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**DEFENSE NUCLEAR FACILITIES  
SAFETY BOARD**

Washington, DC 20004-2901



May 15, 2018

The Honorable Hubert T. Bell  
Defense Nuclear Facilities Safety Board  
Office of the Inspector General  
Mail Stop O5-E13  
11555 Rockville Pike  
Rockville, MD 20852

Dear Inspector General Bell:

In your draft report, *Audit of the DNFSB's Implementation of Its Governing Legislation*, you presented two findings for the Board's consideration.

A. The first finding was a "Lack of Agency Policy for Issuing Reporting Requirements."

Comment:

First, it is important to distinguish the difference between "Request For Documents" from DOE and the imposition of a reporting requirement, which is a statutory function provided to the five member board. The Board Members play no role in the approval of staff requests for documents with two potential exceptions: (1) If the staff-requested documents involve classified information then the approval of the Chairman is required, but not that of other Board Members. This process is documented and routinely used. (2) If DOE rejects a staff request for documents, the Board can consider the option of levying a reporting requirement for said documents, whether it is presented with a staff-proposed reporting requirement or not. The Board should consider DOE's basis for the initial rejection in this decision. Such a Board decision would occur through an oral or notational vote and Board Members are not required to issue any reporting requirement unless voting to do so in accordance with the enabling statute.

Second, the primary reason for the reporting requirement, as the Board has historically used it, is to request DOE to generate information—not simply provide existing documents (which the Board and DOE have a documented process to obtain). Indeed, Board Members have individual views as to the burden the Board should impose on DOE's resources and time to generate information specified by the Board. This would appear to be consistent with Congress' expectations when it designed the Board.

Finally, the Board has established adequate expectations for transparency through its policies and procedures. The Board also makes DOE documents transparent when they meet the expectations currently documented in Board Policies and Procedures and when they are communicated to DOE.

Response:

The Chairman will direct the Technical Director to develop or modify operating procedures as necessary to ensure guidance to the technical staff is clear on both requesting documents from DOE and when to propose reporting requirements to the Board.

B. The second finding was “Employee Morale Is Low and the Board Does Not Demonstrate Collegiality.”

Comment:

The Board acknowledges low employee morale as has been found in a series of surveys and reviews over recent years, including the IG’s 2015 DNFSB Culture and Climate Survey. At least three of the Board’s past and current Chairmen have undertaken many actions in response to surveys and reviews over recent years, including: hiring, reorganizations, training, mentoring initiatives, performance management changes, documented processes and procedures for clarity of roles and responsibilities, and use of various other human resource tools.

The Board is designed to be a voting Board, as with other Boards and Commissions. It is indisputable that different Board Members have differing views on the same issue. Board Members vote for and against actions based on their individual knowledge, experience, and evaluations. Board Members have a professional relationship with each other, but that in no way means all Board Members agree on a matter or all Board Members submit to the views of any one Board Member. The Board Members vote to resolve different views—this was the design of the Board.

Finally, the entire Board is not management. The enabling statute makes clear that the Executive Manager of the entire staff is the Chairman of the Board. The remaining Board Members have a policy setting role but do not have a managerial role.

Response:

The Board acknowledges actions taken thus far have not effectively identified or addressed the underlying reasons for low employee morale, although in some cases they may not have had adequate time to demonstrate effect. The Board will take the issues identified in this report and in the Board’s ongoing National Academy of Public

Administration review to develop a more comprehensive path forward. This effort may also benefit from the IG's follow-up FY2019 DNFSB Culture and Climate Survey.

Yours truly,

A handwritten signature in black ink, appearing to read "Bruce Hamilton". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Bruce Hamilton  
Acting Chairman