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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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

OCTOBER 30, 2014

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

Business Meeting  
Defense Nuclear Facilities Safety Board

10/30/2014

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1 BUSINESS MEETING

2 - - - - -

3 (8:59 a.m.)

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

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

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

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

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

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

11 In addition to the requirements of the Sunshine  
12 Act and the Board's implementing regulations, this  
13 meeting is being conducted in accordance with Section  
14 2.1.B of the Board's procedures dated February 2014.  
15 These procedures prescribe how the Board conducts its  
16 meetings. The procedures are posted on the Board's  
17 public website. A request for Board action by a Board  
18 member to hold a public business was approved by the  
19 Board by notational vote on April 30th, 2014. A final  
20 motion for Board action concerning clarification of the  
21 procedural conduct of the meeting was also approved by  
22 Board notational vote on October 9th, 2014.

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

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

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

21 This concludes my opening remarks. I will now  
22 turn to the Board members for their opening remarks.

23 Ms. Roberson?

24 MS. ROBERSON: No additional remarks, Mr.  
25 Chairman.

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1 DR. WINOKUR: Mr. Sullivan?

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

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

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

19 I'm going to provide a brief overview of the  
20 Draft Fiscal Year 15 --

21 DR. WINOKUR: Mr. Welch, let's make sure our  
22 mic is on.

23 MR. WELCH: I'm going to provide a brief  
24 overview of the Draft Fiscal Year 15 OGM Work Plan that  
25 you have each reviewed. First, I will briefly address

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1 nondiscretionary tasks. Then I will discuss OGM's  
2 proposed discretionary tasks, which are essentially new  
3 initiatives planned for Fiscal Year 15. And then I will  
4 discuss resource requirements.

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

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

25 The first initiative is to lead the Board's

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1 efforts to coordinate with GSA in the process of  
2 establishing a replacement lease for office space. The  
3 Board's lease for its current office space expires in  
4 March of 2016, and I expect OGM will have to devote  
5 resources in Fiscal Year 15 in working with GSA on this  
6 project.

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

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

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

22 In addition, the Division of Human Resources  
23 has been experiencing performance and customer  
24 satisfaction issues with the Board's service provider for  
25 payroll processing and human resources support. The



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1 planned Fiscal Year 15 initiative is to research,  
2 solicit, review, and select new service providers for  
3 both these services for Fiscal Year 16 implementation,  
4 which will include an analysis as to the potential  
5 efficiencies from a single provider.

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

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

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

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

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1 training for all Board staff.

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

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

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

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

25 In late Fiscal Year 14, the Board signed an

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1 inter-agency agreement with NARA for a records management  
2 program review, which will include a recommended action  
3 plan to address any deficiencies or issues.

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

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

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

23 Two federal FTEs are required for front office  
24 support for the Board members. The Division of  
25 Acquisition and Finance, or DAF, requires four federal

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1 employees and a contractor travel agent. The Division of  
2 Human Resources, or DHR, requires five federal FTEs and a  
3 contractor support position.

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

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

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

24 Continuing clockwise, the Board requires  
25 support from GSA for accounting services in the amount of

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1 127,500; OPM in the amount of 120,000 to assist in the  
2 updating of HR policies and procedures; the Department of  
3 Treasury's Bureau of Fiscal Services NFC for personnel  
4 and payroll services in the amount of 97,000; NARA for  
5 record management support for 57,000; USDA for  
6 implementation of the AgLearn learning management system  
7 for 49,000; and the Department of Health and Human  
8 Services Federal Occupational Health Unit for employee  
9 assistance program and health services in the amount of  
10 25,000.

11 This concludes my presentation. I'm happy to  
12 answer any questions.

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

15 MS. ROBERSON: Thank you, Mr. Chairman.

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

18 MR. WELCH: HR directives.

19 MS. ROBERSON: HR directives.

20 MR. WELCH: Right.

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

25 MR. WELCH: Yes, it is.

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1 MS. ROBERSON: Do you want to comment on that?

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

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

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

16 MR. WELCH: Yes, agreed.

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

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

21 MS. ROBERSON: Okay. On the COOP, when we had  
22 our exercise, obviously we had some weaknesses, and you  
23 talked about how you're going to go forward on those.  
24 I'm going to -- and I'm going to ask this question,  
25 actually, of our General Counsel (Acting), as well, too.

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1           Are there areas of weaknesses we identified  
2   that maybe we could team up with our peer small agencies,  
3   I mean, things like facility availability and  
4   capabilities of facility? I mean, we're a small agency.  
5   It's kind of -- it's going to be kind of hard for some of  
6   those weaknesses to get resolved by just ourselves. I  
7   just want to know your thoughts on that.

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

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

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

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

25           MR. WELCH: Are you talking about for

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1 executives?

2 MR. SULLIVAN: Yes.

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

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

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

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

21 MR. WELCH: Yes.

22 MS. ROBERSON: That's why I asked if it was on  
23 the list.

24 MR. WELCH: That's one of the ones that needs  
25 to be updated, yeah.



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1 MR. SULLIVAN: So, if I asked you to do that,  
2 if I needed an amendment to your work plan, is that a lot  
3 of work?

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

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

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

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

14 MR. WELCH: Right.

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

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

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

25 MR. WELCH: I think I saw in the status report

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1 this morning there was a Board action that includes those  
2 policies for reference in orange folder.

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

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

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

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

24 MR. REBACK: Yes, thank you, Mr. Chairman.  
25 There is in the orange folder that has gone completely

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

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

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

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

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

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

24 MR. SULLIVAN: That's a yes-or-no question,  
25 Counselor.

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1           MR. REBACK: Sir, if you will examine the  
2 policies, as well as what has been proposed as a request  
3 for Board action, the policies that are presented there  
4 would lead to the posting of materials. What you have is  
5 a request for Board action that will revise the existing  
6 appendices to the Board procedures, and that would have  
7 an effect on what is posted. If that Board action, for  
8 whatever reason, is not approved by the Board, then the  
9 policies that are contained in that orange folder would  
10 lead to the posting of materials.

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

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

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

25           DR. WINOKUR: Well, no, I'm happy to respond.

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1 I think the Board has a lot on its plate. I think our  
2 legal staff is -- a lot they need to do working with the  
3 Office of the General Manager. I certainly support the  
4 need to develop a policy. I'm very supportive of that,  
5 and we're going to have to work this thing out and get it  
6 done. It has taken a while, and I've spoken to the  
7 General Counsel (Acting) and the General Manager about  
8 this several times. And I'm hopeful that we're going to  
9 get this thing complete and done in the next few weeks.

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

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

15 DR. WINOKUR: Yes, you're --

16 MR. REBACK: -- briefly respond? Policies are  
17 presented for the Board to address how they see fit. As  
18 the Acting General Counsel and with the support of my  
19 legal staff, we have proposed a change to the procedure  
20 in consultation with the Department of Justice that we  
21 believe best serves the Board's legal interest. As  
22 lawyers, we make -- provide legal advice, and it's  
23 certainly up to the client, in this case the Board, to  
24 decide whether to adopt, amend, or modify it in some  
25 respect.

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1           So, what we have put forward is our best legal  
2 advice to create a procedure that fully protects the  
3 Board and its deliberations, its privileges. If the  
4 Board does not wish to adopt it, obviously the Board has  
5 complete authority to do that, but what we have prepared,  
6 in our view, would best protect the Board's legal  
7 interest and it provides policies to provide  
8 expeditiously for the posting of materials.

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

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

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

21           MR. SULLIVAN: No, I do not.

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

24           MR. WELCH: Mm-hmm.

25           DR. WINOKUR: When I look at the Board and I

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

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

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

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

24 MR. WELCH: It basically means, for example,  
25 accounting services and GSA performs that services for a

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1 number of external customers, so it makes no -- or we  
2 don't have the resources or the infrastructure, for  
3 example, to put out our own accounting system and travel  
4 systems. So, you know, they do that and they do it for a  
5 number of agencies, so it saves us -- it saves us money  
6 as opposed to try and do it ourselves.

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

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

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

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

24 MS. ROBERSON: It sounds like no.

25 MR. WELCH: One of the things we want to do is



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1 just sort of, you know, assess what we have and what the  
2 staff has and maybe look at some other alternatives, you  
3 know, possibly can we -- can we have the staff use  
4 personally-owned devices and make sure we have the right  
5 security to implement that. So, that will be one of the  
6 things we're looking at.

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

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

19 DR. WINOKUR: All right. And what kind of  
20 unique challenges do you think you're going to face in  
21 terms of working with our Inspector General? We do have  
22 an Inspector General. I think that relationship is  
23 working out pretty well right now. Any sense of what  
24 additional requirements it's going to -- you know,  
25 manpower and requirements, resources you'll need to work

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1 as it develops, because only -- say the Inspector  
2 General, their work is the -- will probably be the better  
3 part of a million-dollars' worth of work in terms of  
4 audits and investigations.

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

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

17 MR. WELCH: Right.

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

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

25 MR. SULLIVAN: Excuse me, have we made any

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1 efforts to get a General Counsel on board?

2 MR. WELCH: We have not advertised for that,  
3 no.

4 DR. WINOKUR: Yeah, let me make a comment.  
5 Thank you -- thanks about that, Sean -- Mr. Sullivan.  
6 There are certain restraints I have right now in terms of  
7 being able to make a decision about the General Counsel.  
8 I wish I could move forward on that personnel action. I  
9 just can't right now. I won't get into it. It's  
10 something that can't be shared in public, but I'm really  
11 aware of that. It's a serious issue. It needs to be  
12 addressed. And I actually am going as fast as I can on  
13 it, but I can't really go any faster than I am right now.

14 MR. SULLIVAN: Can you share these with me  
15 privately?

16 DR. WINOKUR: No, they cannot be shared. I  
17 mean, I'll check and see, and if I can, I'll be happy to  
18 share them with you if I can. Let me just check again on  
19 these --

20 MR. SULLIVAN: Well, I'm sure -- excuse me, I  
21 didn't mean to interrupt you, but I'm sure we're going to  
22 hear from the General Counsel (Acting) how not having a  
23 full staff is impacting his mission, and I read our  
24 statute as clearly saying I have full access to all  
25 information related to the performance of the functions,

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1 progress, and missions, so I --

2 DR. WINOKUR: Yeah, I mean --

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

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

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

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

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1 capabilities, what are you doing in succession planning  
2 for key functions?

3 MR. WELCH: Within OGM?

4 MS. ROBERSON: Yes.

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

14 MS. ROBERSON: Okay.

15 DR. WINOKUR: Mr. Sullivan?

16 MR. SULLIVAN: I have no more questions.

17 DR. WINOKUR: Well, I do -- I don't want you to  
18 toot your horn too much, but I do think you've  
19 accomplished a lot in the Office of the General Manager  
20 in the last year. I think what we do in the IT area is  
21 excellent. The idea to use laptop computers to support  
22 teleworking and enabling people to work from home I think  
23 is a pretty good thing. And are there any others that  
24 come to mind to you as things that you want to build on  
25 going into 2015?

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1 MR. WELCH: Well, I just -- the initiatives  
2 that we put forth in the work plan is going to be quite a  
3 challenge just to accomplish all those, so that's going  
4 to be my main goal.

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

8 MR. WELCH: Right.

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

20 MR. WELCH: Right.

21 DR. WINOKUR: All right. So, hearing no  
22 further questions, I think we're going to move to the  
23 second order of business in the agenda. I'm going to  
24 recognize our second presenter, Mr. Richard Reback, the  
25 Board's Acting General Counsel. Mr. Reback, please

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1 report to the Board on the Office of the General  
2 Counsel's Draft Fiscal Year 2015 Work Plan.

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

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

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

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

25 Slide three, please. OGC staffing needs are

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1 indicated on this slide. This slide compares the number  
2 of full-time equivalents, or FTEs, currently assigned to  
3 OGC with the estimated number of FTEs needed based on  
4 information compiled by staff during Fiscal Year 2014.

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

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

19 Slide four, please. OGC's work plan is  
20 structured by four major work areas. This work plan was  
21 developed based on a standard work year of 2080 hours,  
22 2,080 hours. Overhead calculations were developed by  
23 modifying the technical staff's estimates to fit OGC's  
24 projections. Estimates of support to the Board, OGM, and  
25 OTD, as well as execution of OGC duties, were developed



1 based on benchmarking done by OGC attorneys and support  
2 staff using Fiscal Year 2014 as a base to estimate the  
3 amount of time each employee devotes to various  
4 activities. Senior executive service, SES, and  
5 management oversight is not reflected in the charts  
6 unless otherwise indicated.

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

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

22 The highlighted or bumped-out pie wedges  
23 indicate those areas that OGC has identified as priority  
24 areas that will not be affected by staffing shortfalls  
25 and will be performed at the expense of other activities,

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1   namely tracking legislation, Board member nominations,  
2   Board recommendations, and Board correspondence.

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

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

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

21           A second attorney should also be present on the  
22  hearing floor to handle ad hoc contingencies that arise  
23  during the hearing, to assist the court reporter at the  
24  hearing, and to coordinate on short notice, and in some  
25  cases with no notice, individuals from the public and

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1 local governments who wish to testify.

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

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

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

20 Testimony before Congress is an OGC priority  
21 area and will obviously displace other assignments.  
22 Consequently, assisting with informal briefings to  
23 Congress and Board member presentations and speeches may  
24 be affected if an attorney is not available to provide  
25 these services.

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1           Shortfalls in OGC staffing will delay staff  
2 reporting on hearings and press reporting of interest to  
3 the Board and potentially disrupt Board travel, should an  
4 attorney not be available for travel with a quorum of the  
5 Board.

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

16           Slide seven, please. As shown in this slide,  
17 OGC has identified three major areas in which attorneys  
18 provide support to the General Manager's staff. Timely  
19 processing of FOIA requests, the Board's annual report,  
20 the annual budget, and the strategic plan, as well as  
21 support to OGM and the Board's COOP activities are  
22 identified as priority areas for OGC. However, support  
23 to OGM's plans to update a number of policies and  
24 procedures, including human resource policies and  
25 procedures and those policies and procedures that may

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1 require updating or revision as a result of Inspector  
2 General recommendations, may be due -- slowed due to  
3 personnel shortfalls.

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

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

11 MR. REBACK: Yes, thank you, sir. I'm just  
12 about done.

13 DR. WINOKUR: Okay.

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

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

25 Mr. Chairman and Board members, this concludes

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1 my presentation. I would be delighted to respond to any  
2 questions you may have.

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

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

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

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

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

22 THE REPORTER: Yes, sir.

23 DR. WINOKUR: Okay.

24 MS. ROBERSON: Okay, great. I'm loud. Okay.  
25 So, my question is I know I understood you to

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

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

19 You raise an important point and one that has  
20 come up during the course of our examining this rule and  
21 our legislation. The Board does not currently have the  
22 authority, like an Inspector General or like the Office  
23 of Special Counsel, to provide whistleblower protection  
24 to those courageous individuals, often employees,  
25 sometimes contractors, and even concerned citizens who

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1 come forward, but concerned citizens are not in the chain  
2 of command. But we don't have the authority to provide  
3 protection to those individuals. So, even though on many  
4 occasions employees and often contractors have contacted  
5 the Board and provided us information, which we've had  
6 the technical staff examine and review and proceed as  
7 necessary, they do so at great risk.

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

14 MS. ROBERSON: Okay. I'll rotate. I'll take  
15 the question in a minute.

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

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

24 The -- my research shows that that actually  
25 comes from an American Bar Association recommendation and



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1 not from anything required by law or even a suggestion by  
2 other federal agencies. And the overwhelming majority of  
3 agencies that are subject to the Sunshine Act -- and  
4 there are dozens -- don't have any such thing.

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

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

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

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

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

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1 legal impediment.

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

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

9 MR. REBACK: Sure.

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

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

23 MR. SULLIVAN: No. No, I wouldn't.

24 MR. REBACK: Oh, okay.

25 MR. SULLIVAN: Okay, I also see a lot of things

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1 in your work plan which are editing, sitting in meetings  
2 that are staff-to-staff, looking at the Department of  
3 Energy directives, I'm not sure what for, reviewing  
4 Department of Energy contracts, again apparently only for  
5 the presence of boilerplate language.

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

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

19 MR. SULLIVAN: Legal analysis, legal opinions.

20 MR. REBACK: Sir, you've received during the  
21 whole time I've been here, in the nine months I've been  
22 Acting General Counsel, my staff and I have provided  
23 outstanding, in my personal view, and I think my staff  
24 will agree, outstanding legal support to the Board on a  
25 variety of areas. The areas that you identified that you

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1 seem to think don't constitute legal work, I have to  
2 disagree with you wholeheartedly and completely.

3 You know, I have been practicing --

4 MR. SULLIVAN: Excuse me --

5 MR. REBACK: -- no, you put some things in  
6 issue and I think you need to have an understanding --

7 MR. SULLIVAN: This is our meeting.

8 MR. REBACK: -- of what a federal attorney  
9 does.

10 MR. SULLIVAN: Mr. Chairman, would you --

11 DR. WINOKUR: All right, I'd like some decorum,  
12 but I would -- and I'd like you, Mr. Reback, to be able  
13 to respond. We're being very respectful of your  
14 questions, but try to keep the answers, you know, as  
15 brief and to the point as possible.

16 MR. SULLIVAN: My question was whether or not  
17 we could expect to see any of this sort of legal  
18 analysis. It was not to ask him to give his opinion of  
19 my opinion.

20 So, back to the legal analysis, I mean, we had  
21 a legal analysis on the Board's jurisdiction of workers  
22 at Department of Energy facilities that was provided by  
23 the prior General Counsel. The Board took a vote, and a  
24 majority of the quorum rejected that opinion. That  
25 happened last February. Since then, I've discussed this

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1 with you that we should have something new. I've  
2 discussed it with the Chairman. Yet we have no further  
3 analysis.

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

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

14 MR. SULLIVAN: Would you like to see it?

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

23 Some of those legal opinions are 20 and 30  
24 single-spaced pages with over 300 footnotes. They are  
25 longer than a Supreme Court brief. I think it's

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1 irresponsible for an attorney to go to a client and say,  
2 oh, you wanted a legal question answered, here, here it  
3 is, figure it out. Legal questions have to be finely  
4 framed and tuned. They are dependent on the particular  
5 facts at issue.

6 And we have had multiple occasions on  
7 jurisdictional issues and on access issues when those  
8 matters have been brought to the Office of General  
9 Counsel and we have resolved them, often without the need  
10 to involve the Board. A simple phone call to the site  
11 representative on whether we can or cannot engage in  
12 certain activities. So, we have provided legal analysis  
13 --

14 DR. WINOKUR: All right.

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

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

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

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

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

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

21 So, I stand by my comments. I think we are  
22 doing a lot of editing; we are doing a lot of helping  
23 with logistics of meetings; and we're not -- we're not  
24 doing the legal work that needs to be done. I don't  
25 intend to support this work plan at all as presented.

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1 I'll be moving to amend it significantly.

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

4 MR. SULLIVAN: No, I do not.

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

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

25 I know that we have an additional burden when



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1 the GAO came in. That was a lot of work for your staff.  
2 I know we had a lot of work with the Inspector General,  
3 which is going to increase, so it's something that the  
4 Board should consider, and I think we do need to consider  
5 in terms of your work plan. But -- and I do consider a  
6 lot of what you do to be legal in nature, and certainly  
7 from me as Chairman necessary to support what I need to  
8 do.

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

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

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

18 MS. ROBERSON: Okay, great. So -- so, I'm a  
19 big believer in thinking about how we're going to  
20 continue to do our work. I don't -- I mean, we can rely  
21 on individuals to a certain extent, but I like  
22 instructions. I like writing stuff down so that as  
23 people choose to make changes in their career things --  
24 or things force those changes, we know how we're doing  
25 business.

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1           And we have been challenged, because the Board  
2 has gone through a significant evolution of people change  
3 in the last five years. People retired, you know? The  
4 Board had a staff of people that started with it, and  
5 it's two decades later, many of them have decided they  
6 want to retire, and they have that right to do it.

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

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

24           MR. REBACK: Thank you. We have, during the  
25 past year, had a phenomenal number for a small agency of

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1 three nominations that required extensive work in  
2 coordination with the Office of Government Ethics, the  
3 White House, the oversight committees, in order to ensure  
4 that the nominees answered the questions and complied  
5 with all ethics and legal requirements to enable them to  
6 be nominated.

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

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

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

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

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1 MS. ROBERSON: Okay.

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

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

11 MR. REBACK: Certainly. Certainly.

12 MS. ROBERSON: That's what you would need.

13 MR. REBACK: Certainly.

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

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

16 MR. SULLIVAN: A positive one. Okay, I just  
17 want to be clear that -- that my opinion of the work plan  
18 does not expand to the opinion of the people who are in  
19 our General Counsel's Office. I actually think we have  
20 several very bright, very talented, very industrious  
21 people. And I'm actually concerned that because they are  
22 talented we are defaulting to a typical human tendency of  
23 those who can do, we just give them more stuff to do, and  
24 what we're actually giving them to do is stuff that  
25 really doesn't belong within the job of someone who is --

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1 has the skills of an attorney. And I'd prefer to see  
2 that redirected to things that actually would be more in  
3 line with the skills that they have. Thank you.

4 DR. WINOKUR: And thank you.

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

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

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

22 So, in my view, having attorneys involved in  
23 reviewing Board correspondence, in reviewing directives,  
24 an area I believe the tech staff has acknowledged and  
25 recognized and appreciated the work of the Office of

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1 General Counsel, these are areas that a federal attorney  
2 does. And from my experience over the last 20 years at  
3 three different major Executive Branch agencies,  
4 attorneys routinely get involved in these issues on the  
5 front end to prevent those huge costs at the back end.

6 DR. WINOKUR: All right, thank you.

7 MR. REBACK: Thank you, sir.

8 DR. WINOKUR: Let me say, also, that these have  
9 been good discussions, but I think one reason why I think  
10 all Board members, Mr. Sullivan and others, are asking  
11 these questions is that we are a small agency. We are a  
12 \$25 to \$30 million agency matched up against an  
13 incredible Department of Energy capable with about \$15 to  
14 \$16 billion worth of activity. And, so, our technical  
15 staff has to be able to see -- has to prioritize its  
16 work, and we can't do everything.

17 So, we need to make sure that we're as lean and  
18 mean and as effective as we can in these very important  
19 support functions from the Office of the General Manager  
20 and the Office of Legal Counsel to make sure that as many  
21 Board resources as necessary go to the technical staff,  
22 who are the people who actually go to the defense nuclear  
23 facilities and are responsible for ensuring and  
24 supporting the Secretary's need to provide adequate  
25 protection of public and worker safety.

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1           So, that's why this kind of a discussion, I  
2 think, is necessary and why we will need to scrub and  
3 amend, if necessary, the plans of the Office of the  
4 General Manager, Office of Legal Counsel, and eventually  
5 provide some help to you, Mr. Stokes. And with that, I  
6 think that we're done with that. I thank the members of  
7 the Board for that.

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

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

20           The draft plan complies with the DNFSB, the  
21 Board's operating procedure requirement to produce an  
22 annual work plan and was developed using commonly  
23 practiced project management concepts and techniques. In  
24 formulating the draft plan, the technical staff developed  
25 an unconstrained set of proposed staff reviews based on

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1 our understanding of the Department of Energy's, or  
2 DOE's, current and planned activities, for example, their  
3 ongoing and potential future operations at their  
4 currently operating defense nuclear facilities.

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

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



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1 Isolation Pilot Plant in New Mexico.

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

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

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

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1 defense nuclear facilities.

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

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

22           In this case, we planned activities that  
23 slightly over-committed our currently assigned staff  
24 resources, knowing that we are adding staff in the first  
25 quarter of Fiscal Year 2015.

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1 MR. SULLIVAN: Excuse me, sorry to interrupt.

2 Which one am I supposed to be looking at?

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

4 MR. SULLIVAN: Okay, thank you.

5 MR. STOKES: Okay. With this slight exception,  
6 Figure 1 represents the work plan for Fiscal Year 2015,  
7 given our current staffing and full-time equivalents.  
8 This is depicted as a percentage of our total Office of  
9 Technical Director resources and known or anticipated DOE  
10 activities. What this slide illustrates or what this  
11 figure illustrates is our overall distribution of  
12 resources and reflects primarily the timely review of  
13 safety-related systems, structures, and components at  
14 DOE's ongoing new facility design and construction  
15 projects. And in there, it's combining both NNSA and  
16 DOEM construction projects.

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

24 Overall, the distribution of work in this draft  
25 plan is intended to reliably assess DOE's planned

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1 operational and design and construction activities to  
2 allow you, the Board, to determine that DOE's activities  
3 can be performed safely.

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

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

18 In developing the plan, we identified more  
19 potential reviews than we have resources to perform.  
20 Tasks identified during the planning process that were  
21 not included in the proposed plan -- and they were not  
22 there for several reasons -- among these reasons were  
23 limited technical staff resources or capabilities, the  
24 relative priority of the work, work that NNSA or DOE  
25 planned for Fiscal Year 2015 that may not occur due to

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1 existing or anticipated operational delays, or our  
2 current understanding of likely funding shortfalls within  
3 DOE.

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

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

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

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1 assignments are evaluated and changes are made -- are  
2 made when warranted.

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

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

16 MR. SULLIVAN: Are we doing questions now?

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

24 Mr. Sullivan, what do you think?

25 MR. SULLIVAN: Well, I just have one question,

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1 and I don't think it will be a long one --

2 DR. WINOKUR: Okay.

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

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

18 MR. STOKES: Thank you for the question, Mr.  
19 Sullivan. The way we've organized the plan is we created  
20 a sub-plan for every open recommendation that evaluates  
21 all ongoing activities within the recommendation. The  
22 way we've organized it, there currently is not a specific  
23 line item that says "thou shalt have a individual piece  
24 of correspondence."

25 It's my belief that during the execution of the

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1 individual plans for the recommendation, there will be  
2 multiple opportunities throughout the year to be able to  
3 meet that specific requirement. For example, we've --  
4 the staff had currently or just recently proposed a  
5 communication that went through our process and will --  
6 had come back for further study. So, I'm -- I'm very  
7 confident that we will have at least one communication  
8 per recommendation during this fiscal year.

9 MR. SULLIVAN: Okay, I'll take that as a yes.  
10 Thank you.

11 MR. STOKES: Yes, sir.

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

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

25 And, so, we all -- all of us Board members have



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

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

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

25 MS. ROBERSON: Right.

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1 MR. STOKES: By the most part, they do  
2 participate in some review of design and construction,  
3 but that's -- that tends to be less of their activities.

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

7 DR. WINOKUR: I think we're into our discussion  
8 period.

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

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

20 MS. ROBERSON: Okay.

21 MR. STOKES: And I'll defer to those for those  
22 specific examples. We're taking a very hard look at  
23 those sites that do not have full-time site reps. In one  
24 instance, we are providing a minimum of a quarterly visit  
25 that is specific to doing generic things at a site that

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1 we had had a site rep and that we have since no longer  
2 have a site rep at. So, we take special care to ensure  
3 that we retain an operational sense. We've got to have  
4 operational awareness of what's going on at the sites.  
5 In those instances where that operational awareness is  
6 less than adequate, we've learned that is not a good  
7 situation. So, we try and find ourselves never being in  
8 that situation.

9 And I'll let the group leads talk to --

10 MS. ROBERSON: Okay.

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

14 MS. ROBERSON: Okay.

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

18 MR. STOKES: The priorities are set based --  
19 and we -- we actually, as a group, we sat down and we  
20 codified how we want to do that. Our focus is on  
21 protection of the public, so we look at all of the  
22 factors that a nuclear facility should be operated to --  
23 to ensure adequate protection of the public. We look  
24 systematically at the existing safety documentation that  
25 supports ongoing operations, the age of that information,

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1 the quality of that information, the training and  
2 qualification of their work force, the age of their  
3 facilities.

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

16 DR. WINOKUR: Mr. Sullivan?

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

22 MR. STOKES: Oh, I'm sorry --

23 MR. SULLIVAN: It's too hard to change.

24 MR. STOKES: Our internal technical staff  
25 procedures.

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1                   MR. SULLIVAN: But I've seen your scheme. I  
2 think it's a good one. I think it -- it's a  
3 prioritization scheme, it can't be perfect, nothing's  
4 perfect, but I think what you've got is very good -- very  
5 good effort, probably as good as human beings can do.  
6 So, but I want to get back to some of the points that the  
7 Vice Chair was making earlier, because I think those are  
8 very important and sort of whetted my appetite, it's like  
9 I can't wait for the group leads to come up.

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

18                   Meanwhile, we have plutonium and uranium and  
19 waste in the complex. This year -- earlier this year,  
20 the Department actually had incidents at the Waste  
21 Isolation Pilot Plant, and those were -- and those were  
22 relatively significant events. And, so, I note from your  
23 -- one of your bar graphs, I think it was Figure 3, so  
24 within the EM world, the red bar is just about the same  
25 size as the blue bar, that is, we've -- we're not going

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1 to get to about as much as we are going to get to. And  
2 WIPP is also a site where we don't have a full-time site  
3 rep.

4 So, I mean, both of those points kind of go  
5 towards, well, okay, I'm very interested to see how we're  
6 doing this because, you know, that's exactly -- you know,  
7 those two pieces of data, taken out of context, might  
8 suggest maybe we're not looking at the very place where  
9 the Department has recently experienced big problems.  
10 So, I'd just say -- you know, I'm not suggesting that  
11 that's the conclusion. I just say those -- those data  
12 points in isolation could point that way. So, I'll be  
13 very important -- I'll be very interested to see how  
14 we're actually working through that as we go through the  
15 rest of these plans.

16 MS. ROBERSON: Thank you.

17 DR. WINOKUR: Thank you. Just for  
18 clarification, this work plan does -- does derive itself  
19 from our strategic plan, right?

20 MR. STOKES: Yes, sir, it does.

21 DR. WINOKUR: So we have a strategic plan, and  
22 we've laid that out, we worked hard on that, we're kind  
23 of proud of it. And based upon that, you began to --  
24 everything flows down from that.

25 MR. STOKES: Yes, sir, it does.

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1 DR. WINOKUR: And is it your desire in the end  
2 for every member of the technical staff, even the other  
3 staffs, to understand that connectivity back to the  
4 strategic plan?

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

17 DR. WINOKUR: Let me follow up on some themes  
18 that Mr. Sullivan began to develop that I think are very  
19 relevant. This is a plan, right? And DOE, we are  
20 providing oversight to an agency that is living and  
21 changing and has challenges that are new and undiscovered  
22 every single day. What percentage of this plan do you  
23 think at the end we're going to be able to implement  
24 based on your experience? You've been on the Board for  
25 almost 20 years. Just a rough figure. I mean, you have

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1 to be really flexible here.

2 MR. STOKES: There's two ways to answer that.  
3 I believe that from a -- from a mission perspective, we  
4 will probably hit a number -- and most of -- our specific  
5 objectives. When we do that on this currently pre-  
6 established schedule, that then, if I can -- if -- if I  
7 can hit 30 percent, I'd be able to meet my -- a real good  
8 goal. We tend to be very focused on the quarter that  
9 we're in. Our planning horizon for the existing quarter  
10 is -- has very high confidence, and we execute very well  
11 in the near term.

12 As we get further and further into the fiscal  
13 year, from today, that confidence goes down, and it's  
14 primarily due to -- not that -- that we wouldn't do  
15 something; it's that supporting the timing of the review  
16 nine months or ten months or eleven months out, that  
17 becomes quite challenging.

18 And then, of course, if we have major  
19 perturbations to the plan because of unanticipated  
20 activities, then large portions of the plan would be --  
21 would be impacted. In general, it has been the staff's  
22 practice as long as I've been here to shift around  
23 resources to be able to meet emergent situations without  
24 losing sight of the fact that we have other things that  
25 have had to slide from a timing perspective further down



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1 the road.

2 DR. WINOKUR: Okay.

3 MR. STOKES: And that's the general practice.

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

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

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

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

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

22 DR. WINOKUR: Okay.

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

25 DR. WINOKUR: So, I'd like to proceed to our

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1 next speaker, Mr. Timothy Dwyer, the Board's Group Lead  
2 for Nuclear Weapons Programs. Mr. Dwyer, please report  
3 to the Board on the Office of the Nuclear Weapons  
4 Program's portion of the Technical Director's Draft  
5 Fiscal Year 2015 Work Plan.

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

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

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

19 Work activities in this area focus on strategic  
20 goal one: Improve Safety of Operations, which is from the  
21 Board's strategic plan. To meet this goal, the Board's  
22 technical staff performs independent oversight of  
23 operational safety at DOE's defense nuclear facilities,  
24 to develop analysis, advice, and recommendations that  
25 will inform the Secretary of Energy in providing adequate

1 protection of public health and safety at such defense  
2 nuclear facilities.

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

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

19 Our portion of the 2015 Work Plan represents  
20 slightly more than one-third of the resources available  
21 to the technical staff. This scope is intended to cover  
22 the entire range of facilities at the seven sites at  
23 which NNSA conducts defense nuclear activities. When  
24 broken down by site, as represented by the red bars in  
25 the attached figure, the Y-12 and Pantex proportions of

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1 resources are the highest within this scope of work. Y-  
2 12 is slightly higher because of the need to conduct more  
3 aging infrastructure reviews in light of NNSA's present  
4 path forward on design and construction of the Uranium  
5 Processing Facility.

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

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

17 Finally, we will also conduct a modest number  
18 of reviews at the Sandia National Laboratories, Sandia,  
19 and at NNSA tritium facilities at the Savannah River  
20 Site. You'll notice that we also treat NNSA's Nuclear  
21 Explosives Safety Program as a separate focused area of  
22 oversight, given its crucial role in ensuring adequate  
23 protection of the public and the worker during Pantex  
24 nuclear explosive operations. And that portion is  
25 actually indicated by the second red bar from the right.

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1           Slide three, please. Several of our highest  
2 priority activities for us in Fiscal Year 2015 center on  
3 the Plutonium Facility at Los Alamos. The Board has  
4 corresponded with DOE several times regarding its concern  
5 with seismic safety at the Plutonium Facility. Also, the  
6 laboratory director paused operations at the Plutonium  
7 Facility due to concerns with nuclear criticality safety  
8 and formal conduct of operations. Thus a significant  
9 portion of our work plan revolves around the ongoing  
10 alternate seismic analysis of this facility, major  
11 facility modifications that may result from that  
12 analysis, reestablishment of a viable nuclear criticality  
13 safety program, and readiness activities required before  
14 the multiple categories of operations can resume safely.  
15 We will also look deeply at the safety basis that  
16 underpins all these activities.

17           Now, getting to the safety basis adequacy,  
18 beyond the Plutonium Facility, our highest priority  
19 activities are heavily weighted towards safety basis  
20 adequacy and implementation, operations safety, and  
21 processes and programs relied on for safety. These are  
22 shown by the three left-most blue bars in the graph.

23           Safety basis adequacy and implementation review  
24 activities will occur at each of the NNSA sites that  
25 house defense nuclear facilities. This will include

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1 continuing interaction with Pantex personnel as they  
2 execute their documented safety analysis improvement  
3 plan. At Y-12, the safety basis focus will be narrower  
4 in scope as we take a more detailed look at selected  
5 systems such as fire protection, electrical distribution,  
6 and confinement ventilation in several of the site's  
7 aging facilities.

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

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

24 In the area of Nuclear Explosive Safety  
25 programs, the highest priority in this category -- I'm

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1 sorry, let me restate that. A review of Nuclear Safety  
2 Explosive Safety programs is the highest priority in the  
3 category of processes and programs relied on for safety.  
4 We plan at least three major reviews in this area.  
5 They're tied to NNSA planned activities on the W78, the  
6 W80, and the W84 programs.

7 We will also apply significant resources in the  
8 area of quality assurance or software quality assurance,  
9 especially as it relates to applications used in assuring  
10 the safety of nuclear explosive operations. And  
11 consistent with prior Board direction, we will continue  
12 to focus on emergency preparedness and response. In  
13 addition, we -- I noted several areas previously.  
14 Nuclear criticality safety and conduct of operations are  
15 key programs selected for high-priority reviews at  
16 several NNSA defense nuclear facilities.

17 Slide five, please. Uncertainties associated  
18 with our scope of work are largely tied to potential  
19 schedule changes on the part of NNSA. Historically, such  
20 changes tend to result in delays, which in turn delay our  
21 oversight activities throughout the planning cycle. Most  
22 planned review activities are dependent on NNSA producing  
23 specific documents or achieving key milestones in the  
24 run-up to the observations. In some cases, planned  
25 oversight activities are based on an assumed NNSA path

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

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

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

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

20 Slide six, please. We will conduct focused  
21 field-based observations of activities at each of the  
22 NNSA sites that house defense nuclear facilities, but to  
23 match the workload to the available resources, we have  
24 deferred some of those activities to Fiscal Year 2016.  
25 Similarly, we deferred several reviews of safety bases



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1 and also of processes and programs relied on for safety,  
2 such as radiological protection and training and  
3 qualification.

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

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

10 MR. SULLIVAN: Thank you. So, Mr. Dwyer, I'm  
11 actually going to go back to a slide in the Technical  
12 Director's presentation. It was his slide -- his Figure  
13 3, slide 5, and it shows the red bar next to the blue bar  
14 on -- for NNSA work. It's in percentage of the Office of  
15 Technical Director FTEs, and it comes up to roughly, I'd  
16 guess, 11 percent.

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

21 MR. DWYER: It is in doing the math. There is  
22 some question about whether even if we -- if we had an  
23 infinite number of people we could effectively carry off  
24 that level of work, given that it requires interaction on  
25 the NNSA side, and as I noted in my testimony, in some

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1 cases, we're actually waiting on the sites to be able to  
2 support what we've asked to do.

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

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

8 MR. DWYER: Yes, sir.

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

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

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

22 MR. DWYER: In this case, if I look through the  
23 oversight plans for each of the NNSA sites, the items  
24 that we were able to put on the work plan are largely in  
25 the higher priority. There are some lower priority ones

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1 that either -- they didn't drain other resources, so they  
2 were relatively low-hanging fruit, if you will. Or some  
3 items that in our prioritization scheme did not come out  
4 high, but were things that we could not take off the work  
5 plan. They were basically required to be done.

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

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

21 MR. SULLIVAN: Yes, tag away.

22 MS. ROBERSON: Okay, okay. So -- so, when you  
23 look at it, so I understand, you guys, your job is to  
24 manage your resources that you have. I understand that.  
25 I just want to push you a little bit on that. So, when I

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1 say -- when I see, you know, safety basis that we might  
2 want to review, there isn't like if you had one or two  
3 more bodies -- I understand we can push stuff out, but  
4 there will always be other stuff to pop up, as well, too.

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

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

16 MS. ROBERSON: Okay.

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

22 MS. ROBERSON: Okay.

23 MR. DWYER: There is no safety basis or conduct  
24 of operations or structural system that I looked at and  
25 said, "I really wish we were looking at that and we're

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1 not. There -- there are some on there that I've said,  
2 "Okay, we're going to defer this a little bit but we're  
3 going to get to it." And then there are other things  
4 that are in the area of "nice to have." If we end up  
5 having some free time, we'll put someone on it, but it's  
6 not something that I lose sleep over.

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

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

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

23 So, it's -- what we've been able to do is when  
24 you look at the total number of resources and the  
25 activities that aren't planned, it's -- you have to look

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1 at it from both of those aspects: total number of  
2 resources, as well as the capability of those resources.  
3 So, you're absolutely right. That's the size of the --  
4 of the gap from FTEs, and then we have to go to that next  
5 level in detail. And we'll talk about several things  
6 that we're doing to try and relieve, particularly in the  
7 area of doing safety basis reviews, as well as  
8 ventilation capabilities is part of our staffing plan.

9 DR. WINOKUR: Mr. Sullivan?

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

18 I think this year's President's budget, we'll  
19 hear about that in the staffing plan, we requested the  
20 agency have 125 FTEs; I think we have authorization to go  
21 up to 150. And this is kind of what I think I need to be  
22 doing as a Board member, is trying to figure out, okay,  
23 what is the right number. And that's all I'm trying to  
24 get at, you know? Should it be 125? Should it be 135?  
25 Should it -- should it be 115? I mean, what's the right

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1 number? And there's a lot of moving parts to that, so  
2 I'm just giving you the background of the question.

3 I wanted to ask one more quick question and  
4 then turn it over to the other Board members, but, Mr.  
5 Dwyer, on your bar graph on slide two, that's where  
6 you've got each of the sites. So, did I interpret  
7 correctly from your comments that the LANL bar graph  
8 isn't as big as it might be if there were more -- if  
9 operations weren't paused out at the plutonium facility?

10 MR. DWYER: Yes, sir.

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

20 MR. DWYER: Yes, sir, that's true.

21 MR. SULLIVAN: Okay. Thank you.

22 DR. WINOKUR: Ms. Roberson?

23 MS. ROBERSON: I don't think I have another  
24 question for Mr. Dwyer.

25 DR. WINOKUR: Well, I have a couple, kind of

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1 brief. We talked about losing sleep at night. What --  
2 what worries you the most from your perspective? You've  
3 got some pretty heavy facilities here. You've got LANL;  
4 you've got Y-12; you've got Pantex. Any thoughts on  
5 that?

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

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

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

20 MR. DWYER: I believe that the weapons group is  
21 going to be sufficiently challenged, that I can make good  
22 use of the resources I currently have. As Mr. Sullivan  
23 was indicating, if you gave me resources, I would -- I  
24 would be able to schedule some more activities, although  
25 at some point we would exceed the ability of NNSA to



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1 respond to us.

2 DR. WINOKUR: Okay, thank you. I think we'll  
3 move on at this point right now. I'd like to proceed to  
4 our next speaker.

5 MR. SULLIVAN: If I may?

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

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

9 DR. WINOKUR: Okay.

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

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

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

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1 it now, is that right?

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

3 MR. SULLIVAN: Okay. Thanks.

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

15 MR. DWYER: I would say -- I'll answer that  
16 question in two different fashions. I have on my staff  
17 the ability to assess whether they are properly providing  
18 the information, in other words, they're following the  
19 process that is defined for supporting Pantex operations.  
20 So, do they gather the appropriate data with the  
21 appropriate quality controls? Is the peer review process  
22 being effectively implemented? Is the data properly  
23 applied by the Pantex -- the production plant contractor?  
24 And then are the folks who are actually down on the line  
25 properly implementing the instructions that are provided

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1 to them? That, yes, we can -- we can provide that  
2 oversight.

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

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

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

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

24 MR. SULLIVAN: Okay. I'd just be interested in  
25 any thoughts you might have eventually on anything we

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1 might even try to do. It just seems to me like, you  
2 know, this is -- this is where the whole thing starts,  
3 when you end up at the end of the line deciding what the  
4 operations and the safety measures at Pantex are. So,  
5 I'm just -- I'm just wondering if -- I just want to  
6 assure myself that there isn't more we could be doing.  
7 And I understand we can't create skills if they don't  
8 exist, but I'm just wondering if there isn't more we  
9 can't -- we couldn't be doing.

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

14 MR. DWYER: Yes, sir, it is.

15 MR. SULLIVAN: Okay, thank you.

16 DR. WINOKUR: Are you finished?

17 MR. SULLIVAN: Yes.

18 DR. WINOKUR: All right, thank you. Any final  
19 question, Ms. Roberson?

20 All right, well, we want to thank you very  
21 much, Mr. Dwyer.

22 Now I'd like to proceed to our next speaker,  
23 Mr. John Pasko, the Board's Group Lead for Nuclear  
24 Materials Processing and Stabilization. Mr. Pasko,  
25 please report to the Board on the Nuclear Materials

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1 Processing and Stabilization portion of the Technical  
2 Director's Draft Fiscal Year 2015 Work Plan. Welcome,  
3 John.

4 MR. PASKO: Good morning, Dr. Winokur, Ms.  
5 Roberson, Mr. Sullivan, members of the Defense staff,  
6 guests of the Board. My name is John A. Pasko, and I am  
7 here as the Acting Nuclear Materials Processing and  
8 Stabilization Group Lead. I would like to thank you for  
9 the opportunity to present this -- the group's Fiscal  
10 Year 2015 work plan.

11 Before we proceed, I would like to publicly  
12 acknowledge and thank the NMPS Group staff for their  
13 great work and support. As you know, I've only been  
14 serving as the Acting Group Lead for the past five  
15 months. Preparation of both this plan, as well as  
16 tutelage of me on the various issues across the  
17 Department of Energy's Environmental Management sites,  
18 has been a significant effort for the group, and I thank  
19 them.

20 Slide one, please. The NMPS Group's mission is  
21 to improve the safety of operations, thereby ensuring  
22 adequate protection of the public and worker health and  
23 safety at EM facilities at the Savannah River and Hanford  
24 sites, where we maintain a near-continuous presence with  
25 site representatives.

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

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

16           We should focus on the conduct of operations,  
17 clear communication of identified safety concerns, and  
18 work to ensure that these concerns are adequately  
19 addressed in a timely manner. We should also, when  
20 possible, take advantage of the economies associated with  
21 cross-site reviews. For example, tank farm issues and  
22 concerns at Hanford compare with those at Savannah River.

23           And we must ensure that emergency planning and  
24 response is robust at each site, as this really is our  
25 last line of defense, should the unlikely actually occur.

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1 We have also instituted a new process in the NMPS Group,  
2 dedicating a portion of each of our semiannual site rep  
3 weeks to developing a prioritized list of reviews for the  
4 follow-on six-month period to ensure we keep our eye on  
5 newly developing concerns.

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

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

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

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

25 Next slide, please. Our plans to observe

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

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

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

19           Reviews on tap for the coming year include  
20 criticality safety and training qualification at Savannah  
21 River; work planning and control at Hanford; and  
22 emergency management. Additionally, we plan to look at  
23 Hanford's programs to ensure safe operations of aging  
24 infrastructure at the 242-A evaporator and the tank  
25 farm's waste transfer system.



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1           The NMPS Group is also focused on oversight of  
2 the recovery efforts currently underway at the Waste  
3 Isolation Pilot Plant. Our primary focus initially has  
4 been on the operation and reliability associated with the  
5 installed ventilation system. If this system -- it is  
6 this system that provides public and worker protection by  
7 preventing the additional release of contamination.

8           Design and installation of supplemental  
9 ventilation systems will be carefully reviewed.  
10 Additionally, our WIPP team will review safety basis  
11 improvements, their electrical distribution system,  
12 particularly that underground portion, and the site's  
13 conduct of operations.

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

25           Earlier, there was a question about

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1 communications on open recommendations. Both of these  
2 Recommendations have communications plans associated with  
3 their ongoing review plan.

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

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

19           When the initial work plan was -- while the  
20 initial work plan has balanced the load across the staff,  
21 schedule slips and unplanned setbacks, such as our recent  
22 staff member's hospitalization, may create conflicts down  
23 the road. Our plan to mitigate this risk involves  
24 frequent update of the schedule with a focus on near-term  
25 conflicts.

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1           Should the opportunity exist to add work, my  
2 top two priorities would be to observe conduct of  
3 operations at the Plutonium Finishing Plant and at the  
4 Transuranic Waste Processing Center.

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

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

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

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

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1 Board kind of a bigger picture than looking just at  
2 individual sites? Does that happen at your level, or do  
3 you have some senior people in your group?

4 MR. PASKO: I have some talent. You know, Dave  
5 Kupferer, Todd Davis, Mark Sautman --

6 DR. WINOKUR: All right.

7 MR. PASKO: -- have several years. And I try  
8 to -- we try to use their experience from several sites  
9 to cross-pollinate across those areas.

10 DR. WINOKUR: Right.

11 MR. PASKO: I will tell you one of my concerns  
12 is, you know, after being on the job for a couple of  
13 months is the questions we tend to ask, you know, do we  
14 accept information or do we probe and -- and try to  
15 determine, you know, does that make sense, is that the  
16 right answer. And we're making progress on asking better  
17 questions, I think.

18 But, you know, clearly we have experience at  
19 Savannah River that's applicable. In fact, Todd Davis  
20 from Savannah River is working on the tank farms  
21 ventilation recommendation with us. So, we're doing our  
22 best to try and to economize across -- across the  
23 facilities of similar problems.

24 DR. WINOKUR: So, I don't know if it's in your  
25 work plan. I'm just asking you to think about, you know,

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1 can there be an integration point, somebody in your group  
2 who is kind of looking at the big picture. And I guess  
3 -- I guess Rich and Steve do a lot of that, right? I  
4 mean, that's part of their job, too, but just to take  
5 advantage of that experience and -- and -- because as a  
6 Board member, that's what I do, I try to see commonality  
7 between the different sites. I think the Board always  
8 benefits from seeing the big picture, that kind of  
9 commonality in terms of the mission that you're  
10 responsible for.

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

15 DR. WINOKUR: Ah.

16 MR. TONTODONATO: One of their specialties  
17 really is the cross-cutting reviews of work planning and  
18 control across multiple sites, and we generated a  
19 substantial technical report on that a couple of years  
20 ago, based on exactly what you're saying, is reviewing of  
21 programs at several different sites and integrating  
22 across that to come up with some advice for DOE overall  
23 on how to improve the safety that you get out of your  
24 work planning and control. And, likewise, criticality  
25 programs, emergency preparedness and response. You'll

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1 hear about those when we get to the NPA Group.

2 DR. WINOKUR: All right, thank you.

3 Ms. Roberson?

4 MS. ROBERSON: Well, I'll start with a couple  
5 questions. One, you can't put thought-provoking phrases  
6 on your slides and not expect me to pick them up. So,  
7 you -- on one of your slides, you highlighted known  
8 unknowns. It's probably my way of saying it. So, what  
9 does that mean? What are you doing?

10 MR. PASKO: Well, one of my concerns is that  
11 the things we don't -- I don't know what I don't know.  
12 So, the sites that I do not have site reps at, which  
13 would be Idaho and, you know, there's -- there are a lot  
14 of facilities out there, and we are trying to increase  
15 our presence there. In fact, we have a review going down  
16 week after next, and we just finished one last month, to  
17 get increased presence there so we can identify those  
18 issues.

19 I also have directed the -- we're going to  
20 risk-rank the DSAs that are out there and start at the  
21 top where we work our way down, and I believe over the  
22 next three years we will have -- we'll be able to  
23 adequately review each of those DSAs. So, that's a site  
24 that concerns me.

25 WIPP is another site where we didn't have a

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1 site rep. I think the Board staff did a pretty good job  
2 of identifying problems in the last couple of years, but  
3 there are some missed opportunities, too, there, that,  
4 you know, we are trying to address by -- by balancing our  
5 look and spending time at the unmanned sites.

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

10 MR. PASKO: Yes, ma'am.

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

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

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

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

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

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

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

18 One other thing we're looking at doing is  
19 trying to put some work into -- the problems at IWTU  
20 startup, is there -- is there a better way to coordinate  
21 readiness with testing. I mean, once you declare  
22 readiness and what all that entails, but when you start  
23 up the unique waste facilities like IWTU and -- and we'll  
24 have the same problem in Savannah River and then at a  
25 Waste Treatment Plant, they're difficult to start up



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1 because they're one of a kind. And the applications or  
2 rules can make it more challenging.

3 MS. ROBERSON: Mm-hmm.

4 MR. SULLIVAN: If I can --

5 MS. ROBERSON: Yeah.

6 DR. WINOKUR: Sure.

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

12 MR. PASKO: Right.

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

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1           MR. PASKO: I clearly am not going home early  
2 these days.

3           MS. ROBERSON: That will never happen.

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

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

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

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

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

25           DR. WINOKUR: All right, Mr. Sullivan, then.

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1 MR. SULLIVAN: So, the slide -- I think it was  
2 your -- your slide four, that showed your red bar versus  
3 your blue bar.

4 MR. PASKO: Yeah.

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

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

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

23 MR. SULLIVAN: Okay. So, but I go back to --  
24 I'm going to go back to the red bar graph that the  
25 Technical Director had, and I'm struggling to find the

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1 exact slide it was on, but it's the one that showed WTP  
2 was way up high.

3 MR. PASKO: Right.

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

8 MR. PASKO: I know what graph you're talking  
9 about.

10 MR. SULLIVAN: Okay.

11 MR. PASKO: So --

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

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

22 MR. SULLIVAN: Okay. I mean, so I'll just  
23 comment that looking at the red bar graph for Savannah  
24 River, it's much taller than if I put the ORP NRL bar  
25 graphs together out at Hanford. And it just seems like

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1 an anomaly to me. I don't know if you -- you can respond  
2 if you care to. I don't --

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

8 MR. SULLIVAN: Okay. Thank you.

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

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

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

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

24 So, the COG is also very instrumental in  
25 putting together the plan for review at his site, and

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1 that takes -- you know, you're limited in the amount of  
2 interaction you can have, as the site just can't support  
3 week after week after week. The COG is also responsible  
4 for putting together the right folks to act as leads, you  
5 know, review leads and the team.

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

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

22 DR. WINOKUR: Well, I see a lot of that  
23 function in your group is why I brought it up. I know  
24 that we have -- we have site reps, we have our  
25 headquarters staff. COG is another kind of function that

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1 we perform, and I would just ask you to work closely with  
2 Steve and Rich throughout the year to continue to look at  
3 that function. I think they do a great job. I think  
4 this idea of integration is something I've always hoped  
5 the COGS could continue to do for us and see the site  
6 holistically, and maybe the COGS could chat with each  
7 other a little bit and we'd get to see a bigger picture,  
8 which is what I think the Board benefits from.

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

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

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1 automatic fire suppression system on the vehicle was  
2 disabled.

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

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

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



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1 DR. WINOKUR: All right.

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

6 DR. WINOKUR: Thank you for that.

7 Do we have other -- other questions?

8 MS. ROBERSON: No. Thank you.

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

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

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

24 Work plan activities in this mission area focus  
25 on strategic goal number three, strengthen safety in

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1 design, from the Board's strategic plan, which strives to  
2 recommend and promote safety in design for new and  
3 modified defense nuclear facilities. This goal executes  
4 the following Board function: The Board shall review the  
5 design of a new Department of Energy defense nuclear  
6 facility before construction of such facility begins and  
7 shall recommend to the Secretary, within reasonable time,  
8 such modifications of the design as the Board considers  
9 necessary to ensure adequate protection of public health  
10 and safety.

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

18           Inaction of the Board or failure to act under  
19 this paragraph may not delay or prevent the Secretary of  
20 Energy from carrying out the construction of such a  
21 facility. The Board's NFDI Group, one, performs  
22 independent and timely oversight focused on strengthening  
23 the use of approved nuclear standards in the design and  
24 construction of defense nuclear facilities and major  
25 modifications to existing facilities; and, two, enhances

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1 the clear and deliberate implementation of the principles  
2 and core functions of integrated safety management in the  
3 design, construction, and upkeep of safety systems in  
4 defense nuclear facilities.

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

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

24 These review activities are necessary to enable  
25 timely communications to DOE, which enables DOE to

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1 resolve issues effectively. Some of the communications  
2 include, one, project letters that summarize unresolved  
3 safety issues and provide the Board's view on safety  
4 status of projects at appropriate critical decision  
5 milestones; and, two, reports to Congress that summarize  
6 unresolved safety issues on a project-by-project basis.

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

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

24 The SDS is the primary guide for DOE's  
25 contractor in the design of safety-related SSCs. The

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1 staff's planned activities focus on assessing whether the  
2 safety-related SSCs are adequate to meet nuclear safety  
3 design requirements. For example, the Board closed  
4 Recommendation 2010-2, Plus-Jet Mixing of the Waste  
5 Treatment and Immobilization Plant due to changes in  
6 DOE's approach, which rendered the original sub-  
7 recommendations irrelevant.

8 FY2015 planned safety oversight activities for  
9 WTP focus on mixing issues that remain unresolved since  
10 2010, which include inadequate mixing of waste in process  
11 vessels, waste feed sampling, and waste slurry transport  
12 systems. Additional planned safety oversight activities  
13 focus on other longstanding unresolved issues, such as  
14 erosion/corrosion of piping systems and any significant  
15 changes in the WTP design.

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

25 DOE is also scheduled to complete conceptual

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1 design for the Low Activity Waste Pretreatment System, or  
2 LAWPS, at Hanford and the Direct Electrolytic Reduction  
3 and Electrowinning Project, or DER/ER, at Y-12. Again,  
4 NFDI plans significant review activities to review the  
5 safety basis documents and prepare project letters in  
6 advance of these critical decision milestones.

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

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

21           The Board has open issues with the validation  
22 and verification of the structural engineering software  
23 code called the system for analysis of soil structure  
24 interaction, or SASSI. Significant planned activities in  
25 FY2015 involve assessing DOE's recently completed

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1 calculation packages that address the Board's concerns.

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

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

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

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1 Board's draft FY2015 staffing plan.

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

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

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

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

24 There's some history here involving the Board,  
25 the Department, some Congressional direction that has



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1 resulted in what we refer to in our current approach as  
2 safety and design. Can you just elaborate a little bit  
3 on that approach? After you elaborate a little bit, I'm  
4 going to ask you, you know, if it can be more efficient  
5 and effective than what it currently is.

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

18 So, that included issue -- on DOE's part  
19 issuing DOE Standard 1189, which is a safety in design  
20 standard. It outlined a number of requirements for  
21 preparing safety basis through the different design  
22 phases, from conceptual/preliminary to final design and  
23 on into operations, as well as on the Board's side  
24 issuing project letters and periodic reports to Congress  
25 at critical decision milestones. That would be for the

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1 project letters and periodic reports to Congress,  
2 initially started at four times per -- per year, and  
3 that's -- lately they've been about two or three times  
4 per year. And that's the actions that the Board has  
5 taken, and DOE, to resolve safety issues and design and  
6 construction more efficiently.

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

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

24 And, so -- so, it just leads to the question.  
25 I'm not saying that I can prove it isn't efficient and

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1 effective, but I can't prove that it is, either. So, I  
2 would like your thoughts on how we -- how we might go  
3 ahead. So, we haven't looked at the whole concept since  
4 mid-2000s. Is there -- you know, is it time to look at  
5 it again?

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

20 MR. SULLIVAN: Okay, but would it be a true  
21 statement that you don't -- you don't have the room  
22 within this plan that you've presented us to actually go  
23 do that sort of review? I mean, it sounds like that sort  
24 of review might actually take quite a bit of manpower,  
25 wouldn't it?

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1 DR. POLOSKI: Yeah. I believe that's true. I  
2 think that there are a number of large projects that are  
3 out there. There was a number of DOE standards and  
4 orders and guides that would have to be reviewed and  
5 assessed on a case study basis, and so it would be a  
6 large effort in my estimation.

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

13 DR. WINOKUR: About 15, I think.

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

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

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

24 So, again, I mean, you can respond to that if  
25 you want. If you've got nothing else to say, that's

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1 fine. I'm just telling you what I'm struggling with. Or  
2 we could hear from other Board members on that subject,  
3 but thank you.

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

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

25 DR. POLOSKI: And then there's another

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1 approach, too, and that would be to look at successful  
2 DOE projects and try to replicate, you know, what was  
3 successful, what made those projects successful on some  
4 of the other projects, as well. So, that would be  
5 another category to consider.

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

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

21 And it is true what Mr. Sullivan says, that  
22 under the best of circumstances, these are projects that  
23 even if they begin today won't be fully operational for  
24 many years, a decade or more. And while at the same time  
25 there are pressing operational issues at the site.

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1           So, we do need to get -- I support Mr.  
2 Sullivan's thoughts -- the right balance and look at it  
3 very carefully to make sure that we are preventing the  
4 WIPP accident of tomorrow, making sure workers aren't  
5 being hurt, making sure that we have the right  
6 operational oversight and tempo at the sites, and at the  
7 same time supporting DOE as it attempts to migrate in new  
8 directions.

9           And you have a comment?

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

21           MS. ROBERSON: Can I comment on this?

22           DR. WINOKUR: Please.

23           MS. ROBERSON: Great, thanks. Well, I, too,  
24 I'm open if Mr. Sullivan has a proposal to make. I think  
25 we certainly can't design and construct DOE's facilities

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1 for them, but much like at WIPP, we can -- we can look at  
2 how we can be more effective, are we raising issues in a  
3 timely manner, are they responding to them, would they  
4 have made a difference?

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

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

12 MR. SULLIVAN: No, I do not.

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

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

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

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

23 MS. ROBERSON: Right.

24 DR. POLOSKI: Yes.

25 MS. ROBERSON: So, when Mr. Dwyer, you know, or



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1 Mr. Pasko, and Mr. Pasko says, well, I got a -- you know,  
2 I want to do a review on erosion or whatever at DWPF,  
3 you're going to go see him, right, to get some expert  
4 resources in the area -- in the engineering areas that  
5 apply? Is --

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

8 MS. ROBERSON: Yeah.

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

10 MS. ROBERSON: Well, he's doing Hanford.

11 MR. PASKO: And your example is true.

12 MS. ROBERSON: Yeah.

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

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

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

25 MS. ROBERSON: Okay.

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1 DR. POLOSKI: -- each staff member to a  
2 specific group. It was all mission-focused and not line  
3 management.

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

7 DR. POLOSKI: Okay.

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

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

20 MS. ROBERSON: Yes.

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

24 MS. ROBERSON: Okay.

25 MR. STOKES: That was the other one that

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1 presents a very -- a big challenge.

2 MS. ROBERSON: Okay. Okay.

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

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

20 Our activities in this area focus on strategic  
21 goal two, strengthening safety standards from the Board's  
22 strategic plan. In particular, the Board's technical  
23 staff performs effective and timely oversight to  
24 strengthen the development, implementation, and  
25 maintenance of DOE's regulations, requirements, and

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1 guidance for providing adequate protection of the public  
2 -- public health and safety at defense nuclear  
3 facilities. In addition, the Board's NPA staff conducts  
4 safety bases reviews at these facilities.

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

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

21           The highest priority activities for the NPA  
22 Group in the proposed work plan are review of DOE safety-  
23 related directives, work planning and control, quality  
24 assurance and software quality assurance, and emergency  
25 preparedness and response.

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1           In the area of directives reviews, the NPA  
2 Group leads the technical staff's assessment of the  
3 development and implementation of new and revised DOE  
4 directives. These assessments evaluate the adequacy of  
5 all the proposed revisions to DOE and NNSA directives of  
6 interest to the Board to ensure that any revisions are  
7 technically supported, appropriate, and provide for  
8 adequate protection of the public, worker, and the  
9 environment.

10           The results of these reviews are provided to  
11 DOE for action. The staff anticipates that approximately  
12 25 to 30 DOE and NNSA directives will be reviewed during  
13 the Fiscal Year 2015.

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

23           In response to this report, DOE committed to  
24 develop new and revised directives on contractor  
25 implementation of work planning and control and guidance

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1 for contractor and DOE oversight in this area. In Fiscal  
2 Year 2015, the NPA Group will complete a number of work  
3 planning and control reviews across the complex to  
4 evaluate the effectiveness of DOE's implementation of  
5 comprehensive guidance and requirements for work planning  
6 and control.

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

23 Emergency preparedness and response is a key  
24 component of the safety bases for defense nuclear  
25 facilities. It is the last line of defense to prevent

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1 public and worker exposure to hazardous materials. On  
2 September 2nd, 2014, the Board issued Recommendation  
3 2014-1, Emergency Preparedness and Response, which  
4 highlighted ongoing complex-wide emergency preparedness  
5 and response challenges and recommended corrective  
6 actions to address these challenges.

7 As a follow-up to this recommendation, the NPA  
8 Group has planned emergency preparedness and response  
9 reviews for Pantex and the Savannah River Site to inform  
10 the Board on the efficacy of DOE's short-term response to  
11 this recommendation. Additional emergency preparedness  
12 and response reviews will be conducted at other defense  
13 nuclear facilities over the course of the next two years  
14 to evaluate the effectiveness of this recommendation.  
15 Next slide, please.

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

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1 technical staff workforce plan.

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

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

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

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

25 Ms. Roberson, do you have a spirited question?



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

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

14 MS. ROBERSON: Okay.

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

16 DR. WINOKUR: Please.

17 MR. SULLIVAN: I think this is a very important  
18 area, and it's very important because fundamentally I see  
19 an issue between us and the Department. And the issue is  
20 this. We have open recommendations, 2010-1 comes to  
21 mind, where the recommendation was -- resulted in an  
22 implementation plan that said that what the Secretary  
23 committed to, revising directives and instructions, and  
24 four years later we're still waiting for a revised 3009,  
25 which is sort of the lynchpin of the rest. It will be

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1 four years. My view of why that is the case is because  
2 the Department has this process they refer to RevCom,  
3 which is revision-whatever, whatever that is.

4 DR. BULLEN: And comment.

5 MR. SULLIVAN: Okay, revision and comment.  
6 Thank you. They have a process where -- where their  
7 process doesn't guarantee that the output will match what  
8 the Secretary committed to do in the implementation plan.  
9 So, in other words, they have two separate processes over  
10 there: one that has them respond, you know, create an  
11 implementation plan responding to our recommendations,  
12 and to implement their -- that plan.

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

23 And we just go over and over and over, and  
24 we're at the four-year point on Standard 3009 and we're  
25 still going around. So, this is an important area. And

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1 the question is, you know, what -- do you have any  
2 suggestions on how we fix it?

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

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

17 Keep in mind that we're not dealing with  
18 commenting, you're right. There are -- the entire  
19 Department comments on these standards as they come  
20 through. However, you are also correct in noting that  
21 there are certain commitments made in the implementation  
22 plan that are difficult for DOE to address in the RevCom  
23 process. And we are at a point now where we've reached  
24 what may be considered diminishing returns. We have a  
25 few outstanding issues, and so we'll have to see how the

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1 process plays out.

2 As I understand it, we're in the process now of  
3 3009 being issued, at which point our staff will have to  
4 reassess, compare it to the implementation plan, and see  
5 what's going on with respect to that. But in answer to  
6 your question, yes, there is a challenge.

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

11 MS. ROBERSON: Okay.

12 DR. WINOKUR: Okay.

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

22 DR. BULLEN: Actually, we -- and as I listed  
23 those issues in the staffing plan, some of those are for  
24 attrition in my group that have left during the course of  
25 the year.

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1 MS. ROBERSON: Mm-hmm.

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

7 MS. ROBERSON: Got you, okay.

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

13 MS. ROBERSON: Okay.

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

22 So, we have the capability to use contractors,  
23 but we also have in the plan, which I'm going to do the  
24 preview of the coming attractions for Mr. Welch now, lays  
25 out what the tech staff thinks we need, as well as the

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1 rest of the agency. But the tech staff plan is also part  
2 of that. And it, I feel, it is addressed in that plan.  
3 I hope I answered that question for you.

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

7 DR. BULLEN: Correct.

8 MS. ROBERSON: Okay, great. Thank you.

9 DR. WINOKUR: Any other questions?

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

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

19 MR. SULLIVAN: Okay. I see many comments in  
20 this area coming from Savannah River. And what I'm  
21 trying to figure out, and I'm not sure I have the  
22 information to figure out, is -- are the training and  
23 qualifications at Savannah River poor in comparison to  
24 those programs at other DOE/NNSA sites, or is this a  
25 function of training and qualification seems to be

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1 something that our staff, who looks at Savannah River,  
2 looks at more closely than perhaps our staff looks at in  
3 other areas. And can you shed any light on which of  
4 those two it is?

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

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

17 MR. SULLIVAN: Okay, thank you.

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

21 I want to first of all acknowledge the group  
22 and their outstanding work they do. You really have  
23 quite a -- quite a scope of work that you need to do.  
24 Not only are you kind of the guardian and the keeper of  
25 DOE's safety framework in terms of everything they do in

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1 that regard, all the directives, all the orders of  
2 interest to the Board, but I guess when I look at this I  
3 see that you really are also the keeper of the safety  
4 management programs -- radiation protection, quality  
5 assurance, training qualification.

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

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

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

25 DR. WINOKUR: Okay, I want to thank you.



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1           For the remainder of the meeting, the following  
2 -- the schedule is as follows. We're going to have one  
3 more report from the Office of the Technical Director,  
4 Mr. Tontodonato, and then we're going to move to our  
5 staffing plan. I believe we will still finish this  
6 meeting close to 12:30, if not maybe a few minutes over.  
7 And we will invite comment from members of the public at  
8 that point.

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

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

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

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

24           Work in this area focuses on elements of the  
25 Board's strategic -- fourth strategic goal, achieve

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1 excellence in management and communication with  
2 stakeholders that are associated with the Office of the  
3 Technical Director. This includes the Board's strategic  
4 objective to improve management controls to achieve the  
5 Board's mission efficiently and effectively.

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

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

21 The Performance Assurance Group also  
22 coordinates a large effort to develop and implement a  
23 comprehensive suite of internal controls for the  
24 technical staff. This effort is managed from the  
25 Performance Assurance Group, but it involves

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1 contributions from across the entire technical staff. We  
2 started this effort in Fiscal Year 2013, and we expect to  
3 finish in Fiscal Year 2016.

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

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

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

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1 an impact on OTD. Okay, next slide.

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

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

21 In fact, we paused the rollout of new staff  
22 directives and internal controls during FY2014 in part to  
23 allow the technical staff to focus on the safety  
24 oversight work. Balancing achievement of the Board's  
25 goals for safety oversight with its goals for instituting

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1 and improving internal controls required continued  
2 management attention.

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

5 DR. WINOKUR: I'll begin the discussion and  
6 questions with Mr. Sullivan.

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

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

12 MR. SULLIVAN: So, back on the overview,  
13 improve management controls to achieve the Board's  
14 mission efficiently and effectively. So, I want to raise  
15 the subject of how efficient and effective are -- have  
16 our recommendations actually been over the past 10 years  
17 or so. I use 10 years because we've closed many  
18 recently, and one of them that jumps to mind was 2004-1,  
19 Oversight of High-Hazard Complex Nuclear Operations.

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

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

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

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

16 We do not have programmed into that the type  
17 of review you're talking about. I mean, we are looking  
18 at -- the recommendations are a line item in this one,  
19 but it was more along the lines of the existing ones that  
20 are open now and are the, you know, deliverables coming  
21 in on time, do they meet the mark on what DOE said they  
22 were going to do, and, you know, are we keeping track of  
23 it to make sure that there isn't a recommendation out  
24 there that we've somehow -- you know, it's not in our  
25 tracking system and it's not getting the attention it

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1 deserves.

2           But, I mean, the comment you bring up is a very  
3 valid one. I mean, it would be instructive to take a  
4 look at the history of recommendations. See, my own  
5 personal experience, I've been with the Board since 1992,  
6 and some recommendations -- actually, a lot of  
7 recommendations, you get a lot of immediate improvement.  
8 There are a lot of low-hanging fruit. I mean, if you  
9 look at the recommendation on Building 235F, a lot got  
10 accomplished pretty quickly with that to make immediate  
11 improvements in the safety posture of the facility.

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

25           MR. SULLIVAN: So, what I'm looking for is some

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1 sort of feedback that might help guide future  
2 recommendations, whenever we feel that we have to send  
3 one to the Secretary, so that we can make them efficient  
4 and effective. But, you know, if doing a thorough review  
5 of that, it seems like it would be a real challenge for  
6 your very small group. It might even be a real challenge  
7 for our 120-man organization.

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

14 DR. WINOKUR: Can I comment on that?

15 MR. SULLIVAN: Absolutely.

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

25 And, so, when you look at this process, I think



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

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

13 DR. WINOKUR: Okay.

14 MR. SULLIVAN: I don't have any other questions  
15 or comments.

16 DR. WINOKUR: All right. Ms. Roberson?

17 MS. ROBERSON: I don't have any questions for  
18 Mr. Tontodonato. Okay.

19 DR. WINOKUR: Well, I think that we -- you are  
20 the Acting Group Lead here. We did choose a new group  
21 lead. We're excited about Chris Roscetti coming onboard  
22 hopefully and running that group. It has great  
23 potential. And like you said, once again, we'll have  
24 some opportunity to do the integration of things and help  
25 the Board. And it's a new area for us, and we need it.

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1           We've learned from a lot of different inputs  
2 and sources that we need to be more -- more -- the way I  
3 like to say it is I think the Board was always effective  
4 in terms of what it did, but we always need to be more  
5 efficient. And some of the new practices coming out of  
6 this group, I think, are very beneficial. A little bit  
7 of pain on the learning curve, but in the end, I think it  
8 will serve the Board well.

9           So, with that, you were short, we were short,  
10 and we'll move on. And we have our final agenda item  
11 before we get to public comment. At this time I want to  
12 move to our next order of business on the agenda. I want  
13 to recognize our next presenter, who we have spoken to  
14 before, our General Manager, Mr. Mark Welch, who is going  
15 to report to the Board on the Board's Draft Fiscal Year  
16 2015 Staffing Plan.

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

22           Mr. Welch.

23           MR. WELCH: Good afternoon. I'm going to  
24 provide a brief overview of the Draft Fiscal Year 15  
25 Staffing Plan that you've each reviewed. The staffing

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1 plan provides an analysis of the Board's current  
2 workforce, workforce planning considerations for the  
3 Board, and lays out the strategy for the Board to acquire  
4 the resources needed to implement the office-directed  
5 work plans.

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

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

23 The Office of the General Counsel, or OGC,  
24 currently has seven employees on Board, an executive  
25 vacancy, and an immediate need for another attorney to

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1 address resource needs as outlined in the OGC work plan.  
2 The attorney would be hired at the mid-career level to  
3 allow for professional growth, and the additional  
4 resource would allow the Board's more senior attorneys to  
5 concentrate on the complex legal needs of the agency.

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

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

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

25 The Office of the Technical Director, OTD,

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1 currently has 77 employees onboard; six new hires who  
2 will be joining the Board in the first quarter; three  
3 vacancies; and a need for three additional positions.  
4 Given the workload outlined in the OTD work plan and the  
5 allotted staff numbers, OTD has determined that the  
6 Board's core mission of safety oversight would benefit  
7 from three additional engineers, bringing OTD staff size  
8 to 89 FTE.

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

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

24 Slide six compares the allotment of funds  
25 between Fiscal Year 14 and Fiscal Year 15. Although the

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1 proposed federal staff would increase by five positions,  
2 the allotted share of funds would decrease, primarily  
3 because of large -- larger increases in contractor  
4 support.

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

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

20           OTD also plans to utilize contractor resources  
21 to provide administrative support to each of the group  
22 leads. Each group lead would be supported by a full-time  
23 contractor employee, who would provide support at the  
24 group level for a broad variety of program management  
25 activities. The estimated amount of this support,

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1 effective the start of the second quarter, is 560,000.  
2 Technical contractor support would be obtained on an as-  
3 needed basis in an amount not expected to exceed 500,000.  
4 Funds are also included to fund an option for  
5 Intergovernmental Personnel Act or IPA support. Slide  
6 seven.

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

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

23           HR and OTD will also continue to work together  
24 to ensure attendance at targeted recruitment fairs, both  
25 college and professional, with an emphasis on under-

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1 represented groups such as the EOP's STEM Diversity  
2 Career Expo this May. The goal will be for a 5 percent  
3 increase in the recruitment of under-represented groups  
4 during Fiscal Year 2015.

5 OTD and HR will work together to mentor and  
6 provide feedback on the pilot Knowledge Transfer Program  
7 or KTP. The KTP pilot will be used to create a program  
8 structure to give employees with extensive technical  
9 knowledge and practical experience the opportunity to  
10 transfer pivotal data prior to retirement so it may be  
11 retained with the Board. The KTP pilot includes defining  
12 special -- the specific deliverables and objectives,  
13 including mentoring activities and electronic  
14 repositories, to be achieved in the best interest of the  
15 agency.

16 Feedback will include quarterly updates to the  
17 Board on the progress, successes of, and lessons learned  
18 from the pilot KTP. The successful implementation of a  
19 KTP will demonstrate that knowledge transfer has  
20 occurred. The program may be replicated and used  
21 throughout the agency to meet the needs of succession  
22 planning and knowledge transfer as deemed necessary.

23 Slide eight, please. Use of the IPA to acquire  
24 temporary or project-specific technical knowledge when  
25 needed from other government agencies, colleges or



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

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

14           HR and OTD will develop a structured leadership  
15 development program to address the challenge in  
16 recruiting managers with both the technical knowledge and  
17 the requisite managerial and leadership skills from  
18 external sources. Strategies include developing a  
19 structured internal mentoring program, providing external  
20 opportunities for professional development, such as the  
21 Excellence in Government Program, structured rotational  
22 opportunities, and internal training opportunities  
23 through AgLearn. Development of the program is planned  
24 for Fiscal Year 15, to be ready for implementation in  
25 Fiscal Year 16.

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1           Slide nine, please. In Fiscal Year 15, there  
2 will be a continued effort to strengthen and supplement  
3 the current staff's expertise in areas that remain of  
4 importance to the Board and its mission. As is the  
5 Board's policy and practice, all employees have equal  
6 access to professional development opportunities,  
7 regardless of race, color, and other legally protected  
8 bases.

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

20           The Board has a need for succession planning,  
21 especially for SES, manager, and DN-V positions and a  
22 need to recruit, retain, and develop staff, including the  
23 need to target recruitment efforts to attract and retain  
24 women and other under-represented groups in technical  
25 areas. To that end, the staffing plan is designed to

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1 ensure the Board has the right workforce skills,  
2 attributes, expertise, and strategies in place to meet  
3 the President's and stakeholder expectations now and in  
4 the future.

5 This concludes my presentation. I would like  
6 to thank Missy Smith, the Board's HR Director, for her  
7 outstanding support in preparing the staffing plan. I'm  
8 happy to answer any questions.

9 DR. WINOKUR: Thank you. So, the discussion  
10 and questions will begin with Ms. Roberson.

11 She's not ready right now. How about Mr.  
12 Sullivan?

13 MR. SULLIVAN: Thank you. My first question is  
14 that back in March the Board submitted its FY15  
15 Congressional budget request through the Office of  
16 Management and Budget as required, and we said we needed  
17 to go from 120 to 125 FTEs, and we needed to add a  
18 senior-level employee to be the Board's sole interface  
19 with the NRC IG. I understand that that is the one  
20 position that you're -- said you were adding. We needed  
21 two mid-level employees in administrative areas to  
22 support the additional workload generated from  
23 administrative audits and reviews. And we needed to have  
24 two mid-level engineers for technical reasons to support  
25 work generated by former risk assessments by 2013 NDAA.

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1 And what we end up with now is a request that says one,  
2 one, three.

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

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

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

23 MR. SULLIVAN: Well, the budget -- I'm looking  
24 at the Congressional budget request, which we approved in  
25 March.

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1 MR. WELCH: Right.

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

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

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

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

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

23 MR. WELCH: I mean, the General Counsel's plan  
24 lays out different -- different rationale for their  
25 increase.

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1 MR. SULLIVAN: So -- so what you're saying --  
2 what you're saying is we really don't need the people we  
3 thought we were going to need to deal with the IG, and so  
4 we divvied them up in other fashions? Is that what  
5 you're saying?

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

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

14 MR. WELCH: Correct.

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

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

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

25 MR. WELCH: That's in my request, yes.

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1 MR. SULLIVAN: Okay. I'm still confused. So,  
2 where did the -- where did the one attorney come from?

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

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

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

23 I mean, I also see that we're the United States  
24 Government, and most of what we do is deal with the  
25 United States Government. It's DOE and NNSA. I'm just

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1 not seeing the need to have another attorney, and I don't  
2 understand at all how in six months what the Board agreed  
3 to has now changed to a submission that looks  
4 significantly different. I'll leave it at that.

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

7 MR. SULLIVAN: I do.

8 DR. WINOKUR: Please do.

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

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

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

25 MR. STOKES: Those rough numbers are correct.



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1 MR. SULLIVAN: Okay. So, the General Manager's  
2 at 21, wants to be at 22.

3 MR. WELCH: Correct.

4 MR. SULLIVAN: The -- the General Counsel's at  
5 eight and wants to be at nine.

6 MR. WELCH: Correct.

7 MR. SULLIVAN: Right, so, you know, so that's  
8 31. I think technical actually has two positions which  
9 are strictly administrative. Is that right? You have  
10 two -- you have two positions --

11 MR. STOKES: We have two -- yes, that's  
12 correct.

13 MR. SULLIVAN: Okay. So, you've got two. So,  
14 we just start -- we just start counting, we're up at,  
15 what, 33, and you contract for ten and a half FTEs' worth  
16 of support directly. We have -- this request is about  
17 \$600,000 in administrative work that we get done with  
18 interagency agreements.

19 MR. WELCH: Right.

20 MR. SULLIVAN: So, that translates into a  
21 couple of FTEs. We contract for administrative support  
22 for five FTEs' worth for the Technical Director. We have  
23 a plan that's asked to contract for more. I mean, as I  
24 understand the purpose is actually to support the group  
25 leads, which I heard before, yeah, we really kind of do

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1 want to get them out of their office a little more, so I  
2 actually support that purpose.

3 But when I add it all up, I think it's coming  
4 to we've got about 80 scientists and engineers, trying to  
5 go to 90, and we actually have support that equates to  
6 pretty close to 60 FTEs doing support. So, do we have  
7 all the right people in the right places? Does this  
8 balance make sense? I'm trying to figure out how do I  
9 figure that out.

10 MR. WELCH: Well, we have -- obviously we have  
11 a lot of external requirements, which generate all these  
12 support needs. You know, I can say from my personal  
13 experience I think it's the right balance, but I can't  
14 point you to any -- any sort of study or anything like  
15 that that indicates it one way or the other.

16 MR. SULLIVAN: Is there somebody within the  
17 Federal Government that we could ask to come in here, yet  
18 another interagency agreement, but ask them to come in  
19 here and tell us do we have all the right support people  
20 in the right places? How do we know we're right-sized on  
21 that? I mean, again, what I'm looking for, I just want  
22 to emphasize, I mean, I think I owe it to Congress, to  
23 the taxpayers, to make sure we are efficiently using the  
24 money. I'm not disputing that -- I'm not trying to say  
25 that any of these people are sitting around not doing

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1 anything.

2 MR. WELCH: I understand.

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

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

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

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

25 I mean, frankly, nobody works for me, which has

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1 its benefits. I don't -- I don't have to write any  
2 performance appraisals or some of those other difficult  
3 tasks. But -- but nobody works for me, so I don't -- I  
4 am reliant on you to figure out how I can get some of  
5 this -- some of this help.

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

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

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

23 MR. SULLIVAN: All right, thank you.

24 DR. WINOKUR: I would say -- yeah, you have a  
25 comment? And then I'll make a comment.

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1 MS. ROBERSON: Well, I was just going to make a  
2 comment. I guess about three years now, we actually  
3 invested in a workforce analysis, and if I recall, it  
4 probably provides some good foundation to -- to this, so  
5 it might be a place to work.

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

10 MS. ROBERSON: Okay.

11 MR. WELCH: -- I don't think we tasked them to  
12 look at.

13 MS. ROBERSON: Okay.

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

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

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

24 All right, so, what happens in a government  
25 agency is, you know, we get people who got to run the

1 agency, and so the tendency when you've got something to  
2 do, you've got something to do there, Mr. Technical  
3 Director, well, you really need more administrative  
4 support. I understand that. Your tendency is just to  
5 say, okay, give me more money and more bodies, rather  
6 than saying, hey, give me the bodies that are over there  
7 in somebody else's department, because you guys got to  
8 work together each -- each day. Nobody wants to raid the  
9 other.

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

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

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1 federal FTE, we've remained pretty constant in the last  
2 ten years.

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

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

9 MS. ROBERSON: I like paper.

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

16 I can understand that we have more technical  
17 staff, more people in the organization, so there's more  
18 travel claims. There's more -- there's more performance  
19 appraisals, there's more all that stuff. Quite frankly,  
20 I don't see the fact that we have more technical staff  
21 translating into more legal work. I just -- I don't.  
22 But that's me.

23 DR. WINOKUR: Yeah, I'm not willing to draw  
24 that -- and let me first of all acknowledge that I have  
25 migrated to an iPhone, so I want to get some



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1 acknowledgment there in terms of my skill set.

2           You know, I think we do need to look at the  
3 balance. And I'm not really in any position to draw any  
4 conclusions about exactly how many we need in the general  
5 manager, legal. As Chairman, I can tell you I depend  
6 upon legal for a tremendous amount of information, and I  
7 did, not only with Mr. Reback but when Mr. Azzaro was  
8 here, these are folks that I meet with almost every  
9 single day.

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

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

25           At this point in the meeting, we are going to

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1 ask for comments from members of the public. I have not  
2 received any advance notification of that. Is there  
3 anybody of the public that would like to make a comment  
4 to the Board?

5 (No response.)

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

11 Ms. Roberson?

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

22 DR. WINOKUR: Mr. Sullivan?

23 MR. SULLIVAN: Yes. So, let me repeat a couple  
24 of points here, and unfortunately I will start with the  
25 negative. And the negative is that the Board did direct

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1 back in June that a policy be created so that we could  
2 post on the internet our comments for notational voting  
3 sheets. There will be amendments; there will be voting  
4 on these plans; I will have comments. I think those  
5 comments should be available to the public.

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

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

21           So, I will move on to other general thoughts.  
22 I think most of what I've seen today is an excellent  
23 product, excellent work, a lot of effort went in. I know  
24 the -- there's an awful lot of moving mission pieces in  
25 the technical department in trying to pull all that

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1 together to present it cohesively and concisely was a  
2 real challenge, but the challenge appears to have been  
3 met, appears to have been met very well. So, I thank all  
4 of you for doing that.

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

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

20 And with that -- and it will be a lot easier  
21 for me especially.

22 MS. ROBERSON: I was going to say.

23 DR. WINOKUR: So, once again, I'd like to thank  
24 everyone for their participation in this business  
25 meeting. Amendments to these work and staffing plans

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1 will be addressed by the Board's document processing and  
2 notational voting procedures within 30 days of this  
3 meeting.

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

10 This concludes the Defense Nuclear Facilities  
11 Safety Board's business meeting. This meeting is  
12 adjourned. Thank you all for attending.

13 (Whereupon, the public meeting was adjourned at  
14 12:46 p.m.)

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## CERTIFICATE OF REPORTER

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



JEN METCALF