been
7 driven by compliance type efforts. So I'll open up for
8 your opinion on that.

9 CHAIRMAN SULLIVAN: I will have the general
10 counsel bring you the United States Code and the Code of
11 Federal Regulations.

12 MR. SANTOS: That's the easy one, right?

13 CHAIRMAN SULLIVAN: And all the executive orders
14 going back to 1856.

15 MR. SANTOS: I don't disagree there's a lot, but
16 I think it's a worthy exercise.

17 CHAIRMAN SULLIVAN: All right. I'm not sure,
18 based on that discussion, what I would expect anybody to
19 do, unless you want our already undermanned Office of
20 the General Counsel to begin some giant scrub of all of
21 these external requirements. There's a lot. If we had
22 a fully manned Office of the General Counsel, they could
23 probably spend the next three years trying to answer
24 that one question.

25 MS. ROBERSON: Were you done? I don't want to

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1 interrupt. I guess in my view, and it's not something
2 anybody around this table has not heard me say, is I do
3 think we automatically concede to things that we do have
4 the opportunity to push back on. Congress limited the
5 size of this agency because it wanted it to focus, and I
6 think we accept a lot of things where we cannot truly
7 appeal to OMB or anybody else that it creates
8 unnecessary bureaucracy. It isn't unusual, the Board
9 has undone it before and I think we should be doing more
10 of it than we have been.

11 CHAIRMAN SULLIVAN: All right. Any other
12 discussion?

13 MS. CONNERY: So, I just want to point out that,
14 you know, we've done a lot with regards to IT and the
15 Office of General Manager has undergone a tremendous
16 amount of change, and I think for the better. The area
17 that I'm nervous about, which you should all be nervous
18 about, is human resources. We're about to lose Missy,
19 who has been a great asset to the agency, and I'm not
20 sure that we're going to be appropriately staffed, and
21 we talked earlier about the importance of potentially
22 looking at a CFO. I think we really need to focus on
23 getting the right people here on the human resource
24 side, because with hiring and turnover, that's going to
25 a crucial area for us and we really have to get the

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1 right person.

2 And, you know, Jim pointed out before, this is
3 not an easy agency to recruit to, and to recruit to that
4 particular position I think is going to be extremely
5 challenging, but it's got to be one of the major focuses
6 on OGM going forward that you guys are going to have to
7 really focus on.

8 MR. SANTOS: One other area. I see the need for
9 a lot of -- you know, programs aren't being built, new
10 technologies aren't being deployed, all of that, and I'm
11 having a hard time differentiating what is a surge,
12 using a military term there, versus where is our steady
13 state level for OGM, and I just saw some recent proposed
14 future states that looked like a higher level of steady
15 state.

16 So anything that could help me understand what
17 are we surging, what is the steady state, end state,
18 would be very, very helpful. And I don't have good
19 visibility of that. Everything feels like we're in the
20 middle of a surge right now, and that's okay, but is
21 this the new final steady state or are we surging for a
22 few years.

23 MS. CONNERY: Are you talking IT in specific?

24 MR. SANTOS: IT and security would be those two
25 areas. So, I'm sorry. Go ahead.

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1 MS. ROBERSON: I don't want to interrupt your
2 thought, I'm sorry.

3 MR. SANTOS: No, no.

4 MS. ROBERSON: So, to go back to what I was
5 saying before, and I think as we reviewed these plans, I
6 made this point, and I won't let an opportunity pass
7 without making it. I think our administrative overhead,
8 and this is in OGM, this is in general, averages about
9 two-thirds in our plan, which is optimistic. I don't
10 think that's very efficient.

11 And so I do think we need to pay closer
12 attention to all the things we think we need to comply
13 with, and actually ask for waivers or exceptions or make
14 sure they even apply to us. I think we do have more
15 room to be more thoughtful about the things we think we
16 need to comply with.

17 MR. SANTOS: Actually, if I can build on that,
18 because a lot of the OGM we're probably going to find
19 that U.S. Code some areas, but in the OTD side of the
20 house, I wonder how much we are doing that to ourselves
21 in terms of that efficiency and overhead in terms of
22 their own internal procedures and processes. What was
23 the number, 30.9? 31 FTE actual work. The numbers in
24 overhead in OTD seems pretty big. I wonder how much of
25 that is being driven by their own inefficiencies in

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1 procedures and processes.

2 So I'd like to issue a challenge for OTD to
3 really look at ways to improve their own internal
4 efficiency to really get more out of the staff in terms
5 of independent reviews. Actual safety reviews.

6 MS. ROBERSON: So I just want to defend OTD a
7 little bit. You're right, it's about 31 FTEs, and my
8 own math, I added five Board members at 100 percent,
9 which ain't ever going to happen, and ten resident
10 inspectors at 100 percent, which doesn't happen. And we
11 already know, which gets us to about a third, and that's
12 optimistic, as a plan, I think we would say. But I
13 think we need to go to the core of what people are
14 required to do because we know a lot of what OTD is
15 doing is responding to us. And so I think we all own
16 this, we all own finding those efficiencies, personally.

17 CHAIRMAN SULLIVAN: Yeah, so my understanding of
18 that 30 to 31 number was 30 to 31 out of the 60
19 engineers or so that they say they have and that manning
20 table when you look at the staff plan. So it doesn't
21 count the supervisors who are supervising, it doesn't
22 count the resident inspectors who are -- yeah, they're
23 out at the site spending a lot more time with eyeballs
24 on the Department of Energy.

25 So it doesn't count those people. So it

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1 essentially works out to about a 50 percent. That is
2 you have an engineer body in the OTD -- 50 percent --
3 not 50 percent of the agency, 50 percent time of each
4 person who's on their staff as an engineer is spent
5 doing oversight work and 50 percent is spent doing all
6 the other things that have to be done because they're a
7 Federal employee. Some of which is taking time off,
8 which they get time off. If I understand that
9 correctly.

10 MR. SANTOS: I think there's a lot of room for
11 improvement.

12 MS. ROBERSON: I think there's more to it,
13 but --

14 CHAIRMAN SULLIVAN: Well, great, make
15 suggestions. What do we want them to not do? I mean,
16 training is important, a lot of that time is training.
17 You know, we have things where we bring them all
18 together into this room to do whatever it is, and when
19 they come down here to do that, they're not doing
20 oversight reviews. So it's all those things, and they
21 add up. That's my point.

22 MR. SANTOS: To be specific, I think they went
23 through an exercise to create a bunch of directive and
24 procedures that did not exist before. Maybe it's time
25 for them to relook at some of that. For efficiency.

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1 Their own, their own, yes.
 2 CHAIRMAN SULLIVAN: Well, just to clarify, if
 3 they're spending time writing an agenda, creating a
 4 review plan, doing a review, they're actually counting
 5 that in the FTE that's available for oversight. You
 6 know, that's not -- again, that's half a person to do --
 7 half a person to do oversight work and half of a person
 8 to do all the other things we have them do. You know,
 9 as Federal employees. But the stuff that you're talking
 10 about, which is within their internal procedures, is
 11 largely the --
 12 MR. SANTOS: Counted already.
 13 CHAIRMAN SULLIVAN: -- counted already, except
 14 to the extent that they have procedures that tell them
 15 to go off and do training or whatever else it is that
 16 isn't direct oversight.
 17 MR. SANTOS: If that's the case, the picture is
 18 a little bit worse, then.
 19 CHAIRMAN SULLIVAN: Only if you think they're
 20 doing it insufficiently in terms of their oversight.
 21 MS. CONNERY: Yeah. I wouldn't say that they're
 22 doing it worse. I think that's part and parcel of the
 23 oversight is that you want to actually plan your visits
 24 and determine what standards you need to look at and how
 25 they're being implemented at the site and involve the

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1 other parts of the organization that have to do with it,
 2 and then bring that information back so that it can be
 3 evaluated. I mean, I think all of those things that you
 4 might be discounting are actually part and parcel of
 5 their oversight. Oversight is not just ride around on a
 6 bike at Pantex and look at stuff.
 7 MS. ROBERSON: So, I'm just going to say,
 8 because I knew immediately this would go to what they're
 9 doing wrong. Much of what they're doing is responding
 10 to the rest of the organization, so it is not just OTD.
 11 We are driving requirements as well, too, and all I'm
 12 saying is, we ought to make sure we pay attention to
 13 what we're imposing as well. That's all.
 14 CHAIRMAN SULLIVAN: All right, so we were on the
 15 general manager's work plan, despite what that last few
 16 minutes sounded like. Any other questions or points of
 17 discussion on the general manager's work plan? If not,
 18 I'm going to ask that we turn our attention to the
 19 general counsel's work plan. And I'll go ahead and
 20 start.
 21 Again, general counsel has been undermanned and
 22 has a request that would actually triple the number of
 23 bodies that he has in his office, but under support for
 24 technical director and technical staff, there are some
 25 items on there which I've raised this before, but I do

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1 not think we need the Office of the General Counsel to
 2 review DOE directives of interest to the Board. I just
 3 don't think we need our general counsel doing that. I
 4 think having our technical staff, whatever our policy
 5 statement is going to be, do that, is sufficient, and if
 6 there -- and I think I heard the general counsel earlier
 7 say that they're looking at things to see if the
 8 directive properly cites certain legal requirements. I
 9 think that is the job of the Department of Energy
 10 general counsel or the NNSA general counsel, so I will
 11 move to delete this from this list. I don't think we
 12 need to do it.
 13 It's also not clear to me that OGC needs to
 14 review technical documents, unless we are going to send
 15 them to the Department of Energy, and there's a question
 16 about them. I don't think as a matter of routine that
 17 they need to be reviewed by the Office of the General
 18 Counsel. We ought to be able to produce a technical
 19 document, review it by five Board members, send it over
 20 to the Department of Energy and not have a lawyer look
 21 at it. I'm not sure what a lawyer is looking at it for.
 22 It was explained earlier, they're looking to
 23 make sure our staff has properly cited to any legal
 24 requirements that are in there, again, I don't think we
 25 have many. There are things where it might cite to 10

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1 C.F.R. 830, but I think we all know that, and what it
 2 says.
 3 And in my view, the worst case scenario is we
 4 put something in a document like that and then the
 5 Department of Energy general counsel calls us up and
 6 says, well, I think you -- you know, this is -- you
 7 cited that improperly, and you need to redo something.
 8 In which case we could send out a correction, but I
 9 don't think that would happen very often.
 10 I think for the amount of time and energy that
 11 this indicates gets taken, I think -- I don't think
 12 that's a thing that we need to do. And once again, I'm
 13 stressing that rather than -- in addition to finding
 14 where we can -- how we can improve by bringing
 15 additional bodies on board, I think we need to improve
 16 by eliminating things that don't really need to be done.
 17 I see Ms. Connery ready to press the button, do
 18 you want to respond to anything I've said so far?
 19 MS. CONNERY: Of course I do. So, first of all,
 20 I didn't get the sense from general counsel that this
 21 takes an inordinate amount of time, but as a Board
 22 member who relies on general counsel, I wouldn't want
 23 any document leaving this building that has the Board --
 24 that has your signature on it and the Board members
 25 listed on it without having it had the general counsel

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1 review it. I don't think it takes a lot of time.

2 I think it's the prudent course of action and I
3 would not substitute my legal expertise or any of my
4 fellow Board members', no offense, legal expertise for
5 that of the general counsel. I think that is the role
6 of the general counsel and I would strongly object to
7 sending things out.

8 And if that is the decision of the Board, I
9 still might not take a vote until I send it to general
10 counsel, so they will be reviewing it anyway, because I
11 feel very strongly that that's the primary role of the
12 general counsel and they serve the Board as a whole as
13 well as the individual Board members and look out for
14 the protection of the agency.

15 So I don't think it's a heavy lift, I think it's
16 important for the general counsel to do it, I think it's
17 actually in the role of the general counsel. Not for
18 necessarily this conversation, because I don't think
19 that it's pertinent, but in general, I think that
20 because of the role of the Office of General Counsel is
21 unique in this agency, and in most agencies, I don't
22 know that I would in future recommend that we spend time
23 on a work plan. I think it should be left to the
24 discretion of the general counsel's office so long as
25 they're fulfilling their functions and the Board doesn't

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1 see any issue with it.

2 I just think it's kind of waste of their time
3 and our time to have them put together a work plan that
4 we review and vote on. That's just, you know, in terms
5 of removing overhead, bureaucratic overhead, I think
6 that's one of the places where I would say do we really
7 need to be doing it.

8 MR. SANTOS: I agree with that statement given
9 my previous comments on looking for efficiency. No
10 offense, thank you, Jim, for putting it together, but it
11 didn't really add anything. I already knew it was
12 happening. So --

13 CHAIRMAN SULLIVAN: Well, I'll just state that I
14 know it's happening, but I don't think a lot of it needs
15 to happen. So that's why I'm raising it. And this
16 would be the format to raise it in.

17 So, as another item, it's not clear to me where
18 processing of security matters, facilities security,
19 information security, is in the realm of the Office of
20 the General Counsel. We have people in the Office of
21 the General Manager, that's their function.

22 Now if they were questioned, certainly, anybody
23 who has a question on anything, they're supposed to do,
24 if it gets into legal, well that's general support. I
25 just don't see why this is listed as a separate and

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1 independent item here for what the Office of the General
2 Counsel would do.

3 You know, that's as opposed to some other things
4 which are in here, which is FOIA or contracts where it
5 does seem to me like there would be a regular reason why
6 the Office of the General Counsel needs to build that
7 time into their work planning because those would
8 routinely raise legal questions.

9 And the last item I wanted to point out has to
10 do with safety allegations. I think we spend time on
11 safety allegations and I think our statute clearly makes
12 that permissive. It says we may receive information, we
13 are not required to act on it, and we get an awful lot
14 of safety allegations which go towards DOE contracts.

15 We get some people who clearly have nothing else
16 to do but write to us, sometimes they provide some humor
17 on some of the things they put in some of these safety
18 allegations, and then there's others which are clearly
19 being generated by individuals who for whatever reason
20 have a bone to pick out in the Department of Energy, and
21 they seem to submit things frequently, but there's a --
22 again, we -- by law, the Department of Energy has an
23 inspector general, and that's their job.

24 And so I think that we should not be spending
25 the time that we are spending on safety allegations. We

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1 are not required to by our statute. So, those are the
2 things I wanted to discuss on the general counsel's work
3 plan.

4 Mr. Santos?

5 MR. SANTOS: Yeah, on safety allegations, as
6 individual Board member, that is an absolutely critical
7 piece of input information that I take into
8 consideration as part of my individual role here, and as
9 you know, I ask every week religiously, I want to be
10 informed, I want to be able to have an ability to see
11 where there may be an issue, where there may be leading
12 indicators or where there may be things that may then
13 raise to the level of adequate protection.

14 And I think through safety allegations we get an
15 early look of things that are important: And I do my
16 own analysis and bring it up to the Board.

17 So to me having the ability to receive that
18 information, as well as staff analysis, as well as my
19 own trips and what have you, it's part of my job, and I
20 value them a lot. I agree they're not required, but I'm
21 just sharing with my fellow Board members that is one of
22 the things that I need to do my job.

23 CHAIRMAN SULLIVAN: Well, I could easily see us
24 creating a process where we take these things and we
25 either put them in a folder on our intranet that you

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1 have access to or we can route them to you, but the
2 question is why is this a work item for the Office of
3 the General Counsel? What does the Office of the
4 General Counsel need to do with these things if someone
5 wants to write to the agency to complain about whatever
6 they want to complain about in the Department of Energy,
7 why don't we just find someone that doesn't have to be
8 in the Office of General Counsel, to take this thing,
9 read it, and I'm here to tell you based on my time here,
10 well over 90 percent of them, one quick read through and
11 you're done. No action.

12 MR. SANTOS: All it takes is one.

13 CHAIRMAN SULLIVAN: I understand. But again, I
14 would anticipate that over the next year, probably
15 somewhere north of 90 percent are something that one
16 person could read through and say, there's nothing here.
17 That one person could be you. I mean, I'm just trying
18 to figure out why it's in the Office of the General
19 Counsel work plan, and why we would have anybody in this
20 small office have to do this; it is not a statutory
21 function that we must do.

22 MR. SANTOS: Actually, I might disagree. I
23 think there's -- one of the functions that I think we're
24 doing a good job developing a full process, and it
25 requires the Board action, it's the area of

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1 investigation. To me this could be an input to that.
2 Having a formal process that ties safety allegations to
3 proper processes and, you know, to the investigation
4 function that is stated in our statute. I think there's
5 some more work to be done in that area.

6 MS. ROBERSON: So, you know, I look forward to
7 your action, and obviously we will consider it along
8 with others. The thing that I would say is, it is a --
9 whether any of us agree or not, the Board has provided
10 guidance to the staff previously, and I think it's
11 actually enveloped in the OTD procedures as to what to
12 do with these. And legal was involved in them to ensure
13 that if we needed to protect the identity of somebody,
14 that people felt free. We do get a smorgasbord of
15 things.

16 The Board also wanted to provide guidance that
17 we shall always respond, no matter whether we think it's
18 valid or not. So I actually think there is more change,
19 maybe not just to consider OGC, but we would have to
20 look into the OTD process as well, too, if we were going
21 to change that.

22 MS. CONNERY: So, just a brief comment. So,
23 when I did my Hill meetings, in my role as Chairman,
24 this actually came up in more than one office. It
25 surprised me, where the actual member was interested in

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1 safety allegations, and I basically characterized them
2 the way you did, Mr. Chairman, in terms of the level and
3 the volume.

4 One of the Congressmen actually said, well, you
5 should give your business card to every worker you see
6 so that they can call you with safety allegations. I
7 think that Congress, rightly or wrongly, sees us as a
8 neutral party for whom people may be comfortable
9 bringing those allegations, even if they're directed to
10 the Department of Energy, and disposal of it could be
11 simply referring that allegation to the office of the
12 DOE IG, but I was surprised to learn that there was that
13 much Congressional interest in such a small area of what
14 we do.

15 CHAIRMAN SULLIVAN: I'll just reiterate, there's
16 nothing in the statute that requires us to do anything.
17 There is a sentence in there that says we may receive
18 information from various individuals, but it's clearly
19 permissive. Congress did not write a statute that
20 requires us to receive. We could send all these things
21 back as return to sender and be in compliance with our
22 statute. That's my point.

23 So again, since it's permissive, the Board can
24 decide what to do. I'm telling you, while we're having
25 a little debate, I'll ask the Board to do something, but

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1 if the Board wants to continue doing what we're doing, I
2 point out that whatever we are doing, in my view, based
3 on what I've seen, on a day-to-day basis, a majority of
4 it appears to fall on the shoulders of the Office of the
5 General Counsel, which is a small office, and is
6 undermanned. It doesn't need to be there.

7 Does anybody else want to say anything else
8 about the Office of General Counsel's work plan?

9 MS. ROBERSON: Oh, I do want to say one other
10 thing. Something I've probably said in the last three
11 years, and maybe even the general counsel has disagreed,
12 I don't know why we do an OGC work plan. It's not to
13 say the manager in OGC shouldn't plan their work, but
14 two years ago, if I remember, we went the entire year,
15 not one thing in the work plan was able to get done
16 because they were responding to us or others. And I
17 think the impact the Board has on the General Counsel's
18 Office is through staffing, but I think the majority of
19 their work is responsive anyway.

20 MS. CONNERY: So, can I just ask a quick
21 question. Is that in our procedures that a work plan be
22 done, but did it come from an RFBA or just the
23 procedures that we developed?

24 CHAIRMAN SULLIVAN: It was in the procedures
25 that we developed. I mean, clearly, we could end up

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1 changing the procedures. We could take this entire
2 section 1, which, by the way, I think was nicely done
3 and much trimmer than previous general counsel work
4 plans, based largely on that feedback, and the feedback
5 being don't spend a lot of time regurgitating all the
6 stuff that you have to do anyway, but we can take all
7 that list and just say, okay, that stuff isn't going to
8 change from year to year, and just take the thing that
9 he has here and the small section that he has as planned
10 discretionary work and every year he could tell us,
11 well, if he has extra manpower to do things that he
12 would like to do, what would that be? That would be
13 pretty simple.

14 I mean, I think, actually, the Office of the
15 General Manager would be the same, since 90 percent of
16 what they actually do day to day falls under they don't
17 have any choice. There's travel requests, they're going
18 to process them. They're going to make sure we get
19 paid. All those sort of things.

20 Any other comments or questions on here?
21 (No response.)

22 CHAIRMAN SULLIVAN: I will also point out, I've
23 never gotten support for it, from the Board, but I don't
24 think we need the Office of the General Counsel at every
25 informal briefing of the Board. That is a requirement

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1 that we have placed upon ourselves in the Code of
2 Federal Regulations. And I think it's a manpower drain,
3 and it being in the Code of Federal Regulations, we
4 don't get to change it when circumstances would deem
5 that they probably should be changed.

6 So when you have an office that is manned at
7 one-third, to have them have to do this I think is
8 onerous, and we would have options if it was not in our
9 Code of Federal Regulations, but I've asked every year
10 that I've been here to have it taken out and I've never
11 gotten the support of the Board.

12 So I'm pretty sure I'm talking to a wall when I
13 say it, but I'll just say it again.

14 MS. ROBERSON: No, you're talking to us.

15 CHAIRMAN SULLIVAN: Well, okay. Any other
16 comments?

17 (No response.)

18 MS. ROBERSON: No, thank you.

19 CHAIRMAN SULLIVAN: Move to the staffing plan.

20 Mr. Santos, did you want to talk?

21 MR. SANTOS: Yeah, it's been two years since the
22 OTD hasn't filled a senior level. Is that taking the
23 space of additional engineers? It's not clear what the
24 plan is with that. Either we need it or we don't or --
25 and if we do, you know, it's confusing to me.

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1 MS. CONNERY: I'm sorry, I missed that.

2 Which --

3 MR. SANTOS: The senior --

4 MS. CONNERY: We're in OTD.

5 MR. SANTOS: OTD. Senior leader, yes.

6 MS. CONNERY: Supervisory.

7 MR. SANTOS: It's been vacant, nonsupervisory,
8 for two years. Any news on that?

9 CHAIRMAN SULLIVAN: Well, more generally, we did
10 a reorganization, we completed it in May, and the
11 reorganization, to me, appears now to be in large
12 measure supporting a justification for bringing
13 additional people on board.

14 MR. SANTOS: Oh, okay.

15 CHAIRMAN SULLIVAN: Right. So, and we were told
16 as part of the reorg that they wanted the senior leader,
17 which I've been here five years, we've never had this
18 position filled. I think it was on the books, but not
19 planned to be filled for a long time. I'm not sure of
20 all the history. I'm not sure when it was filled, if it
21 was filled.

22 Adam, do you know?

23 MR. POLOSKI: Yeah, the senior leader
24 position -- Adam Poloski. So, the senior leader
25 position predated the reorganization. We ended up when

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1 we rolled out the reorganization, wanted to fill that as
2 one of our top priorities. One of the reasons that we
3 weren't able to fill it was we were trying to get a
4 certified program in place to make the pay levels
5 consistent with other executive positions that we had.

6 And so there were some administrative reasons as
7 to why this position wasn't filled over the last couple
8 of years, but it had been a priority, I can still see
9 its value and we would like to pursue it.

10 CHAIRMAN SULLIVAN: Yeah, the question was has
11 it ever been filled.

12 MR. POLOSKI: No, it has never been filled.

13 CHAIRMAN SULLIVAN: So, somewhere along the
14 line, and we don't know exactly when as we sit here,
15 this position was created and it was created, as Adam
16 correctly points out, it was created before they did the
17 reorg and it sat on the books, unfilled, for who knows
18 how long, but we've never had one here.

19 So that's a little bit different. We did reorg
20 in the -- amongst the SESs, so that we created two
21 deputy technical directors, but we kept the same number
22 of what used to be called group leads, and now they're
23 associate technical directors, so the net there was to
24 create an additional SES position within the Office of
25 the Technical Director through the reorg.

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1 They also created three DN supervisor positions,
2 and they are now seeking to backfill those supervisors
3 in terms of I guess what you would call the worker bee
4 engineers. I mean the non-supervisor engineers. So the
5 people who filled those billets moved up into a
6 supervisory role and they want to have three more human
7 beings on the staff to do the positions that used to be
8 there.

9 So, all of that, I'm saying, is -- I mean, it's
10 at least four plus the senior leader in terms of
11 increased FTE that they are asking for as a result of
12 the reorg. It wasn't clear to me when we were doing the
13 reorg that that meant that we were going to be asking
14 for additional people. I understood the reorganization
15 to be improvement in efficiency and effectiveness, maybe
16 effectiveness, yes, but not necessarily efficiency if we
17 need more bodies now that we have reorganized.

18 So we also, as part of this, because we for two
19 years, we had some contract support, with some
20 engineers, who did a lot of work in terms of data
21 analysis, and then we ended that contract in May, and as
22 a result of doing that, the technical staff shuffled
23 bodies to do the tasks that were being done by those
24 contract engineers into the engineering -- what is it,
25 EP? Engineering programs. So they shuffled some

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1 engineers into there, and so now they're asking to
2 backfill those FTE in the -- again in the regular cadre,
3 if you will, of engineers who were doing reviews.

4 But they're also asking to bring two contract
5 support people back. So there's a lot in here that the
6 Office of the Technical Director is asking for, and I'll
7 point that out and I'm trying to figure out why it's
8 necessary. It's not clear to me that the justification
9 in here actually says why it's necessary.

10 Anybody else? Anybody want to talk about the
11 Office of the Technical Director or any other part of
12 the staffing plan?

13 MS. CONNERY: I'll just point out, since I think
14 I have to say everything twice before it gets heard, on
15 the training portion of this plan, which went up from 5
16 percent to 39 percent, the idea and one of the reasons
17 why you would want to bring on additional staff,
18 hopefully mid-level staff, is because we have some
19 challenges with training people in the oversight
20 mission.

21 This has been a challenge that I've heard from
22 all Board members over the past couple of years. We are
23 losing our most senior technical folks to retirement,
24 and my expectation, I think it was nine was in the plan
25 in terms of retirement. My guess is it might be higher

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1 than that. We need to be able to train folks to take
2 their place.

3 Yet understanding of putting the DN supervisors
4 in was because you needed to have some succession
5 planning, and if you have successful -- if you don't
6 have anybody in your staff who has had any management
7 experience, and they become an SES, they are by
8 definition going to become a less successful SES. So if
9 there was any plan to grow our own staff to take those
10 leadership positions, you have to have them be in
11 supervisory positions ahead of time.

12 And again, this goes to some of the overhead
13 that I don't think we factored in in previous years that
14 would take away from the mission of actually doing
15 oversight. We're going to have to learn to walk and
16 chew gum at the same time, and I think it's going to
17 take additional bodies to do that, if we are going to
18 fulfill our mission, focus it like Ms. Roberson said,
19 and train the staff to be able to do the job of the
20 agency.

21 CHAIRMAN SULLIVAN: All right, I want to move
22 and talk about the deputy general counsel position. I
23 don't support hiring another member of the Senior
24 Executive Service to work in the Office of the General
25 Counsel. We've been here -- I've been here now five

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1 years. I think there have been three periods of about
2 six months duration where we've had two members of the
3 Senior Executive Service actually coming to work in the
4 Office of the General Counsel, and the rest of the
5 periods we either had one or there was a period there of
6 about eight months where we had none, and then I'd say
7 we went to one, only because we got Mr. Biggins, who we
8 brought aboard and he became a member of the Senior
9 Executive Service, but actually for a good portion of
10 the time that he was initially here, he was getting the
11 qualifications and certifications in line and wasn't
12 actually yet a member of the Senior Executive Service.

13 So I mean, my point is, the office has been
14 functioning with something that averages out to 1.0 for
15 five years now, and I don't see the need to bring
16 another member of the Senior Executive Service into the
17 Office of the General Counsel. So I'll be making that
18 proposed change via an amendment.

19 Anybody want to say anything about that or say
20 anything else about anything else that's in this
21 staffing plan?

22 MS. ROBERSON: I don't have anything else to
23 say.

24 CHAIRMAN SULLIVAN: All right. Well, I would,
25 then, also point out that I think we need to look at

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1 these numbers and figure out what signal are we actually
2 telling the staff that they may hire to, and so the
3 issue becomes if we --

4 MS. CONNERY: Before you get to that, sorry.

5 CHAIRMAN SULLIVAN: Go ahead.

6 MS. CONNERY: You just didn't look this way. So
7 the other issue that I think we probably should discuss
8 is the issue of the GS-15 that's going to be hired to
9 perform functions in the front office. At some point it
10 was envisioned that it would actually help with the
11 Orange Folder process, and there's a discrepancy among
12 the staff as to whether or not that individual should
13 also be supervising the secretaries of folks that report
14 directly right now to the Office of General Counsel and
15 the Office of the Technical Director.

16 I think that's probably something that we as a
17 Board should deliberate on because obviously the staff
18 couldn't come to a conclusion on that particular issue,
19 and I know it was a -- I heard some folks talking about
20 it in the interim, so I just wanted to get other
21 people's views on that issue.

22 CHAIRMAN SULLIVAN: Well, I haven't heard any
23 views from Board members other than noting that there's
24 a split amongst the staff. So anybody want to chime in
25 with a view?

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1 MR. SANTOS: I have made proposals in the past
2 that have failed to create a support type structure for
3 the Board that includes a lot of the functions we are
4 talking about. So I just want to wait and see how this
5 looks like before I make any other proposal for
6 consideration right now. I just don't know.

7 MS. CONNERY: So that's not the question I was
8 asking. In this particular case, the role that used to
9 be occupied by Nora is being replaced, it's being
10 replaced at a GS-15 at the direction of the Chairman.
11 Right now it's advertised as a GS-15 supervisory with
12 the understanding that the secretaries that report to
13 the Office of the Technical Director and the Office of
14 General Counsel would report to that individual.

15 My experience from what Nora told me before she
16 left is that she thinks that the functions of that
17 individual would be too diluted to be an effective
18 supervisor, as well as doing the other functions of that
19 job. Again, since this is an area of consternation
20 among our senior staff, I think it's incumbent for us to
21 give direction in that area.

22 MR. SANTOS: I don't disagree, but I heard this
23 morning that the position is already posted or closed or
24 it's out.

25 CHAIRMAN SULLIVAN: The position is posted and

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1 closed, OPM is supposed to give us a list of names.

2 MR. SANTOS: Right.

3 CHAIRMAN SULLIVAN: We don't have to hire
4 anybody. We can always take the list of names and say
5 thank you and start the process over.

6 MS. CONNERY: You can also just recategorize it.

7 MR. SANTOS: Okay, I just don't know what the
8 process is.

9 MS. HERRERA: I'm not sure we can come up with a
10 supervisory list and then change the position after
11 that, I would have to go back to HR. My instinct is you
12 would have to re-announce if you changed it that much.

13 The original advice from HR was that the
14 position graded out to a 14 without supervisory duties
15 and to a 15 with supervisory duties. That was what HR
16 provided us.

17 CHAIRMAN SULLIVAN: Yeah, and so then I took the
18 two position descriptions that were shared with all
19 Board members and then I told them what I planned to do
20 and provided the opportunity for the Board to tell me
21 otherwise, which is exactly what's going to happen here.
22 So it was split amongst the staff, if the Board wants to
23 weigh in, the Board will weigh in. If the Board doesn't
24 want to weigh in, I'll make a decision. Somebody's got
25 to make a decision, so that's the way it will be.

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1 MS. ROBERSON: So, my view is I don't know what
2 the complication is with doing that, so I'm not going to
3 express an opinion, but I will express an opinion that I
4 do support having a Federal secretary in OGC. As well,
5 my support of having a Federal secretary in the front
6 office. I think I've been consistent on that.

7 CHAIRMAN SULLIVAN: All right. Thank you. So,
8 I'll go back to the other point I wanted to make, which
9 was talking just about what signal we're going to send
10 to the staff when we're done with this process. So,
11 right now, we have something that says we are shooting
12 for 115 FTE, but we have three tables in front of us
13 which when you add the numbers up comes up to something
14 well over 115 FTE, it actually comes up well over at
15 122, or whatever the number is that we were given in the
16 beginning as being able to overshoot.

17 So I think the Board needs to decide, and my
18 view is we have three tables for the three offices, and
19 where it says what's vacant, I think those numbers
20 should be adjusted by the Board, if at all, to reflect
21 what the Board is saying that we have the authority to
22 hire. And whatever that final number would be, it would
23 be. And if next year's budget doesn't support having
24 that number, then we would have to do something else,
25 including if we -- in other words, if we overshoot, we

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1 might have to bring some people on and then turn around
2 and let them go or consider that.

3 My point is simply I'm trying to figure out when
4 we approve a staffing plan, what are we actually
5 approving? There's a lot of verbiage in here which is
6 all justification given to us by the office directors,
7 and we all have that for consideration. Clearly if we
8 change any numbers, then the verbiage won't match,
9 unless we change the verbiage. I'm not even sure we
10 need to do that.

11 What I think we need to do most importantly is
12 decide on, well, what is the authority for me as the
13 chief executive down through the office directors, what
14 authority is the Board giving us to hire people and fill
15 positions.

16 And so if we can end up with a series of one or
17 more amendments that ends up with numbers that we
18 support, or even to continue this in Yellow Folder and
19 go back through an iteration of the numbers that we
20 support. I think that's the most important thing we can
21 decide as it pass -- if this document as given to us
22 were to pass, I'm not sure what the Board would be
23 telling me in my role as chief executive that I can do.
24 Can I go off and hire 12 more people to be in the Office
25 of the Technical Director?

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1 MR. SANTOS: Right.

2 CHAIRMAN SULLIVAN: Can I also hire six more
3 people to be in the Office of the General Counsel? And
4 if so, what does that do to our numbers and where might
5 we end up at the end of the next fiscal year in terms of
6 the actual human beings that are on board regardless of
7 how many FTE it might come to be when averaged over the
8 year. Because clearly that number carried forward
9 presents the starting point for the next fiscal year.

10 So, Mr. Hamilton's math says it would be 135
11 people, so if we have 135 people on the payroll --

12 MS. ROBERSON: Say what? Speak, Mr. Hamilton.

13 MS. CONNERY: Twelve plus 115.

14 MR. HAMILTON: If you add on board and vacant
15 you get 130; you add five more members, you get 135.

16 CHAIRMAN SULLIVAN: All right, well, 130 I think
17 is our authorization, so we would be right at our
18 authorization.

19 MS. ROBERSON: I think our authorization
20 includes us.

21 CHAIRMAN SULLIVAN: I don't think it does, but
22 that's all right. It says how many staff we can hire.

23 MS. ROBERSON: Is that correct, Mr. General
24 Counsel?

25 MR. BIGGINS: I interpret the authorization

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1 number to include the Board members.

2 MS. ROBERSON: I do, too.

3 MR. BIGGINS: Because the normal way that it's
4 communicated to OMB and Congress would be to include the
5 Board members in the overall number.

6 MS. ROBERSON: That's the way --

7 CHAIRMAN SULLIVAN: The statute says, "there
8 shall be five Board members," and then it says, "they
9 may hire up to 130 staff." That's what it says.

10 So, in any event, let's just assume we did that,
11 though, if we had 130 staff, okay, so maybe we could --
12 you know, there would be a discussion as to whether or
13 not we violated the authorization, which would be a
14 separate problem, but nevertheless, we would have 135
15 people on the payroll. And if a budget only comes out
16 that supports 118 or whatever, then we would have 17
17 extra bodies.

18 And that's the point I'm trying to get to, that
19 we need to consider I think a small overshoot is
20 acceptable, I don't know what that number might be,
21 because we realize that we're always in flux, and if we
22 got to that point, say we were sitting here a year from
23 now and we had 122 people on the payroll, and the FTE
24 that we would expect to be appropriating for the
25 following year was 119, well, we could probably just do

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1 nothing and attrition would get us to where we wouldn't
2 overspend, but if we're at 135, we might have a
3 different problem.

4 So as a Board, all I'm saying is we need to
5 figure out what numbers those match -- do those become
6 in order to try to make that be reasonable at the end of
7 the fiscal year. And again, I'm suggesting that we do
8 that by adjusting the numbers that appear in these three
9 tables as vacant numbers and then I would interpret that
10 in execution of the staffing plan as this is what the
11 Board is allowing me to hire above and beyond the
12 positions that are filled today.

13 MR. SANTOS: So, low-hanging fruit, there's two
14 vacant in the OGM, where the current work says OGM does
15 not have plans to fill the two vacant slots. So you can
16 take two right there and cross that out. Is that
17 correct? Mr. Sklar?

18 MR. SKLAR: Yes, it is.

19 MR. SANTOS: So, hey, I gave you two. The other
20 one I bring up and I need help from OTD, I understand
21 the recommendation that they would like to keep the
22 senior level, but it's my understanding that there's got
23 to be some certifications and additional requirements
24 with other Federal agencies. That takes time.

25 I remember when they tried to do the SES

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1 certification, how long that it took to get it.

2 MS. HERRERA: It took about a year. I don't
3 know what the SL -- how long the SL certification
4 process would take. There would be so many times -- we
5 did start it, but then discontinued it, because there
6 was a lot of discussion about whether that position
7 would be filled. So I don't know what work is left to
8 do, and how long that would take.

9 MR. SANTOS: To my recommendation would be to
10 not completely eliminate it for everybody, but for the
11 next FY, you take it out, and then if that's --

12 CHAIRMAN SULLIVAN: Yeah, and let me just
13 interject for a second to point out the time. The time
14 is after 3:00, and we said we were going to end, but if
15 there's unanimous consent, we'll keep going.

16 MR. SANTOS: I consent.

17 CHAIRMAN SULLIVAN: We hopefully won't go much
18 further.

19 So, Mr. Santos, you were speaking, I don't know
20 if I cut you off.

21 MR. SANTOS: Thank you. No, I have no objection
22 to extending the time.

23 Yeah, I guess my -- I would like to hear OTD,
24 but a suggestion would be not for this next FY, you
25 know, pursue it, and then if in the future after we can

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1 rethink about it.

2 CHAIRMAN SULLIVAN: Well, to address that, one
3 way we could do that would be to add a third column
4 here. So we might have what's basically an onboard and
5 authorized, and then an appropriated, if you will,
6 right? So the authorized would be, okay, in an ideal
7 world with infinite money, this is where we would go.
8 Then it's not an ideal world, so this is where we intend
9 to go would be the third column. If that makes sense.

10 MR. SANTOS: That's a good suggestion to express
11 what I'm saying.

12 CHAIRMAN SULLIVAN: All right. Ms. Connery, did
13 you want to say something?

14 MS. CONNERY: No, I'll let Dr. Poloski go first.

15 MR. POLOSKI: Yeah, I just wanted to summarize
16 our current understanding ever the SL position. We've
17 accrued the waiting period to get the certification. My
18 understanding was OPM was creating a pre-certification
19 performance system for the SL positions and we were
20 going to adapt that as our model.

21 That was supposed to have occurred relatively
22 soon, and we just have to get more details on exactly
23 where they're at. But that's where we are waiting for
24 as the trigger to begin hiring, is to get that in place.

25 MR. SANTOS: I hear you, but right now you could

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1 execute on let's say additional engineers. To execute
2 on the senior level, it still is an unknown when you can
3 actually execute the posting. Is that correct?

4 MR. POLOSKI: We could execute the posting now
5 if we wanted to, once we have that certified system.

6 MR. SANTOS: I did not know that.

7 MS. CONNERY: So, along the lines of what
8 Mr. Santos is saying, it also says we are short one
9 resident inspector, but I had the understanding that the
10 tech staff was actually looking to use that slot in the
11 near term as a training opportunity for six months
12 rotations and potentially fill it internally. Is that
13 not the case?

14 MR. POLOSKI: We're working on developing that
15 detailed program for the six-month period. I think the
16 announcement should be coming out pretty soon. So yeah,
17 that is the plan, just depending on the level of
18 interest involved, we're not sure how many times we can
19 cycle through, until we're at a position where we have
20 to hire a full-time replacement.

21 MS. CONNERY: So you could add that to your
22 third column is my point.

23 MR. SANTOS: How long have we been without an
24 S -- the vacant SES in OTD?

25 CHAIRMAN SULLIVAN: Since the reorg.

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1 MR. SANTOS: When was that?

2 CHAIRMAN SULLIVAN: We finished the reorg in
3 May.

4 MR. SANTOS: May?

5 MS. CONNERY: Is that announced yet?

6 CHAIRMAN SULLIVAN: No.

7 MS. CONNERY: Is there a reason why it wasn't
8 announced?

9 CHAIRMAN SULLIVAN: What's that?

10 MS. CONNERY: Is there a reason why it wasn't
11 put out for announcement? I'm just curious.

12 CHAIRMAN SULLIVAN: So, refresh my memory, Adam.
13 There was an announcement at some point to fill a
14 position that -- let's see, at one point, Chris was
15 there, we had two positions. Remind me how all that
16 shuffling went.

17 MR. POLOSKI: Right, Chris Roscetti at the time
18 was the group lead for the MPA group as well as the
19 performance engineering group, and so there was an
20 announcement for what became the EP group lead position.
21 I ended up applying for that and that left a vacancy for
22 the NFPI position, and there hadn't been an announcement
23 since the time I transferred over, we've just had people
24 acting.

25 MS. CONNERY: So that wasn't during the hiring

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1 freeze, is there a reason why the position description
2 wasn't put out or wasn't advertised?

3 MR. POLOSKI: It's something we had pursued and
4 I would have to defer to Mr. Sullivan.

5 CHAIRMAN SULLIVAN: I had not authorized
6 advertising. We have several things that we haven't
7 talked about here, including the direction from the
8 President to consider reorganization and getting smaller
9 and more efficient, and my judgment was that we would
10 wait until the staffing plan to sort through what we
11 actually thought the level of senior executives should
12 be because the -- if we bring additional -- they're in a
13 special category, and so bringing additional ones on
14 could be just setting ourselves up for a problem later
15 if, in fact, we make any decisions through any process
16 that might actually involve reorganizing or trying to
17 become more efficient as we were directed to do. The
18 same reason I haven't advertised the deputy general
19 counsel position either.

20 MS. ROBERSON: So more generally, I think I only
21 made one comment on the staffing plan, and 115 was my
22 number. I guess that I have one question for OGM, and
23 that is since we are a level of effort organization,
24 primarily, if we set at our continued resolution budget,
25 how many FTEs could we increase? Assuming we replaced

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1 vacancies as time goes on, how much growth could we
2 have?

3 MR. SKLAR: So, here's my math really fast. If
4 we're at 114 now, and we're talking about plus eight,
5 just to make sure we land back at 114 naturally, I would
6 say that puts us at 122. As Mr. Hamilton mentioned,
7 adding up all these numbers really got us up to 135.

8 So it's either plus eight or plus 21, and now
9 walking back to plus 21, we're plus 19. We really need
10 to get back in the range of plus eight to be comfortable
11 to land back at that 114.

12 MS. ROBERSON: Thank you. That answers my
13 question.

14 MR. SANTOS: Actually, plus seven, because I
15 think Ms. Connery brought up the issue of the resident
16 inspector, so yeah.

17 MS. CONNERY: Take the four away.

18 MR. SANTOS: Okay.

19 CHAIRMAN SULLIVAN: All right, is there any
20 other discussion?

21 MR. SANTOS: We're getting there.

22 CHAIRMAN SULLIVAN: We're also ten minutes past
23 our time. So, if not, we're going to bring this meeting
24 to a close. At the end we're supposed to summarize the
25 outcome.

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1 MR. SANTOS: I'm sorry, Mr. Chairman, I
2 apologize for interrupting, because I think it's
3 important -- it's not clear to me what's -- I mean, we
4 have the Yellow Folder, is any action or direction to
5 the staff to support our Yellow Folder process and Blue
6 Folder relative to this point?

7 CHAIRMAN SULLIVAN: So we had a list of things
8 this morning that we identified for questions for the
9 record. So the staff owes us answers to those
10 questions, and currently, we have a time frame which
11 would require us to submit our amendments by Wednesday
12 of next week, so in the event that staff takes -- needs
13 more time to answer those questions and some potential
14 amendments hinge on those, we might need to extend the
15 time for amendments, but I'm not going to -- I don't
16 think we should make that -- need to make that decision
17 here. We need to get the feedback from the staff on
18 what it will take them -- how much time it might take
19 them on any of the questions that we asked them to
20 provide answers to.

21 MR. SANTOS: I would like to add a question for
22 the staff to bring to support the Yellow Folder process,
23 and it's relative to this. You mentioned the idea of
24 the three columns. I think it's a good one. So, I
25 would like to ask each of the office directors to bring

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1 revised tables with the revised numbers that would show
2 the ideal scenario, the authorized scenario, the
3 additional proposed cuts that they might want to
4 recommend so we can align it with our numbers or
5 authorized numbers.

6 CHAIRMAN SULLIVAN: I'm not sure what you want.
7 The staff has given us an input of what they want to
8 hire. That's the way that I'm looking at these three
9 tables. I think we ought to just --

10 MR. SANTOS: I would like to ask them for
11 another round of -- for example, general counsel, or
12 OTD, you heard that we still have to reduce the number
13 like around eight or seven, if they can get together and
14 provide us a second recommendation on how to get to
15 those numbers. And then we get to see them.

16 CHAIRMAN SULLIVAN: Or we could just decide what
17 we want those numbers to be.

18 MR. SANTOS: And we will decide through our
19 voting process, I'm just asking to see if we can get
20 them also from them.

21 CHAIRMAN SULLIVAN: Well, you can ask them to do
22 anything, I'm just trying to figure out whether or not
23 we need to change anything that's in motion right now,
24 and so I think what's in motion right now is they have
25 questions for the record, they're going to give us

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1 answers, and we'll be making amendments.

2 I was planning on making an amendment that as
3 far as the staffing plan that would essentially say,
4 well, irrespective of what the numbers are, this is what
5 we're approving. You know, it would be like a cover
6 page. And then the numbers that actually go into those
7 tables, we can change.

8 In other words, I was envisioning an amendment
9 that says, look, we don't need to all try to make all
10 these changes to these tables simultaneously, change the
11 words and all those things. Now this will be considered
12 forever the staff input, here's what the output is going
13 to look like that we approve, and this is what it will
14 mean.

15 Now we can fill in all the numbers as a
16 five-member Board, trying to figure that out, but I
17 think we're going to start with -- I mean, the numbers
18 on board, we're not going to change those. I think
19 we'll have a second column that says, this is what the
20 ideal would look like if we had plenty of money. And
21 then there's going to be a third column that says, this
22 is what we're actually authorizing for FY '18.

23 And so that second column will start with what's
24 in here as their proposal, although we don't have to
25 agree to that. In other words, we can change this as

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1 what we're authorizing. So in other words, we can keep
2 the senior leader in that column, too, or we cannot keep
3 it in. Say we don't want this position anymore.
4 Separately in column three, there will be a 1 or a 0,
5 and which will tell the staff what we should move
6 forward to hire, zero being obvious, we're not going to
7 fill it.

8 MS. CONNERY: So the practical challenge with
9 that is if you put forth an amendment that says that,
10 you will have filled in all the boxes, and so perhaps
11 there's an interim step where there are blank boxes for
12 all of the Board members to see if we can independently
13 come to some concurrence on the majority of the
14 positions and then it's only a matter of negotiating the
15 last several positions. Otherwise, you put something
16 forward, and because we're in Yellow Folder now, it's a
17 Blue Folder, front page, with all the boxes in it and
18 then we can just do an up or down, which is probably not
19 going to be satisfactory, right?

20 CHAIRMAN SULLIVAN: So, good point. So, what I
21 can do is I can put my amendment forward tomorrow, and
22 again, I will start with a three-column box for each of
23 the three offices, and columns 1 and 2 will be exactly
24 the same as what they've given us, right, but there will
25 be some other verbiage, this will all be designed to

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1 just be set in the front, where everything we were
2 actually given then becomes an enclosure as the staff
3 input.

4 And then if I submit that, we can move forward
5 as expeditiously as possible to approve it, and then
6 from there, we could adjust the numbers.

7 MR. SANTOS: That works for me, because as part
8 of the Yellow Folder, we'll get input from the office
9 directors, so that will accomplish what I was trying to
10 do with your question. So thanks for making that
11 available.

12 CHAIRMAN SULLIVAN: All right. Anything else to
13 discuss before we move to final comments?

14 (No response.)

15 CHAIRMAN SULLIVAN: Oh, I'm sorry, yeah, I
16 normally try to have the general counsel summarize staff
17 taskings, but in light of the time, I'm not going to ask
18 him to do that, rather I'm going to ask him to submit
19 something that we can see by tomorrow morning. Just
20 give it to us in writing, it will become part of the
21 meeting record, but this will give the Board members the
22 opportunity to ask to have it changed if they don't
23 think what we see in writing is actually -- actually
24 reflects what we thought we asked for.

25 MR. BIGGINS: I'll do that.

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1 CHAIRMAN SULLIVAN: Thank you. All right. So,
2 at this time, I'm going to turn to closing comments.

3 Mr. Hamilton?

4 MR. HAMILTON: Thank you, Mr. Chairman. I'm
5 going to address my closing remarks to the strategic
6 plan. The starting point for the development of the
7 2018 to 2022 strategic plan was the previous strategic
8 plan. I have a fundamental objection to the old
9 2014-2018 strategic plan, namely that it declared the
10 Board's strategic goals and objectives are to improve
11 and strengthen defense nuclear facilities. It is my
12 view that the Board is not chartered to improve or
13 strengthen the defense nuclear facilities. Our mission
14 is limited to making recommendations to the Secretary of
15 Energy when in the Board's opinion the adequate
16 protection of the public health and safety is at risk.
17 I do not believe that the Board should use its statutory
18 power to nudge, encourage or otherwise help the
19 Department of Energy.

20 That does not mean that the Board's activities
21 may not add value to DOE. Quite to the contrary. We
22 often produce products or shine spotlights on areas
23 which may be helpful to the Department of Energy, should
24 they choose to use them, but those represent beneficial
25 byproducts of our work, they are not in my view our

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1 mission.
 2 I believe my actions and my voting record over
 3 the past two years have been consistent with this
 4 philosophy; other Board members have a more expansive
 5 view of our mission, and I respect those views even as I
 6 disagree with them. These differences are exactly what
 7 Congress intended when in its wisdom it established a
 8 five-member board.
 9 As I previously said, that expansive policy
 10 which came from the 2014 to 2018 strategic plan was the
 11 starting point for the new strategic goals and
 12 objectives.
 13 Board Member Connery, I respected my Orange
 14 Folder inputs and expunged the references to improving
 15 and strengthening DOE. As a result, I have no
 16 fundamental objection to the plan as currently in Yellow
 17 Folder. I will not, however, support an extension of
 18 the 2014 to 2018 strategic plan.
 19 Thank you, Mr. Chairman.
 20 CHAIRMAN SULLIVAN: Thank you.
 21 Ms. Roberson?
 22 MS. ROBERSON: Thank you, Mr. Sullivan.
 23 And again, thank you to all the Board members
 24 and all the staff. I know this can be a painful
 25 process, but I think there is no greater value than

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1 having alignment between the Board members and the staff
 2 on how we're going to proceed into the next year. I
 3 can't emphasize that enough.
 4 I am very hopeful that this year we will have
 5 Board-approved work plans and a staffing plan, and
 6 although I'm very outspoken about my views, I respect
 7 the views of other Board members, and I understand what
 8 compromise is. So, I will just say, notwithstanding the
 9 amendments to come, I am very hopeful that we can round
 10 this process out, even though it may not be perfect for
 11 each of us individually, but so that we can go into the
 12 next year on as much of the same page as possible.
 13 Thank you.
 14 CHAIRMAN SULLIVAN: Mr. Santos?
 15 MR. SANTOS: I will be brief. I want to say
 16 thank you to my fellow Board members. This was two
 17 years in the making for me. To me it was very overdue,
 18 the fact that we needed to get together and discuss
 19 strategic plans and work plans and what have you. This
 20 is very important for our mission, for our staff, even
 21 for us, that we need to engage more often.
 22 I respect every individual view, even if it's
 23 different, but like Mr. Vice Chairman Hamilton said, I
 24 think that's what Congress intended and I think we're
 25 stronger because of that.

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1 If we can get to 50, that will be very good and
 2 very clear, but that's okay, too. So, I look forward to
 3 further dialogue, further opportunities like this one to
 4 continue to provide guidance and leadership to the
 5 staff.
 6 Thank you.
 7 CHAIRMAN SULLIVAN: Thank you.
 8 Ms. Connery?
 9 MS. CONNERY: Thank you. Vice Chairman
 10 Hamilton, I think you might have skipped a word, I think
 11 the former strategic plan said safety at the DNS, not
 12 including the DNS. I just want to clarify that.
 13 I find this process challenging because I do
 14 feel that more compromise is needed, and I feel that the
 15 Board members need to figure out how to actually
 16 deliberate rather than simply give talking points. A
 17 lot of times I feel, and I've expressed this in my votes
 18 and I'll express it here, that I will say things into a
 19 microphone or in a Board gathering and they may be
 20 respected, but they're not necessarily listened to,
 21 internalized, and then responded to. So, while the
 22 process isn't perfect, I'm glad that we at least are
 23 making an effort at the process.
 24 The strategic planning process, I will continue
 25 to champion, because I think it's important, regardless

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1 of the differences in Board members' views of how a
 2 strategic plan should work. It's clearly necessary.
 3 But most importantly, I think what's necessary is that
 4 we show leadership to the staff and show that we're here
 5 trying to support the work that you're doing on a
 6 day-to-day basis and that we appreciate the work that
 7 you're doing on a day-to-day basis, regardless of what
 8 we may pick apart here. It's easy for us to make
 9 criticisms when we're not the ones developing the
 10 products that get picked apart.
 11 So thank you for all of you for the efforts that
 12 you put into making today possible, but more
 13 importantly, thank you for the efforts that you put
 14 forth every day to help make the defense nuclear
 15 facility complex safer.
 16 Thank you.
 17 CHAIRMAN SULLIVAN: All right, thank you. And I
 18 wanted to thank the staff for all the work that went
 19 into producing the things that we had in front of us
 20 today to talk about, and Ms. Connery, who actually
 21 worked on the strategic plan. As someone who told you
 22 in the beginning that was confused on the whole concept,
 23 I knew that I couldn't do it, so I really appreciate
 24 your stepping forward to do that.
 25 Staff put in a lot of work on this. I remember

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1 the days before we did any work planning at all, and so
 2 it was a mystery to me as a Board member trying to
 3 figure out what, in fact, the staff was going to do.
 4 And since I at the time didn't have any staff that
 5 worked for me, I therefore had no way that I could
 6 figure out how to influence how the staff was going to
 7 go about doing whatever was needed.
 8 So we started this work planning process in
 9 order to provide the Board and all the Board members an
 10 equal opportunity to direct the agency's work for the
 11 next year. And I wanted to remind everybody of why we
 12 do this. This is an awful lot of nonoversight work that
 13 actually gets done is this part, which is trying to
 14 plan, and so that we could have a plan -- that the Board
 15 could change if the Board felt it needed to change.
 16 So this is an awful lot of work that the staff
 17 put in to get to this point, and they got to this point
 18 this year before September was over, so again, I think
 19 that's a separate 'attaboy for everybody who worked
 20 really hard on this process and I thank them for doing
 21 it.
 22 In an ideal world, in my view, we would have an
 23 exemption to the Sunshine Act so we could sit in a room
 24 and mud wrestle until we came to agreement. I think
 25 that would actually facilitate compromise. I feel even

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1 though we sit here to deliberate, our deliberations are
 2 stilted when they're public. We are talking about an
 3 agency that is only 100 plus people. We are talking
 4 about positions and we euphemistically refer to them as
 5 FTEs and we know them all, and some of them are sitting
 6 in this room. So it's awkward and uncomfortable to have
 7 a public discussion where we're talking about human
 8 beings.
 9 We had a discussion today about talking about
 10 moving certain administrative positions from one place
 11 to another. I mean, and so we all know who those people
 12 are, and I look out in the crowd and I see one of them.
 13 That's an uncomfortable discussion to be having, because
 14 they're human beings, they're all valued. As was
 15 mentioned earlier, we have a tremendously talented
 16 staff. So you're all tremendously talented and we value
 17 them all, so to be talking about them in that aspect
 18 just gets to be uncomfortable because anything that is
 19 said is easily misinterpreted.
 20 All right, so talking about moving a position,
 21 for example, from one administrative unit to a different
 22 one may sound like we value one administrative unit over
 23 another, when all we're really trying to do is structure
 24 the agency so that it makes sense in order to best do
 25 the mission, in my view, and shouldn't be taken as a

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1 it's this agency versus that agency. All of that sort
 2 of -- anything we say, I know it lends itself to that
 3 sort of discussion, and in my view, that's very
 4 unfortunate because this is what we're actually tasked
 5 to do, by Congress. This is what the Board is tasked to
 6 do. The Board is tasked to hire such staff as it deems
 7 necessary to do the work up to a certain authorization
 8 limit, which is 130. And the statute is very clear on
 9 that. That's what we're supposed to do.
 10 And then they have this other law that says to
 11 do it, we have to do it as a group in a public setting,
 12 or we can do it through a work-around procedure of
 13 notational voting, but there's no statute on notational
 14 voting, it's just authorized work-around to the Sunshine
 15 Act. But notational voting does not lend itself to
 16 having five people actually get together and try to do
 17 the compromise that Ms. Connery talked about, trying to
 18 do a compromise. And a notational vote setting means
 19 well I can go talk to Ms. Connery and we can agree to
 20 compromise, but we don't have the other three in the
 21 room to chime in on our compromise, and then we take
 22 that compromise to the others and maybe they don't like
 23 it.
 24 So it becomes a very difficult process to do any
 25 way we try to do it, but I think we have to try, I think

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1 it's required under the statute that we try. So we can
 2 thank you for everybody who did it. We do have more
 3 work to do, and more decisions to be made, and I will --
 4 I am hopeful that we will make those decisions as
 5 quickly as possible, because the new fiscal year does --
 6 by the time we come back on Monday, we will be in the
 7 new fiscal year, and we will then be in a position
 8 without approved work plans and staffing plans, which
 9 leaves us in a position where as those in the executive
 10 chain under the Chairman, we don't know, we don't have
 11 the guidance from the Board that we actually need, and
 12 that's not a good place for us to be.
 13 So those are my comments, and again, I thank
 14 everybody who was here, and I thank you for
 15 participating, and with that, we are adjourned.
 16 (Whereupon, at 3:30 p.m., the meeting was
 17 adjourned.)
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1 CERTIFICATE OF REPORTER

2
3 I, Sally Jo Quade, CERT, do hereby certify that
4 the foregoing proceedings were recorded by me via
5 stenotype and reduced to typewriting under my
6 supervision; that I am neither counsel for, related to,
7 nor employed by any of the parties to the action in
8 which these proceedings were transcribed; and further,
9 that I am not a relative or employee of any attorney or
10 counsel employed by the parties hereto, nor financially
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17 SALLY JO QUADE, CERT
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