



## Department of Energy

Washington, DC 20585


2002-017109

December 10, 2002

MEMORANDUM TO: THE SECRETARY

THROUGH: THE CHIEF OF STAFF

THROUGH: DIRECTOR, OFFICE OF MANAGEMENT, BUDGET,  
AND EVALUATION/CHIEF FINANCIAL OFFICER

FROM:   
MARK B. WHITAKER  
DEPARTMENTAL REPRESENTATIVE TO THE  
DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SUBJECT: ESTABLISHMENT OF DIRECT REPORT TO THE  
SECRETARY OF ENERGY

ISSUE: This memorandum requests your approval of an organizational change to establish a direct reporting relationship between the Secretary of Energy and the Office of the Departmental Representative to the Defense Nuclear Facilities Safety Board (Office).

BACKGROUND: The Defense Nuclear Facilities Safety Board (Board) was established by Congress in 1988 as an independent organization within the executive branch chartered with the responsibility of providing recommendations and advice to the President and the Secretary of Energy regarding public health and safety issues at the Department's defense nuclear facilities. Beginning operations in October 1989, the Board reviews and evaluates the content and implementation of health and safety standards, as well as other requirements, relating to the design, construction, operation, and decommissioning of the Department's defense nuclear facilities.

In July 1992, the Office was established and reported directly to the Secretary. Except for a short period in the 1993-1995 timeframe, the Office has, in practice, consistently reported to the Secretarial level. This practice continues today, although the Office is organizationally assigned to the Assistant Secretary for Environment, Safety and Health (EH).



In May, 1993, the Office was moved under EH as part of Secretary O'Leary's realignment initiative, which included a goal of reducing the number of direct reports to the Secretary. In January 1996, the Office, in practice, reported to the Under Secretary in order to provide the Office with independence and a more effective platform to influence the Offices of Environmental Management and of Defense Programs. In April, 1997, at the recommendation of the Under Secretary, the Office began to report to the Secretary. In practice, the Office has reported directly to three different Secretaries: Secretary Pena, Secretary Richardson, and now Secretary Abraham. This practice has been reflected in DOE organization charts since 1997. EH continues to provide administrative and budget support to the Office.

The current DOE organization chart is attached. An overview description of Office responsibilities is also attached.

Section 643 of the Department of Energy Organization Act, 42 U.S.C. § 7253, provides Secretarial authority for organizational changes and provides in pertinent part:

(a) Subject to subsection (b) of this section, [dealing with NNSA], the Secretary is authorized to establish, alter, consolidate or discontinue such organizational units or components within the Department as he may deem to be necessary or appropriate. Such authority shall not extend to the abolition of organizational units or components established by this chapter, or to the transfer of functions vested by this chapter in any organizational unit or component.

#### DISCUSSION:

The Office of the Departmental Representative to the Defense Nuclear Facilities Safety Board is most effective at resolving issues when reporting at the Secretarial level. The rationale for the Office to report at the Secretarial level is as follows

- Complex-wide, cross-organizational issues and initiatives (typically involving both EM and NNSA,

as well as EH and SC) must be managed from a position above the organizations involved;

- Experience with the Office reporting to one program office (EH) resulted in reduced effectiveness due to perceived lack of both independence and an objective, Department-wide perspective; and
- The Board itself believes this function must necessarily report to a general-Secretarial officer and is critical to Department success on Board-identified safety and management issues.

The establishment of NNSA as a semi-autonomous agency has introduced additional obstacles to developing and implementing common Department-wide solutions to safety and management issues. This has increased the need for the Board liaison function to remain in a highly visible and independent position so it can effectively influence performance in both NNSA and EM. Historically, Board issues have been about 40% NNSA-specific, 40% EM-specific, and 20% Department-wide. The ones requiring the most time and attention by this Office are the 20% that are cross-organizational. Clarification of the Office designation as a direct report to the Secretary will increase effectiveness in resolving these issues.

**SENSITIVITIES:**

The Chairman of the Defense Nuclear Facilities Safety Board has consistently held the view that the Departmental Representative should be a direct report to either the Secretary or the Deputy Secretary of Energy.

**RECOMMENDATION:**

That you approve an organizational change to establish a direct reporting relationship between the Secretary of Energy and the Office of the Departmental Representative to the Defense Nuclear Facilities Safety Board.

**APPROVAL:**

DATE: 3/14/03

**DISAPPROVAL:**

DATE: \_\_\_\_\_

Attachments