

**In the Matter of:**

**Defense Nuclear Facilities Safety Board**

*May 11, 2017*  
*Public Business Meeting*

**Condensed Transcript with Word Index**



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7 DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
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10 PUBLIC BUSINESS MEETING:  
11 DNFSB BUSINESS OF THE BOARD  
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14 May 11, 2017  
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17 625 Indiana Avenue, NW  
18 Washington, DC 20004  
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1 PROCEEDINGS  
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3 CHAIRMAN SULLIVAN: Good morning. I am Sean  
4 Sullivan, I am the Chairman of the Defense Nuclear  
5 Facilities Safety Board, I will preside over today's  
6 public business meeting. I would like to introduce my  
7 colleagues on the board. To my right is Vice Chairman  
8 Bruce Hamilton and Board Members Jessie Roberson and  
9 Daniel Santos; to my left is Board Member Joyce Connery.  
10 We five constitute the board.  
11 Having established a quorum of the Board  
12 members, this public business meeting will now come to  
13 order. Mr. James Biggins, the Board's general counsel,  
14 will serve as the executive secretary for the meeting.  
15 The public business meeting was announced on  
16 April 19th, 2017 on the Board's public website. It was  
17 also subsequently noticed in the Federal Register on  
18 April 24th, 2017. The Board has voted to hold this  
19 public business meeting pursuant to the Government in  
20 the Sunshine Act, the Board's implementing regulations  
21 for the Government in the Sunshine Act and the Board's  
22 operating procedures. The Board is recording this  
23 proceeding through a verbatim transcript.  
24 This public business meeting concerns member  
25 deliberations pertaining to the business of the Board.

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1 A P P E A R A N C E S  
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3 DEFENSE NUCLEAR FACILITIES SAFETY BOARD:  
4 SEAN SULLIVAN, Chairman  
5 BRUCE HAMILTON, Vice Chairman  
6 JESSIE H. ROBERSON, Board Member  
7 DANIEL J. SANTOS, Board Member  
8 JOYCE L. CONNERY, Board Member  
9 JAMES BIGGINS, General Counsel  
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19 REPORTED BY:  
20 Sally Jo Quade, CERT, Reporter  
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1 Pursuant to the specific agenda, the Board will review  
2 the staff effort to develop a potential scorecard  
3 regarding safety oversight of defense nuclear  
4 facilities.  
5 After opening remarks by Board members, I will  
6 recognize members of the public for their comments in  
7 the time allotted. The Board will then discuss the  
8 development of the systematic safety oversight process.  
9 After the Board's discussion, I will summarize the  
10 outcome of the discussion in conjunction with a summary  
11 of any staff tasking by the general counsel. This  
12 concludes the opening statement.  
13 I have no individual statement as a Board  
14 member, so I will turn to my other Board members.  
15 Mr. Hamilton?  
16 MR. HAMILTON: No introductory remarks,  
17 Mr. Chairman.  
18 CHAIRMAN SULLIVAN: Ms. Roberson?  
19 MS. ROBERSON: Mr. Chairman, I do have a short  
20 statement I would like to make, if that's okay. First  
21 of all, I would like to thank my fellow Board members  
22 for being open to these types of discussions, and I  
23 would like to acknowledge the efforts of the Board staff  
24 over the past few months to generate the scorecard  
25 proposal in front of us today that we are discussing.

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1 The Board is considering action on the need of a  
 2 scorecard through an amendment to the staff's proposed  
 3 FY 2017 work plan and it is a unique request for board  
 4 action. And while I greatly respect my peers' efforts  
 5 to identify initiatives to improve our oversight, I have  
 6 consistently voted against these specific actions. I  
 7 believe the resource investment now and later may  
 8 overwhelm the conduct of actual independent oversight at  
 9 DOE and NNSA's defense nuclear facilities, and because  
 10 of that, I believe the most the Board can expect to  
 11 result is a reformatting of DOE and its contractors own  
 12 analysis, and I just don't see a balance between the  
 13 value added and the resources invested.

14 I believe this could diminish the extended  
 15 quality of specific technical insights the Congress, the  
 16 public and DOE have recognized as the Board's added  
 17 value in providing independent analysis, advice and  
 18 recommendations to the Secretary of Energy. The  
 19 Congress imposed a limit of 130 Board employees for good  
 20 reason. The Board is approximately 118 employees and  
 21 currently more than 35 percent of current staffing is  
 22 nontechnical resources. The Board does not, in my view,  
 23 have the capability to credibly normalize meaningful  
 24 technical insights across all of DOE and NNSA's defense  
 25 nuclear facilities or even the 61 Hazard Category 2

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1 facilities, varied and distinct as each defense nuclear  
 2 facilities.

3 The staff is currently pursuing pilot spotlight  
 4 assessments at five facilities and I am anxious to  
 5 review the usefulness of the outcome. The Board members  
 6 who by law are respected experts in the field of nuclear  
 7 safety, already can shape the focus and priorities of  
 8 the technical work of the agency. So after months of  
 9 resource investment, my initial concerns remain  
 10 unchanged; however, I am open to the decisions of the  
 11 Board.

12 Thank you, Mr. Chairman.

13 CHAIRMAN SULLIVAN: Thank you.

14 Mr. Santos?

15 MR. SANTOS: Thank you, Mr. Chairman. I do have  
 16 some short opening remarks. When the concept of  
 17 developing a nuclear safety scorecard for the defense  
 18 nuclear facilities was first presented to the Board by  
 19 Board Member Hamilton as a special project to the  
 20 proposed FY 2017 technical work plan, and then as a  
 21 separate request for Board action, I supported the  
 22 project with the following comment and continued  
 23 understanding, and I quote, "the development and  
 24 implementation of this scorecard, as well as the efforts  
 25 to obtain consistent, reliable and accurate information

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1 to support this scorecard shall be the result of the  
 2 independent oversight work of the DNFSB only. Proof of  
 3 this amendment provided by the Office of the Technical  
 4 Director states that significant DOE action will likely  
 5 be required. We have no authority over DOE, Department  
 6 of Energy, and this is not a collaborative task."

7 While the Board did not provide specific goals  
 8 in approving the subject request for Board action,  
 9 Document 2017-300-004, it included direction that I  
 10 supported. The technical director will present the  
 11 developing product to Board members and senior agency  
 12 staff at each weekly gathering for technical issues,  
 13 i.e., Tech Tuesdays, beginning November 15, 2016, such  
 14 that continuous ideas, suggestions and challenges can  
 15 facilitate an iterative development process throughout  
 16 the course of fiscal year 2017.

17 Suffice to say that this iterative development  
 18 development process did not work for me as uncertainty  
 19 only grew with time. Uncertainty regarding goals,  
 20 intended audience, scope of the effort, final product,  
 21 roles and responsibilities and potential impacts both  
 22 internally and externally.

23 The result is that we have today in front of the  
 24 Board what I consider a premature proposal that not only  
 25 deviates from the original request for Board action, in

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1 certain key points, but also now deviates from the  
 2 underlying concept I originally supported, a concept  
 3 that I envisioned was supposed to be commensurate with  
 4 our capabilities, resources and authority.

5 It is clear through this process that we have  
 6 work to do to improve our internal execution of work.  
 7 While some internal improvement initiatives are already  
 8 under way, additional improvements will be necessary to  
 9 ensure we do not reroute external confidence in  
 10 accomplishment of our mission.

11 This concludes my opening remarks. Thank you,  
 12 Mr. Chairman.

13 CHAIRMAN SULLIVAN: Thank you.

14 Ms. Connery?

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

16 I am going to truncate my remarks a little bit  
 17 so they don't repeat what was already said, but I just  
 18 want to talk about what I hope to get out of this  
 19 meeting today. I want to talk about the original  
 20 proposal that was already discussed that Mr. Hamilton  
 21 put toward, and in particular, there was a part of it  
 22 that we deferred a decision on, which was the designing  
 23 the scorecard for publication.

24 I am hoping that we can discuss the drivers  
 25 behind the proposal, the cost benefit of designing and

<p style="text-align: right;">9</p> <p>1 executing such a program, as weighed against the  2 relatively small size of our technical staff was already  3 discussed, and the mission-related work that it could  4 displace.  5 If you read the trade press, you know that I was  6 opposed to this action from the beginning due to the  7 different roles of the DNFSB and the NRC, to which this  8 was prepared at the beginning and the differences  9 between commercial nuclear sites and defense nuclear  10 facilities. I'm also deeply concerned with the notion  11 that we as an oversight agency could collect the  12 necessary data complex-wide to draw conclusions and  13 present them to the public, representing the overall  14 safety of a facility or site in any comprehensive way.  15 I also hope that we can discuss the good work  16 that the staff has done in taking what I had seen as a  17 flawed premise and coming up with a methodology that  18 would not necessarily lend itself to drawing such  19 conclusions, but could, however, be useful in  20 harmonizing some of the information that we collect  21 across its sites and highlight where more resources  22 could be applied.  23 I also pushed very hard to make sure that this  24 meeting would have an opportunity for public comment,  25 and I know that some of you are here from DOE and</p>	<p style="text-align: right;">11</p> <p>1 proposal before the Board that the Board will ultimately  2 discuss and perhaps act on here today, as well as one  3 amendment to that proposal that was put forward by  4 Mr. Santos, so hopefully all of that information was  5 available to anybody who might wish to speak to it.  6 Hopefully any comments that we have will be relevant to  7 those issues that are before the Board today.  8 With that, I ask that any member of the public  9 that wishes to speak, please identify yourself.  10 (No response.)  11 CHAIRMAN SULLIVAN: All right, I am not seeing  12 anyone, so at this time, we will conclude the public  13 comment period and we will begin with the order of  14 business on the agenda. So, we have one agenda item,  15 and that is to review the scorecard proposal that is  16 before the Board. There is also one amendment.  17 Prior to taking up the amendment, I would just  18 like to throw this meeting open to anybody who wants to  19 speak further. I know the Board members have made some  20 opening statements, but anybody who wishes to speak  21 further on the proposal -- the original proposal as it  22 stands, and then we'll deal with the amendment. In  23 other words, we can talk about the basic proposal,  24 deliberate on the basic proposal, but we're not voting  25 on it, we will vote on the amendment first and then we</p>
<p style="text-align: right;">10</p> <p>1 outside agencies, and I would hope that you, and maybe  2 our own staff, as stakeholders in this process, will  3 take the opportunity to speak and let us know your  4 thoughts on this effort, because they will have an  5 effect on what I do going forward.  6 I did not come to this meeting with any  7 preconceived notions and I want to weigh stakeholder  8 interest as well as the input from my colleagues on the  9 Board. My considerations will be the size and scope of  10 the effort, the administrative burden to the Department  11 of Energy, the potential for our oversight to slip into  12 a checklist mentality or subjugate professional judgment  13 to compliance-based oversight, the potential information  14 for the scorecard to be misinterpreted or misunderstood  15 by the public, and most importantly, the appropriate use  16 of scarce agency and taxpayer resources.  17 Thank you, Mr. Chairman.  18 CHAIRMAN SULLIVAN: Okay, this concludes the  19 opening remarks of the Board. At this time, per the  20 agenda, we will provide an opportunity for public  21 comment. I will point out before any member of the  22 public does get up to speak that on our website we have  23 already published and made available here as handouts  24 the original action last October by Mr. Hamilton that  25 started the effort that we're talking about. There is a</p>	<p style="text-align: right;">12</p> <p>1 will vote on the proposal either as-is or as amended.  2 Ms. Connery?  3 MS. CONNERY: So, just as a point of  4 clarification. So, when you say the original, you mean  5 the staff-produced documents that resulted from their  6 work that they have done on the original Mr. Hamilton  7 proposal?  8 CHAIRMAN SULLIVAN: Yes, that is the action, the  9 basic action that is before the Board, with one  10 amendment to it. Yes.  11 Mr. Hamilton?  12 MR. HAMILTON: Thank you, Mr. Chairman.  13 As background, in October of 2016, the Board  14 approved action directing the technical director to  15 develop and implement a comprehensive and integrated  16 scorecard of nuclear safety for defense nuclear  17 facilities. What we now have before us today is a  18 staff-requested Board action which would replace the  19 October Board action with a refined set of parameters  20 for the project. Key changes from the Board -- from the  21 original Board action include designing the process only  22 for internal communications, limiting the scope to  23 hazardous -- Hazard Category 2 facilities, and crafting  24 the program as an instruction rather than a directive,  25 meaning that the Board does not have to approve the</p>

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1 final product.

2 First, let me state my unambiguous praise for  
3 our staff in developing this project to date. When the  
4 Board first directed this action in October, there was a  
5 general understanding that the end state was not fully  
6 defined. The Board action was fashioned to allow the  
7 staff sufficient flexibility to use the Nuclear  
8 Regulatory Commission's reactor oversight process as a  
9 template and to see how a similar process might become a  
10 useful tool for defense nuclear facilities.

11 An iterative process with weekly Board  
12 involvement during the past six months has led us to  
13 where we now are, a tailored and systematic way of  
14 evaluating Hazard Category 2 facilities in order to  
15 optimize the allocation of our limited resources.

16 As it has evolved, the term "scorecard" has  
17 become a misnomer. Systematic safety oversight as we  
18 now see it is not a scorecard and it is not a mechanism  
19 by which we would inform the Secretary of Energy or the  
20 public of relative safety rankings. Instead, it has  
21 taken the shape of a resource allocation tool for our  
22 internal use.

23 This is certainly different than what we might  
24 have envisioned last fall when we began this journey,  
25 but that does not make the effort less successful or the

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1 current product any less valuable. Indeed, we now have  
2 a structure for systematic evaluation, which will inform  
3 the application of our limited staff resources in order  
4 to achieve the optimal outcome of our independent  
5 oversight.

6 In the absence of such a systematic approach, we  
7 will continue to allocate resources based on the more  
8 subjective instincts of our technical staff's  
9 leadership, or through the cruder method of proportional  
10 allocation of resources across the entire complex.

11 What the staff have proposed as the path forward  
12 is neither perfect nor complete. Should we expand the  
13 process beyond Hazard Category 2 facilities? How should  
14 we address design and new construction? How do we  
15 obtain the appropriate data for input into the process  
16 without exceeding reasonable number of requests for  
17 information? How do we prevent influencing systematic  
18 safety oversight outcomes through selection of  
19 performance indicators or through our own assessments?

20 These and other matters will need to be  
21 addressed as the process is tested during  
22 implementation, but better is the enemy of good enough.  
23 The staff have provided us with a good path forward, and  
24 we can address shortcomings and make it better over  
25 time.

15

1 Consequently, I endorse the staff request before  
2 us today and I encourage you to support it as well.  
3 Thank you.

4 CHAIRMAN SULLIVAN: Thank you. Let me -- since  
5 I haven't weighed in yet, let me just take a few minutes  
6 to add some things. I recall when I first came to the  
7 Board, that there was no system of planning work at all,  
8 and no summary method of trying to inform Board members  
9 where the problems might exist throughout the complex,  
10 and it was very difficult for me as an individual Board  
11 member to figure out where I should focus my efforts.

12 Now, over time, I was able to develop my own  
13 sense of where I needed to focus my efforts, but it did  
14 take me quite some time. It took pretty much a calendar  
15 year to get around and visit the various sites around  
16 the complex to even see them all.

17 So it was quite an effort. We also did no sort  
18 of work planning back at that time, and so as a result,  
19 as a Board member, there was no way for me to look at  
20 anything and figure out what I might expect to have to  
21 deal with in terms of what was coming down the road in  
22 the next month, two months, in terms of what was the  
23 staff working on, and what might I expect so that I  
24 could prepare to respond appropriately when the staff  
25 brought an issue to the Board.

16

1 So, I found that whole time to be difficult for  
2 me individually. Now, over time, we have actually  
3 developed a work planning process here at the Board,  
4 which has had a lot of value, but it's been a  
5 work-in-progress in terms of trying to make it be  
6 something that fully informs the Board members about  
7 priorities. And I think we're -- we've still been  
8 working on that with perhaps soon we will begin, absent  
9 this effort, we would begin an effort to plan work for  
10 FY '18, and I think the process that we would use this  
11 year will actually have some changes to it from last  
12 year.

13 Again, it's a continuing, evolving process, but  
14 the whole point of that is how do we decide, as a Board,  
15 where we act essentially as a board of directors for  
16 this agency, decide what the priorities are so we can  
17 focus the staff efforts in the appropriate places, so  
18 that we can do our mission, which is to appropriately  
19 advise the Secretary of Energy on issues related to  
20 adequate protection of the public health and safety.

21 So, as this has developed, and as the proposal  
22 before the Board from the staff is in terms of where the  
23 staff is recommending -- I mean, I read the proposal  
24 before the Board as the staff's recommendation of how we  
25 should shape this effort going forward. And I find

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1 anything that would help us provide something where we  
2 can establish what we think internally are the agency's  
3 priorities, would be helpful. And if it is a work  
4 planning tool, then -- and it would be better than the  
5 one that we've had, which we've had some difficulties  
6 with, then I also think it would be very helpful.

7 So, with that, other Board members?

8 Ms. Connery?

9 MS. CONNERY: So, thanks. So, I don't disagree  
10 with anything you said, Mr. Chairman. Last year we also  
11 started a process of doing deep dives to understand what  
12 was going on within sites and not just look at  
13 individual reviews, and this year we're looking at  
14 cross-cutting issues in that same methodology, which I  
15 think lends itself both to helping on the work plan as  
16 well as helping with the methodology that's been  
17 developed by the staff, which I think is now hopefully a  
18 staff tool that it will use going forward, regardless of  
19 any decisions that we are taking today. It's their  
20 prerogative to organize their own work.

21 I have a question specifically for Mr. Hamilton,  
22 because when you envisioned this at the beginning, and a  
23 lot of the first conversations we had about this, one of  
24 the things that you emphasized was the fact that you  
25 wanted to have this out in the public for transparency's

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1 sake. And I know you were new to the Board at the time,  
2 you've had a lot of experience in commercial reactors  
3 and that was kind of the driver for you saying, hey, it  
4 looks like this would be something, a best practice that  
5 perhaps we could adopt for the agency.

6 And I just want to understand whether or not now  
7 that the staff has proposed that this be done for  
8 internal purposes, but I would like to be able to  
9 foreshadow down the line whether or not this is going to  
10 be something that you think you would at some point in  
11 the future propose to be a public document for people to  
12 look at in the public sphere.

13 MR. HAMILTON: Thank you for the question. I  
14 think it's a fair question, and I'll tell you that my  
15 view on this has evolved over the past six months. The  
16 staff is proposing that we do it inside the lifelines  
17 right now and I think that's an appropriate thing to do.  
18 I don't have any currently preconceived notions that we  
19 need to make it public, but I also don't want to say  
20 that we would never do that.

21 So, I'm kind of agnostic at this point, which is  
22 not where I was six months ago, but my point right now  
23 is that I think what the staff wants to do is work it  
24 inside the lifelines, use it as a work planning tool to  
25 help us focus, and let's see what happens later on.

19

1 MS. CONNERY: Okay, but my follow-up on that  
2 was, because we keep saying it, it's obviously not a  
3 scorecard anymore. My orange folder comments, which I  
4 think were adopted by the staff and presumably by the  
5 Board because nobody amended them, were to change this  
6 from a product to a methodology in which we use the  
7 cornerstone ideology that came from the NRC and use that  
8 to evaluate.

9 So, I don't particularly perceive that there  
10 will be a product outcome that would then necessarily be  
11 published, but obviously it would be used to inform what  
12 it is that the staff is working on.

13 I also just want to put a note of caution in,  
14 you know, the work plan and the tools and all of those  
15 ideas that we've all come up with collectively and  
16 individually to help shape what the staff does to  
17 reemphasize what our role is as the DNFSB. We are the  
18 oversight of DOE. They are the regulators. So I want  
19 to make sure that we avoid the tendency to go after the  
20 shiny balls of things that, you know, oh, there's a  
21 collapse at Hanford, so we better put all of our  
22 resources there, or we're going to whiplash, no pun  
23 intended, when something happens at WIPP. That was a  
24 joke.

25 And we have to be able to make sure that we're

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1 also providing oversight across the complex to  
2 understand even when things are green or look good, to  
3 make sure that we're not missing anything and that we  
4 can be somewhat predictive and make sure that the  
5 department is doing its role as a regulator over the  
6 contractors and the sites across the board.

7 So, it's just a cautionary tale that if you put  
8 something like this into place, the natural tendency is  
9 to go where the problems are, and that's not really our  
10 job. Our job is also to be predictive of problems that  
11 could come and it's actually okay to go some place and  
12 conduct a review and find no issues and I'm sure the  
13 department would love to see some communications along  
14 those lines as well to make sure they know where they're  
15 doing good things, as well as where things are going  
16 wrong.

17 CHAIRMAN SULLIVAN: Any other Board member want  
18 to speak -- still speaking on the original proposal?

19 MS. ROBERSON: Yes.

20 CHAIRMAN SULLIVAN: And then we'll take up the  
21 amendment.

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

23 I know it's probably a surprise to my peers, but  
24 I am a cautious engineer, and so for me, in regard to  
25 the original proposal, there are two concerns. One is

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1 sanctioning a whole bite rather than understanding the  
 2 cause and effect to a change in how we do business.  
 3 There is no doubt we have room to improve. Every  
 4 organization does, and I think we have made some  
 5 improvements in how we do our work in alignment with the  
 6 staff.  
 7 I think we certainly have room to go, but my  
 8 concern on the original proposal is the extent, and I  
 9 think as I've communicated it along the way over the  
 10 months of development, that I believe we should pick a  
 11 subset, and the staff is doing that in the pilot. And  
 12 my own view is I believe the Board should not sanction a  
 13 180-degree change in work until it understands the cause  
 14 and effect. That's what I would add.  
 15 CHAIRMAN SULLIVAN: Mr. Santos?  
 16 MR. SANTOS: Thank you, Mr. Chairman.  
 17 Again, I agree with the statements by Mr.  
 18 Hamilton and by you, Mr. Chairman. My issue is that the  
 19 staff did such a good job when they were given the  
 20 guidance of try to model following the NRC oversight  
 21 process, that that gave me -- that's what gave me  
 22 concern. Having worked at the NRC, I can tell you the  
 23 amount of effort and work that it takes, for example, if  
 24 we even use this as a work planning tool, I'm concerned  
 25 of our own internal cost to even execute that for that

22

1 purpose.  
 2 We're talking about 61 sites and facilities for  
 3 Hazard Category 2 facilities. It happens to be  
 4 coincident with the number of sites, the NRC has 61.  
 5 They -- the number of resident inspectors that the NRC  
 6 have for those 61 sites exceeds the size of our agency.  
 7 So, my concern is that the staff was doing such  
 8 a good job following the development of a model  
 9 following the NRC, developing performance indicators,  
 10 the NRC has like 17, the staff came up with like 15, to  
 11 apply to 61 sites, for the -- even for the use of work  
 12 planning purposes, is very concerning to me.  
 13 The NRC has very detailed inspection procedures  
 14 that goes along with it, I think around 40 procedures.  
 15 We haven't even developed procedures to apply how some  
 16 of the assessments are going to be performed. There's a  
 17 lot of discussion of what the right thresholds are for  
 18 the performance indicators.  
 19 So we are going to be spending so much effort in  
 20 finishing this framework to then apply it as a work  
 21 planning tool, when today, as the Chairman alluded to,  
 22 we don't have a good job of developing the plan itself  
 23 in the beginning. We don't even know or have good  
 24 visibility and fidelity of some of the efforts and  
 25 resources that we are spending in some of our own

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1 reviews, because we don't seem to -- we don't track that  
 2 level of detail.  
 3 For example, I cannot tell you how much FTE we  
 4 even spent during this six months, and how many staff  
 5 was engaged. I cannot tell you that. I cannot tell you  
 6 the cost to the Department of Energy associated with all  
 7 the requests for information that went out with the  
 8 pilots of five facilities. There's like ten different  
 9 information requests with multiple items. If you take  
 10 that and extrapolate it to 61, I don't know where that  
 11 leaves us.  
 12 So, again, I supported the original concept, but  
 13 it should be commensurate with our capabilities and what  
 14 can we do, and in the mean time we should be looking at  
 15 other right-sized improvements to our work planning  
 16 process.  
 17 So, again, my concern is that they were doing  
 18 such a good job that following the NRC model that we  
 19 don't have the size or the breadth to be able to execute  
 20 that.  
 21 CHAIRMAN SULLIVAN: Ms. Roberson, did you want  
 22 to speak?  
 23 MS. ROBERSON: No, I was just playing with the  
 24 microphone. Thank you.  
 25 CHAIRMAN SULLIVAN: Any other Board member?

24

1 (No response.)  
 2 CHAIRMAN SULLIVAN: Let me add that one of the  
 3 other benefits I saw of the way the proposal was  
 4 developing with respect to internal work planning is  
 5 that it is facility-focused. And to date, since we've  
 6 started work planning, a few years back, which I alluded  
 7 to earlier, we have had work planning for specific  
 8 facility issues, but we've also had work planning for  
 9 what Ms. Connery has already referred to as  
 10 cross-cutting issues, and those are things such as  
 11 how maintenance is conducted across the complex. That's  
 12 an example. Criticality safety across the complex would  
 13 be another example.  
 14 And one of the problems that I found as a Board  
 15 member dealing with cross-cutting issues, is first of  
 16 all, we tend -- those sort of things tend to end up  
 17 being Forrestal, all building focused, so you're one  
 18 level removed from where the actual problem might be out  
 19 in the complex.  
 20 And that presents a couple of difficulties.  
 21 Specifically when the Board does speak and has spoken on  
 22 some of those issues, where we are to a certain extent  
 23 then telling -- advising the Secretary how the Secretary  
 24 should run the Secretary's own department as opposed to  
 25 advising the Secretary that you have -- you, the

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1 Secretary, may have a problem at a specific place, a  
 2 specific location.  
 3 So, there is a difference there. And then, some  
 4 of these problems, which the Board has planned out,  
 5 we've had difficulty tracking how successful those  
 6 efforts of the Board have been at the actual locations,  
 7 out in the complex. And again, one of my experiences is  
 8 when the Board has pointed out what the Board considered  
 9 to be a cross-cutting deficiency that impacted nuclear  
 10 safety, I could then go around the complex and at any  
 11 one place the individuals who were responsible for that  
 12 activity would give me a typical response that says,  
 13 yes, we agree, across the complex, this is not good, and  
 14 it needs to get better. But here, it's fine. And then  
 15 you would get that response everywhere.  
 16 So, there might be general consensus from the  
 17 Department of Energy staff in the Forrestal Building  
 18 that yes, they need to improve, but no consensus on  
 19 where there was an actual problem, what members of the  
 20 public in an actual place would be at risk because of  
 21 this problem.  
 22 So my point of all this discussion is I have --  
 23 while there is benefit to looking at issues in a  
 24 cross-cutting manner, and I won't dispute that, but I  
 25 found a lot of problems in application as a Board member

26

1 trying to have the Board address those. And at the  
 2 current process, as it's been developed, would take  
 3 those cross-cutting issues and try to assess how those  
 4 issues are done at each specific facility or at each  
 5 specific site as the case may be, which I would find  
 6 more useful input into our work planning process.  
 7 That's my point.  
 8 Ms. Connery?  
 9 MS. CONNERY: So, I just want to follow up on  
 10 that, because I think I've shared your frustration, but  
 11 not your outlook with regards to the cross-cutting  
 12 issues. I think it's important to look at sites to get  
 13 information and evaluate it in a consistent manner so  
 14 that you can see if there are trends cross-cutting. A  
 15 lot of times the solution set to problems at sites don't  
 16 come at sites, they come at headquarters, either because  
 17 the orders are inadequate or the oversight isn't there.  
 18 And I believe it is our responsibility as the Board to  
 19 point out those things just as much as it is our  
 20 responsibility to point out issues that are happening at  
 21 sites.  
 22 So, I take your point, and I do believe that the  
 23 methodology developed and a shout out to the team who is  
 24 sitting here today who have actually done the work of  
 25 putting together a consistent way to look at these

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1 issues, we should be looking at the issues at the sites,  
 2 but we absolutely have to go to the root cause, which  
 3 often takes place in the Forrestal Building, and be able  
 4 to analyze how orders and directives are impacting  
 5 safety at sites.  
 6 So it's not just about the sites, and I  
 7 understand things happen at places that affect people's  
 8 lives, but you can also correct some of those issues at  
 9 the headquarters level, and indeed that's part of our  
 10 mandate through Congress to do so.  
 11 CHAIRMAN SULLIVAN: Thank you, and I'll respond  
 12 to that. So, while I appreciate that, again, my point  
 13 is simply how as a Board member, one-fifth of this  
 14 Board, what's the best way to approach a circumstance  
 15 which is exactly as you said, we'll take the  
 16 hypothetical that there is a problem across the complex  
 17 with a certain type of issue and you could trace that  
 18 problem back to a lack of proper direction out of the  
 19 Forrestal Building.  
 20 And my point was that my own assessment of this  
 21 agency's ability to impact that scenario has not had  
 22 really good results. And there's an alternative method  
 23 that I'm just -- that I would propose the Board consider  
 24 for these sort of things, and it's facility-centric or  
 25 site-specific centric. That is if you -- if you point

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1 something out to the Secretary, at a particular place,  
 2 and then you point out a similar issue, you know, it's  
 3 basically the same issue, but suppose it was criticality  
 4 safety, for example.  
 5 If you went to Los Alamos and said criticality  
 6 safety here is not very good and you need to do these  
 7 specific things to fix it. Well then if you went to  
 8 Y-12 and said criticality safety at Y-12 is not very  
 9 good, you would need to fix it. I would assume the  
 10 Secretary or some of his folks that work for him would  
 11 say, how come we keep getting this issue from the  
 12 Defense Nuclear Facilities Safety Board? Why can't we,  
 13 in the Forrestal Building, fix it? It's just a  
 14 different way to approach the exact same thing, and in  
 15 the mean time, there might be specific action taken at  
 16 the specific place, having pointed out the deficiency.  
 17 So that's all I'm suggesting. I'm not disputing  
 18 that your assessment, if I understood it, Ms. Connery,  
 19 about, you know, there might be problems that can be  
 20 traced to the Forrestal Building, I'm just talking about  
 21 the best way for this agency to address that, if that's  
 22 the case. And my personal opinion, again, this is just  
 23 one opinion of one Board member, is that that would be  
 24 the ability of this agency to address those sort of  
 25 issues would be enhanced with a facility-centric



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1 approach, and I see the scorecard as it's being  
2 developed, or I'm sorry, I'm using the term that I'm not  
3 supposed to use, the systematic safety oversight  
4 process, as it's being proposed, as being  
5 facility-centric, and that would be helpful. Thank you.

6 Any other Board member before we move to the  
7 amendment?

8 MS. ROBERSON: Yeah, thank you, sir. I think,  
9 I'm just processing. Listen, I don't think I disagree  
10 with what either you, Mr. Chairman, or Ms. Connery said,  
11 and I think the organization was intended to be agile,  
12 and, frankly, I think what we recommend to the Secretary  
13 has to be founded in specific elements, cannot be  
14 generic. So I don't disagree with you.

15 And bringing it back around to this proposal, my  
16 concern, and maybe I'm wrong, but what I see is a more  
17 generic assessment, and my concern is we don't have the  
18 resources to go both ways on everything. That's -- I  
19 mean, that's really my concern on the proposal.

20 CHAIRMAN SULLIVAN: Mr. Santos?

21 MR. SANTOS: Thank you. One more item I forgot  
22 to mention, going back to the NRC ROP process. In that  
23 case when it comes to the performance indicators, it is  
24 the licensee that they voluntarily collect and transmit  
25 their data on a quarterly basis to the NRC. So I'm very

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1 concerned here in the model, even if it's used for work  
2 planning tools, that instead of really relying on what I  
3 call our organic oversight, where the staff can actually  
4 use the information that is already available to them,  
5 we're going to be de facto imposing reporting  
6 requirements or just a mountain of requests through the  
7 Department of Energy to their contractor for data, and  
8 not on a voluntary basis, but kind of on a more, you  
9 know, using in explicit the authority of the Board, kind  
10 of in an implicit way to collect this data.

11 Also it's not clear what the frequency will be,  
12 and so it is very troublesome to me to support a blanket  
13 approval that will never come back to the Board, that  
14 could have tremendous transformational impact, not only  
15 internally, but to the department and its contractor.

16 So that's just a small clarification of I think  
17 an important difference, also. Thank you.

18 CHAIRMAN SULLIVAN: I would simply respond to  
19 that by saying nothing we do today, even if we approve  
20 the staff proposal, is the final word on anything.  
21 Nothing would say we couldn't have the staff develop  
22 this and then decide, well, this is -- this is no good,  
23 we can make that decision at some later date. So,  
24 nothing today is final.

25 MR. SANTOS: No disagreement. Thank you.

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1 CHAIRMAN SULLIVAN: Any other Board members on  
2 the initial proposal before we turn to the amendment?

3 (No response.)

4 CHAIRMAN SULLIVAN: Seeing none, we do have an  
5 amendment that was put forward by Mr. Santos, so I would  
6 ask him to present -- I'm sorry, you're looking at me  
7 with a question.

8 MR. SANTOS: Sorry to interrupt. Can we have  
9 the general counsel introduce the amendment first,  
10 please?

11 CHAIRMAN SULLIVAN: We can. General counsel,  
12 would you introduce the amendment?

13 MR. BIGGINS: Amendment A by Board member Daniel  
14 J. Santos to Yellow Folder Docket 2017-300-061,  
15 Systematic Safety Oversight. This request for Board  
16 action, RFBA, directs the technical director to not  
17 proceed to final design and implementation of the  
18 proposed scorecard process and cease all related  
19 activities (e.g. pilot programs). Also this RFBA  
20 replaces the previous Board direction contained in the  
21 October 11, 2016 RFBA 2017-300-004.

22 In addition, as part of the development of the  
23 FY 2018 technical work plan, the technical director is  
24 directed to leverage lessons learned from the  
25 development to date of the proposed scorecard process to

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1 identify and institutionalize improvements to the  
2 technical independent oversight work of the Office of  
3 the Technical Director.

4 This effort should satisfy the following goals:  
5 One, improve the information sharing, evaluation of  
6 cross-cutting safety issues, and standardization (to the  
7 extent possible) of risk ranking for safety issues  
8 across all technical groups; two, improve the technical  
9 work planning measurement and execution process; three,  
10 improve the timing and quality of information provided  
11 to the Board for the Board to be able to more  
12 efficiently and effectively establish safety oversight  
13 priorities and understand resource allocations and needs  
14 for the Office of the Technical Director; and four,  
15 maximize the use of technical information generated by  
16 the DNFSB staff independent evaluations.

17 Finally, the technical director is directed to  
18 brief the Board on the specific actions taken on this  
19 RFBA, including but not limited to those actions  
20 incorporated into the proposed FY 2018 technical work  
21 plan by September 30, 2017.

22 CHAIRMAN SULLIVAN: Mr. Santos?

23 MR. SANTOS: Thank you. Just a quick  
24 clarification, September 30th?

25 MR. BIGGINS: September 30th, 2017.

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1 MR. SANTOS: Thank you. Thank you,  
2 Mr. Chairman. My proposed amendment is consistent with  
3 my opening remarks. While my proposed amendment is  
4 self-explanatory, I would like to note that my proposed  
5 action doesn't require any new work, compliments other  
6 improvement initiatives already under way, demonstrates  
7 that we can be a learning organization, and more  
8 importantly, utilizes existing agency process,  
9 specifically the review and Board approval of the  
10 technical work plan.

11 My amendment empowers the Office of the  
12 Technical Director to identify and institutionalize  
13 improvements to our oversight work by not only  
14 leveraging all efforts incurred by the agency and  
15 lessons learned to date on development of the scorecard  
16 process, but by also using an explicit list of specific  
17 goals, improvements, initiatives that the Board  
18 considers important.

19 This amendment does not dictate a process to the  
20 Office of the Technical Director, it is simply a summary  
21 of expectations, goals, guidance, to be used by the  
22 Office of the Technical Director. Again, that it be  
23 part of the established technical work plan review and  
24 approval process.

25 Finally, it is important to note that the

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1 assessment being performed by all office directors for  
2 this proposed amendment demonstrates that the amendment  
3 was understood, and their conclusions were that there  
4 will be no technical issues raised by the amendment;  
5 that there are no administrative issues with the  
6 amendment; that there are no legal objections to the  
7 amendment; and that there are no staff impact issues  
8 raised by the amendment. Thank you.

9 CHAIRMAN SULLIVAN: Other Board members?  
10 Ms. Connery?

11 MS. CONNERY: So, a couple of questions,  
12 Mr. Santos. One, I understand what you're trying to do  
13 in terms of using the methodology developed to inform  
14 the work plan, which I think everybody around the table  
15 that I've heard so far has said that would be a good  
16 thing, regardless of which version of this you support.  
17 But my question is, why would you not complete the  
18 pilots?

19 In other words, you know, if Mr. Sullivan said,  
20 we can agree to anything today and then further on down  
21 the road change it. And it's obviously less  
22 impactful -- your amendment is less impactful to staff  
23 time and effort than the staff plan, but if we did want  
24 to incrementally move towards something like this if we  
25 thought it was useful, wouldn't it be informative to

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1 have the pilots done and have us be able to assess  
2 those? I just don't know why you would remove those as  
3 well as the other larger activities, if we are going to  
4 be able to assess whether or not this is going to --  
5 would be a helpful tool in the future.

6 MR. SANTOS: Again, I kind of explained myself a  
7 little bit. I think the staff did such a good job of  
8 modeling the NRC reactor oversight, I think even on the  
9 pilots we need to have a discussion or even if we want  
10 to modify, that I think the scope is too big even for  
11 the pilots. So that's why I wasn't even supportive of  
12 the pilots, because I think it's going too far, in my  
13 own personal opinion. Even for the pilots.

14 MS. CONNERY: So we have already requested the  
15 information in the pilots?

16 MR. SANTOS: Yes.

17 MS. CONNERY: The pilots are almost done and I'm  
18 looking at staff to give me a number here. Fifty  
19 percent.

20 MR. SANTOS: So, 50 percent, I think they can  
21 leverage efforts from that 50 percent. That's my  
22 opinion.

23 MS. CONNERY: So you don't even want to finish  
24 the pilot to see what it would look like?

25 MR. SANTOS: I have a good idea of where he's

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1 going.

2 CHAIRMAN SULLIVAN: Are you done with the  
3 questions?

4 MS. CONNERY: Well, the first one, yeah.

5 CHAIRMAN SULLIVAN: I understand. Okay, any  
6 other Board member?

7 MR. HAMILTON: I do.

8 CHAIRMAN SULLIVAN: Mr. Hamilton?

9 MR. HAMILTON: I do have some prepared remarks  
10 on the amendment. The amendment before us proposes to  
11 cancel the project just as its scope has become well  
12 defined and just at the point where implementation can  
13 begin. Absent a trial period of implementation, there's  
14 really no way to understand the extent to which  
15 systematic safety oversight will improve board  
16 activities. The staff, with our help, have given us a  
17 thoughtful design of a functional program. We can't  
18 possibly know if that program will bear fruit unless we  
19 try it out.

20 Further, though, this amendment would redirect  
21 the technical staff to "leverage lessons learned from  
22 the development to date of the proposed scorecard  
23 process; to identify and naturalize improvements to the  
24 independent technical oversight work of the Office of  
25 the Technical Director."

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1 It goes on to say that it should improve  
2 information sharing, evaluate cross-cutting safety  
3 issues, conduct risk ranking, improve technical work  
4 planning, improve quality and type of information,  
5 maximize use of technical information and so forth, the  
6 general counsel already read the details of it.

7 This language is so expansive that I have no  
8 idea how the technical director can possibly satisfy it.  
9 On the surface, it sounds like the direct -- it sounds  
10 like direction to conduct systematic safety oversight,  
11 without implementing systematic safety oversight, with  
12 an assortment of other management objectives thrown in  
13 for good measure.

14 If the Board decides to cancel this project,  
15 then we should simply cancel it. We shouldn't offset  
16 the cancellation with tasking of the technical director  
17 to do the same thing as systematic safety oversight, but  
18 in a different way and more broadly.

19 So let me summarize. The staff have done what  
20 we asked and they have done it well. The systemic  
21 safety oversight process as imposed would be an  
22 improvement over our current less structured and more  
23 subjective approach to resource allocation.

24 The project has evolved from a scorecard type  
25 ranking system into a resource allocation tool. They

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1 have now placed before us a request for board action  
2 which would replace the original board action with a  
3 refined set of parameters, which I support.

4 The language in the amendment would stop this  
5 clearly-defined path ahead, the systematic safety  
6 oversight process, and would replace it with an -- with  
7 expansive language, which would only instruct the  
8 technical director to do the same thing, but in a  
9 broader and different way.

10 If the Board chooses to cancel this project, we  
11 should cancel it, not replace it with a new effort  
12 included in this amendment. And so consequently, I do  
13 not support the amendment. So, thank you, Mr. Chairman.

14 CHAIRMAN SULLIVAN: Thank you. Mr. Santos, did  
15 you care to respond to that before I move on to other  
16 Board member comments?

17 MR. SANTOS: No, thank you.

18 CHAIRMAN SULLIVAN: Okay. So, let me say with  
19 regard to the amendment -- well, let me actually ask a  
20 question of Mr. Santos. Under this amendment,  
21 hypothetically, is the technical director were to decide  
22 that the best way for him to achieve the four goals in  
23 the work planning process was to essentially move  
24 forward with the project under his own direction as  
25 was -- as the staff had proposed.

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1 Would that be acceptable in accordance with the  
2 language of the amendment as you have it here, and if  
3 not, why not?

4 MR. SANTOS: I can't discuss -- I don't know  
5 how -- I always leave it to the office director to  
6 describe what he will do with that. We have to  
7 speculate on that.

8 CHAIRMAN SULLIVAN: Well, I guess my point is as  
9 I read the language, you said, one the Board says cease  
10 all activities, but then it says, essentially, go figure  
11 out how to do better work planning, take the lessons  
12 learned and try to do better work planning.

13 As part of that, if I was the technical  
14 director, or since the technical director works for the  
15 Chairman, the Chairman might unilaterally say to the  
16 technical director, hey, just go keep doing what you  
17 proposed to do, the and that should inform the board on  
18 these four things.

19 So there's a potential conflict between  
20 paragraph 1 and paragraph 2 which would give  
21 unilateral -- gives direction, but unilateral authority  
22 from the Board to in the normal executive chain to go  
23 figure out how best to meet those things. I guess  
24 that's my point. I'm trying to resolve whether it was  
25 your expectation between those two things and would that

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1 be a -- would that be a problem for you as the person  
2 who forward the amendment, and any other Board member  
3 could speak on it. Do they see a potential conflict if  
4 that were to happen?

5 MS. ROBERSON: You want to wait until I comment?

6 MR. SANTOS: Yeah, go head.

7 MS. ROBERSON: I have one comment on that and  
8 then I have another question, I'd like to make sure I  
9 ask the Chairman to get an answer for my question on the  
10 record. The question on the record I would like to get  
11 an answer for is will the pilots be completed in time to  
12 factor into the FY 2018 work plan? That's point one I  
13 wanted to make. I'm looking for an answer for it.

14 CHAIRMAN SULLIVAN: Does any Board member know  
15 that or do I have to turn to the staff to get that  
16 input? Is there somebody sitting in the audience? The  
17 technical director says he can, can you, Technical  
18 Director Steve Stokes, can you tell us when you expect  
19 the pilots to be done?

20 MR. STOKES: The pilots will be concluded in  
21 time to reflect on the FY 2018 work plan.

22 MS. ROBERSON: Thank you, sir. So the other  
23 point I wanted to make, and I don't want to speak for  
24 Mr. Sullivan or Mr. Santos, I will just say what I  
25 considered when I looked at the amendment, was a

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1 difference between the Board sanctioning thou shalt do  
2 it this way, versus giving the technical director the  
3 ability to experiment and the Board seeing it and how it  
4 plays out in the work plan.

5 That doesn't prevent down the road the Board  
6 taking another action, but I think it is a significant  
7 statement to the staff to direct that everything be done  
8 in this way. I just don't feel that I know enough about  
9 what to expect in the results to do that. So, that  
10 would be my comment, relative to yours.

11 MR. SANTOS: No, thank you, Ms. Roberson.  
12 Again, very similar, my role in this will be as part of  
13 the agency process that involves the Board, the whole  
14 Board, which is the review and approval of the technical  
15 work plan. It's not my job to manage or micromanage how  
16 the Office of the Technical Director wants to develop  
17 process and provide their work, but at some point it  
18 will come back to the Board.

19 I have repeated my concerns, since last October  
20 to today, of what are my issues with how they're  
21 proceeding. They can take them into consideration, or  
22 not, and that's what I will continue to provide the same  
23 feedback and we will have another opportunity as part of  
24 the work plan approval process.

25 And I wanted to identify what are some of the

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1 key expectations and goals we should all achieve as we  
2 try to improve our work.

3 CHAIRMAN SULLIVAN: Ms. Roberson?

4 MS. ROBERSON: So, I'm not -- maybe I'm  
5 responding again to the same thing I just responded to.  
6 And I'm not sure I was clear. I guess what I'm saying  
7 is, I think there's a huge difference between the Board  
8 holding the management chain responsible for making  
9 adjustments in the utilization of resources. And,  
10 technical director, I'll just, since he's standing here  
11 looking at us, we will just talk about him a lot, if he  
12 can only do -- if he thinks ten, we do a pilot and he  
13 thinks, I'm going to try this method with ten, and we  
14 offer RFBA's for all other things and it affects the  
15 workload, he didn't -- it's a difference between the  
16 Board mandating a process and allowing management of the  
17 resources. I guess that's what I'm saying.

18 Is that -- I mean, you guys understand what I'm  
19 saying?

20 MR. SANTOS: I do.

21 CHAIRMAN SULLIVAN: I understand, I think, what  
22 you're saying. I think what I've heard was a response  
23 that said, yes, it would be okay if the technical  
24 director essentially just finished the current process.  
25 I mean, I'll simply point out that the proposal before

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1 us was generated by the staff that said, well, this is  
2 how they would like to proceed. So it would seem to me  
3 as a possible outcome. I'm just speculating.

4 It's a possible outcome that they would look at  
5 the process that they -- that the technical staff  
6 developed that said, well, let's move forward this way,  
7 and then decide, okay, now we -- we were told not to  
8 proceed, but we were also told to go change how we do  
9 our work planning and meet all these goals. And so we  
10 decide proceeding the way we thought we should proceed  
11 would be the right way.

12 It seems to me like a logical outcome, and I  
13 just want to figure out from this discussion if Board  
14 members thought that approval of this amendment would  
15 basically mean they would cry foul on that outcome, if  
16 that's the way it went. That's what I was trying to  
17 find out, and I'm hearing no is what I'm hearing.

18 MR. SANTOS: And you're also hearing -- I'm  
19 sorry. And there's many possibilities, that's why I  
20 didn't want to come here and speculate. I look forward  
21 to what the technical director will propose as part of  
22 the work plan, but I take this as an opportunity to more  
23 clearly and transparently communicate my concerns, and  
24 through what I've seen today, my expectations. And I  
25 will get another opportunity when the work plan comes.

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1 Thank you.

2 CHAIRMAN SULLIVAN: Ms. Connery?

3 MS. CONNERY: I don't think that you are hearing  
4 we will cry foul. I think what Ms. Roberson is trying  
5 to say is that if we took Mr. Hamilton's black and white  
6 view, either kill it or do what the staff has proposed,  
7 right? No repeal and replace. We're done.

8 If that's the course of action, I think the  
9 concern is, and my understanding from having discussed  
10 with Mr. Santos the reason why he's proposing this is  
11 because sometimes our technical staff takes a decision  
12 not to go forward on something that we must never, ever  
13 even look in that direction again. It's a very literal  
14 staff, and we may end up throwing out a very good baby  
15 with the bathwater if that's the interpretation that the  
16 staff takes.

17 I'm not saying that that's necessarily my view.  
18 I would hope that the staff, having gone through this  
19 process themselves, whether or not we vote for or  
20 against any of these proposals would continue to use the  
21 methodologies that they've developed if they find them  
22 useful going forward.

23 The other thing that I heard disturbed me that I  
24 want to address is the Chairman said that if this goes  
25 forward, I can just direct the technical directors to do

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1 this anyway as proposed in the orange folder. And if  
2 that's the case, I don't quite understand why we're  
3 having a public meeting on this if that's the intent of  
4 the Chairman.

5 CHAIRMAN SULLIVAN: Oh, I never said it was.  
6 What I was trying to figure out is that okay under this  
7 language. I mean, the language says the technical  
8 director should have an effort -- should do an effort  
9 that meets these goals. And I'm simply pointing out  
10 that on a day-to-day basis, he works for me.

11 So what if he and I were to converse at some  
12 point in the future -- again this is all hypothetical --  
13 about what he's doing to do to meet these goals, and  
14 then whether it was just through my feedback or  
15 influence or a direct -- or a specific direction to  
16 them, I just said, well, go finish this. I was trying  
17 to figure out if that conflicted with the express  
18 language of this amendment, because I see a scenario  
19 that presents a conflict between paragraph 1 and  
20 paragraph 2.

21 So, if everybody is following me, I'm not trying  
22 to telegraph what I would do. I don't know what I would  
23 do. The Board hasn't even acted on this proposal yet.  
24 I don't even know what the technical director thinks he  
25 might do if this passes. All I'm saying is I'm reading

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1 this language and it's not clear to me in the particular  
2 hypothetical which I have given, which I think is a  
3 logical hypothetical, and again, a logical hypothetical  
4 was at the staff level they looked at this and they  
5 thought that just continuing the way they were going was  
6 the right way, and I only took off another extrapolation  
7 of that, which was since the staff works for me on a  
8 day-to-day basis, what if I were to just tell them that  
9 that's their opinion, whether they had it or not.  
10 That's all I was asking.

11 Other Board members?

12 MS. ROBERSON: So, the thing I think I would  
13 like to add to that conversation, I understand what  
14 you're saying, you're saying if the technical  
15 director -- I'm just going to stick with the technical  
16 director because I don't -- I mean, the technical staff  
17 is there to meet the information needs of the entire  
18 Board. I think we're all clear on that.

19 I assume the technical director is going to talk  
20 to all the Board members as they put together a work  
21 plan. We don't have an approved work plan. I would  
22 like for us to have one so that every Board member, just  
23 as you started out talking about how we don't know what  
24 to expect. That's the whole reason we put it in place.  
25 The Board gets a say on that work plan at the end of the

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1 day, and I am hoping that there is enough collaboration  
2 among the Board and the leadership, technical  
3 leadership, that all of the Board members will at the  
4 end of the day be able to support a work plan that they  
5 believe will meet their balanced needs, recognizing that  
6 each of us have different interests.

7 So, that's what I'm hoping for, out of whatever  
8 process we take.

9 CHAIRMAN SULLIVAN: Okay. So, let me amend what  
10 I said before. What I think I just heard was a foul in  
11 that your expectation of this language is the technical  
12 director now has to go off and talk to five different  
13 Board members and find out what their inputs are or make  
14 some proposals and get their feedback, which I  
15 understand.

16 My point would be, I think going back to  
17 something similar to what Mr. Hamilton said when he read  
18 his prepared remarks, that means we are taking a --  
19 instead of providing a defined process, we are now  
20 essentially mandating that the technical director, and I  
21 hope you don't take this wrong, but, you know, basically  
22 goes solve world hunger with respect to our world work  
23 planning process, without giving any other direction.

24 And as we've shown in the past, it's difficult  
25 for five different people -- when the technical director

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1 talks to five different people, to come up with a  
2 consensus. That's kind of why we have a -- I mean,  
3 that's why we have a meeting to see if we can talk to  
4 each other here, and the law requires us to do it in  
5 public, and see if we can create a consensus.

6 That's what I'm trying to figure out. So I am  
7 concerned that we have a proposal that is fairly  
8 specific, and we can decide either yes/no, but this is a  
9 proposal to replace that with something that is  
10 undefined in terms of what the output -- what output we  
11 expect it to be, and instead we put it on the technical  
12 director to just come work with five Board members  
13 individually, and hopefully he will come up with a  
14 consensus. And I think we've proven in the past that  
15 that might be an unreasonable expectation to place upon  
16 the technical director.

17 MS. ROBERSON: So, Mr. Chairman, no offense  
18 taken. I would say world peace more than world hunger,  
19 but I think that's the technical director's job anyway  
20 is to work with the Board, because the Board has already  
21 put into place a requirement that the Board approve the  
22 work plan.

23 So, I'm not saying he has to work with the five  
24 Board members to interpret this, I'm assuming he already  
25 has when he did his assessment. But I am saying just

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1 like with any other correspondence, the Board is not a  
2 rubber stamp, so the technical director does have to  
3 collaborate with the other Board members. He can't  
4 satisfy them all, I'm not saying that. I understand  
5 that, but that's the way we do our job, and I guess  
6 beyond this element, if we're changing that way, that's  
7 a whole different conversation.

8 I mean, I am confused. I think the technical  
9 director's job is to ensure that when they develop a  
10 work plan, to the maximum extent they can, they meet the  
11 needs of all the Board members. That doesn't mean every  
12 Board member gets everything, trust me, I don't get a  
13 lot of mine met, but I appreciate the effort and that's  
14 what I would expect.

15 MR. SANTOS: I just want to comment real quick  
16 that when I have proposed similar improvement  
17 initiatives to our work, that have not been approved,  
18 comments provided by some of my fellow Board members  
19 indicate that that is the role of the technical director  
20 as senior, senior executive and a member of the SES that  
21 is capable and should be doing that effort without being  
22 told exactly what to do.

23 Again, my proposed amendment does not direct any  
24 process and relies on his expertise as a member of the  
25 SES to actually come up with this. Thank you.

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1 CHAIRMAN SULLIVAN: Ms. Connery?

2 MS. CONNERY: Senior, senior, you're getting  
3 really old there, Steve. I think we were talking past  
4 each other a little bit, maybe somewhat willfully, but  
5 when Ms. Roberson was talking about the technical  
6 director talking to each of us, she was talking about  
7 not on this proposal, but in the development of the  
8 technical work plan, and my understanding of this  
9 amendment is it's only about the technical work plan and  
10 making sure that we have lessons learned.

11 But I would like to put aside both the staff  
12 proposal and the amendments, because I think what we are  
13 engaged in is basically position-based discussions right  
14 now and not interest-based discussions. I think the  
15 issue that Mr. Santos was trying to address in his  
16 amendment, whether he did successfully or not is to be  
17 determined, was to address the issues of some of the  
18 Board members that as proposed the staff's proposal on  
19 SSO is very resource-intensive, we don't know  
20 necessarily what the results are going to be and whether  
21 or not it's going to be useful.

22 I understand the notion from Mr. Hamilton and  
23 Mr. Sullivan that if you don't try it out, you don't  
24 know whether it's not going to be helpful to the work or  
25 not.

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1 So I think that if you wanted to meet the goals  
2 of all of the Board members, which is to make sure that  
3 we are not overloaded on resources, to make sure that we  
4 have the ability to do our regularly mission-focused  
5 oversight capabilities without being diluted, but also  
6 to understand whether or not this process could be  
7 something that could be worked into our work plan  
8 without causing disruptions, then my -- and I'm not  
9 putting an amendment out, I'm putting it out for  
10 discussion, my proposal would be, then, let's just move  
11 forward with the pilot without any expectation of what  
12 else will happen and see if we can integrate that pilot  
13 into the FY '18 work plan.

14 And the other effort, I think of Mr. Santos'  
15 proposal, is to basically give some goals and guidance  
16 to the staff to understand where it is the Board feels  
17 that they should focus their energies in a global sense.  
18 Basically good practices that the Board would like to  
19 see the technical staff engage in.

20 So, I just throw that out there because I think  
21 that may meet the needs of the majority of the Board  
22 members, because if nobody leaves happy, then that's  
23 probably a good outcome.

24 MR. SANTOS: Mr. Chairman, I think as part of  
25 the process, I look forward, since you are chairing

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1 this. Meeting, at some point maybe I could entertain  
2 friendly amendments, so I want to make sure we get back  
3 to the process where we are so we can move forward. I'm  
4 looking at the time, too.

5 CHAIRMAN SULLIVAN: I'm sure if anybody has a  
6 friendly amendment, they might raise it.

7 MR. SANTOS: Okay. Thank you.

8 CHAIRMAN SULLIVAN: Let me just point out, I  
9 already talked about one hypothetical which was on one  
10 extreme, and the other hypothetical on the other  
11 extreme, and that, of course, is the technical director  
12 decides essentially what Mr. Hamilton suggested, which  
13 was we'll cancel the whole thing. And he will go back  
14 to doing whatever he was going to do before this came  
15 ever came up.

16 So, again, my point was we're having a meeting  
17 for the Board to deliberate and perhaps make a decision  
18 whether as a board of directors, acting as a board,  
19 acting like a of directors, would we want to give  
20 guidance. And if the answer is no, we don't want to  
21 give guidance and we just want to let the technical  
22 director go back to figuring this out, then okay.

23 But that's the way I read this is what I'm  
24 saying. I'm reading this as, approximately, we don't  
25 know what we're going to get out of this. We don't know

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1 what the technical director might do. And the all  
2 options would be available to the technical director.

3 MR. SANTOS: I respect your interpretation, you  
4 know, but similar to other efforts that I've seen tasked  
5 to the officer or the technical director, they've laid  
6 out on expectations or goals, whether it's to create a  
7 challenged culture or improve timing of correspondence.  
8 So what I did was lay out a series of goals and rely on  
9 his expertise to actually come up with a path forward.

10 Ms. Connery?

11 CHAIRMAN SULLIVAN: Ms. Connery?

12 MS. CONNERY: We have established that I am  
13 Ms. Connery. So, again, since we keep taking his name  
14 in vein, and we keep talking about hypotheticals in  
15 which the technical director tells us to pound sand in  
16 one direction or the other, I think it would be prudent  
17 to hear from the technical director if he's willing to  
18 give us any thoughts.

19 CHAIRMAN SULLIVAN: Well, let me just interject.  
20 I mean, this is a meeting of the Board and I don't think  
21 that's necessary, because, you know, we have language in  
22 front of us and I think the language either is going  
23 to -- I mean, what I'm trying to determine is what do we  
24 see as what this language means? That's been the point  
25 of my questions. I raised the technical director

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1 because he's in this language. But the question is what  
2 do we see as what this language isn't, and I personally  
3 don't think it's fair to put him on the spot in a public  
4 meeting. This is the Board's meeting and I'm just  
5 trying to figure out what we see in this language. If  
6 we see -- well, here's what I'm trying to avoid. I'm  
7 trying to avoid where we approve this language, and then  
8 six months from now, we find out the technical director  
9 took a path and the technical director who worked for  
10 the Chairman, and the Chairman said, well, I read this  
11 language as giving you full direction, full authority to  
12 go whichever way you thought was best. And then some  
13 other Board member said, well, I didn't see that -- I  
14 didn't think we read it that way. You know, the other  
15 Board member didn't think that that's what was approved.

16 That's all I'm trying to ascertain here. And I  
17 think as a Board, we can do that. I don't think trying  
18 to get a sense from the technical director on the spot  
19 in a public meeting what he's actually going to do,  
20 would necessarily be helpful, and it may, in fact, be  
21 unfair to the technical director.

22 MS. CONNERY: He clearly hasn't gotten his  
23 instruction yet.

24 CHAIRMAN SULLIVAN: Anybody else?

25 MS. ROBERSON: So, I appreciate that

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1 explanation. I guess my question is, where are we in  
2 this process, then, now?

3 CHAIRMAN SULLIVAN: We are deliberating on the  
4 amendment presented by Mr. Santos and when we appear to  
5 be done with deliberations, we will take a vote.

6 MS. ROBERSON: And before we take a vote, we'll  
7 consider friendly amendments maybe?

8 CHAIRMAN SULLIVAN: Before there's a vote, all  
9 the options are open and that's one of them.

10 MS. ROBERSON: Okay. Thank you, sir.

11 CHAIRMAN SULLIVAN: Is there any other  
12 discussion on the amendment?

13 (No response.)

14 CHAIRMAN SULLIVAN: Okay. Hearing none, I'm  
15 going to ask the executive secretary to call for a vote.

16 MS. ROBERSON: Okay. Well, then I'm back to  
17 friendly amendment.

18 CHAIRMAN SULLIVAN: Okay.

19 MS. ROBERSON: Mr. Chairman, I guess I'm not  
20 done.

21 CHAIRMAN SULLIVAN: Then we're not done.

22 MS. ROBERSON: I guess I do have a question, I'm  
23 going to push on Mr. Santos again. Recognizing, I mean,  
24 I have looked at the document requests for the five  
25 pilots, but I guess I still wonder, I ask the same

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1 question, would you not support completing those so we  
2 have that base of knowledge?

3 MR. SANTOS: I was concerned about this status  
4 of those pilots, since little information was getting to  
5 me. Earlier the technical director clarified that those  
6 pilots can be completed in a timely manner and that  
7 their requests are out. Again, you already heard my  
8 concerns, I don't have to repeat them, but it sounds  
9 like the amount of effort left is small relative to the  
10 entire effort to completing the pilot, so I can  
11 entertain a friendly amendment along those lines. Would  
12 you like to propose one?

13 MS. ROBERSON: So, I am proposing a friendly  
14 amendment to strike the prohibition and add the language  
15 that requires completion of the five pilot assessments  
16 and brief the Board on the process and the conclusions  
17 so that the Board can at that time determine its  
18 usefulness in a broader context.

19 MR. SANTOS: Could I add to that cost, both  
20 internal and external in terms of resources and time?

21 MS. ROBERSON: So you're doing a friendly  
22 amendment to my friendly amendment?

23 MR. SANTOS: I'm just adding to yours.

24 MS. ROBERSON: So, I don't have a problem with  
25 it. I guess I would like to have discussion on my

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1 friendly amendment and your amendment to my amendment.  
 2 I think.  
 3 MR. SANTOS: Okay.  
 4 MS. CONNERY: Clarification. What are you  
 5 striking? The whole middle paragraph?  
 6 MS. ROBERSON: No, I'm striking the prohibition  
 7 to work on the pilots.  
 8 MR. SANTOS: So basically put a period after the  
 9 words "scorecard process," period. And delete the words  
 10 "and cease all related activities," with the  
 11 parenthetical "e.g. pilot programs." Is that correct?  
 12 MS. ROBERSON: Um-hmm.  
 13 MR. SANTOS: Okay.  
 14 CHAIRMAN SULLIVAN: Then there was also proposal  
 15 to add the language.  
 16 MS. ROBERSON: To add the language.  
 17 MR. SANTOS: Can we do one at a time first? So,  
 18 I am okay, I can accept that deletion. So putting a  
 19 period after "process" on that first sentence.  
 20 CHAIRMAN SULLIVAN: All right.  
 21 MR. SANTOS: Counsel, I'm looking at you to make  
 22 sure we --  
 23 CHAIRMAN SULLIVAN: Well, so under our process,  
 24 if a friendly amendment is proposed, you accept it and  
 25 no other Board member raises an objection, then we are

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1 amending the amendment.  
 2 MR. SANTOS: Okay, thank you.  
 3 CHAIRMAN SULLIVAN: So, what I have heard from  
 4 your amendment we are striking the remainder of the  
 5 sentence, of the first sentence, after the word process?  
 6 MR. SANTOS: Yes.  
 7 CHAIRMAN SULLIVAN: Including the words in  
 8 parentheses. All right, now, there's discussion on a  
 9 second friendly amendment.  
 10 MS. ROBERSON: Okay. Let's see if I can keep  
 11 track. So the second friendly amendment is to add --  
 12 well, let's just say another paragraph before finally,  
 13 that requires the technical director to specifically  
 14 brief the Board on the scope involved in those five  
 15 pilots, the result of those, and, frankly, his  
 16 recommendation as a result of that knowledge at the  
 17 time.  
 18 CHAIRMAN SULLIVAN: So, if I can ask for  
 19 clarification, is this language intended to direct the  
 20 technical director to proceed with the five pilots, or  
 21 not? I'm a bit confused as to whether --  
 22 MS. ROBERSON: Yes.  
 23 CHAIRMAN SULLIVAN: So, you're suggesting that  
 24 this be language that directs the technical director to  
 25 proceed with the five pilots?

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1 MS. ROBERSON: Pilot assessments.  
 2 CHAIRMAN SULLIVAN: Five pilot assessments. And  
 3 do what with that? As he proceeds, he's supposed to do  
 4 what?  
 5 MS. ROBERSON: He's supposed to conclude them,  
 6 and brief the Board on the scope of the efforts, his  
 7 assessment of the scope of the efforts, any impacts to  
 8 any other work, and his proposal for any expansion or  
 9 additional efforts along that way. To do more.  
 10 CHAIRMAN SULLIVAN: All right, so he's going to  
 11 then -- so he's going to complete the five pilots?  
 12 MS. ROBERSON: Right.  
 13 CHAIRMAN SULLIVAN: Then he is being directed to  
 14 brief the Board on the Board resources required to do  
 15 those pilots?  
 16 MS. ROBERSON: Yes.  
 17 CHAIRMAN SULLIVAN: And then whether or not he  
 18 recommends that he do any more pilots?  
 19 MS. ROBERSON: Yeah, and what does he recommend  
 20 as a result of that experience to change, and really in  
 21 our work planning process and how we manage our work  
 22 planning process, yes. Does that make sense?  
 23 CHAIRMAN SULLIVAN: I'm just trying to figure  
 24 out if we agree on what we're trying to say and then  
 25 we'll figure it out if we can say it so that it's pretty

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1 clear. So the technical director is being directed to  
 2 complete five pilots, then brief the board on the  
 3 resources that were necessary to do those five pilots.  
 4 MS. ROBERSON: Um-hmm.  
 5 CHAIRMAN SULLIVAN: And any recommendations the  
 6 technical director has based on his review of the five  
 7 pilot efforts.  
 8 MS. ROBERSON: Um-hmm. And the results. The  
 9 validity of the results of the assessments.  
 10 CHAIRMAN SULLIVAN: To make changes in the work  
 11 planning process?  
 12 MS. ROBERSON: Um-hmm.  
 13 CHAIRMAN SULLIVAN: All right. So, we'll see if  
 14 the general counsel, who I'm sure is scribbling like  
 15 crazy, can come up with language that he thinks that  
 16 this friendly amendment is and then we will go through  
 17 the process to try to figure out if we have that in a  
 18 form that we can vote on.  
 19 MR. BIGGINS: So the first friendly amendment was  
 20 strike prohibition to cease work on the pilots; require  
 21 completion of the five pilots; brief the Board on the  
 22 process and conclusions, so that the Board can at that  
 23 time determine its usefulness in a broader context. And  
 24 the second friendly amendment is to add a paragraph  
 25 requiring to brief the Board on the scope involved in



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1 those five pilots, the result of those five pilots, the  
2 resources necessary, and allow the Board to make changes  
3 in the work planning process.

4 CHAIRMAN SULLIVAN: All right, I thought we were  
5 going to have one paragraph, but what I understood you  
6 to say is your -- your understanding of the second  
7 friendly amendment would do two things, it would add  
8 some language back into the first paragraph. Is that  
9 correct?

10 MR. BIGGINS: No, the second friendly amendment  
11 was stated as adding a paragraph.

12 CHAIRMAN SULLIVAN: Okay, where is the language  
13 going to go that would direct the technical director to  
14 finish the five-pilot programs?

15 MR. BIGGINS: It wasn't specified in the  
16 friendly amendment.

17 MR. SANTOS: I think I heard prior to the  
18 final -- prior to the last paragraph.

19 MS. ROBERSON: It would be part of the  
20 paragraph.

21 CHAIRMAN SULLIVAN: It could either be part of  
22 the paragraph, or it could be part -- in other words, we  
23 could change the first paragraph, where it says, "do not  
24 proceed to final design and implementation of the  
25 proposed scorecard process, or the technical director

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1 shall proceed with the five pilot programs?

2 MS. ROBERSON: It could be there.

3 MR. SANTOS: That could work.

4 CHAIRMAN SULLIVAN: And then we end that there,  
5 no where written, the amendment had three paragraphs, so  
6 we are going to add a new paragraph 3 and push existing  
7 paragraph 3 to paragraph 4, and the new paragraph 3 will  
8 say -- please read it again.

9 MR. BIGGINS: Brief the Board on the scope  
10 involved in those five pilots, the results of those five  
11 pilots, the resources necessary, and to allow the Board  
12 to make changes in the work planning process.

13 MR. SANTOS: Yeah, I'm not clear on the last  
14 part. To make changes to the work planning process. If  
15 we can make any recommendations to the, you know,  
16 technical work plan -- you have different words  
17 regarding -- I just want to not necessarily make -- I  
18 want to hear the recommendations to the technical work  
19 planning process.

20 MS. ROBERSON: Mr. Chairman, I would say I  
21 agree. I was actually going to say the same thing.  
22 It's comma, make the -- I would like for the technical  
23 director to make his recommendations to the Board in  
24 that paragraph as well, too, of changes he believes.

25 CHAIRMAN SULLIVAN: Okay, Mr. Executive

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1 secretary, have you massaged the words in the end of  
2 your new paragraph 3?

3 MR. BIGGINS: Brief the Board on the scope  
4 involved in those five pilots, the results of those five  
5 pilots, the resources necessary, and to make  
6 recommendation for changes in the work planning process.

7 CHAIRMAN SULLIVAN: Does that do it?

8 MS. ROBERSON: It's clunky, but that's what I  
9 was going for as a proposal.

10 MS. CONNERY: You were going for clunky?

11 CHAIRMAN SULLIVAN: Well, let me suggest that we  
12 change "those five pilots" to either "the five pilots"  
13 or "the five pilot programs referred to in the first  
14 paragraph," or something of that nature. I find the  
15 final words "those five pilots" to be a little bit  
16 confusing.

17 MR. SANTOS: And I would like to add in  
18 parentheses, after "resource necessary," to say "both  
19 internal and external."

20 MS. CONNERY: For the pilot?

21 MR. SANTOS: Yeah, the pilots, we should know  
22 what it cost, both internally and externally.

23 CHAIRMAN SULLIVAN: All right, I sense that  
24 he's -- you're asking for what it would -- so, in other  
25 words, you're looking for how many resources the

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1 Department of Energy might need to expend in our pilot  
2 process?

3 MR. SANTOS: Correct.

4 CHAIRMAN SULLIVAN: All right.

5 Ms. Connery, do you have a comment or are you  
6 waiting for counsel to read this again?

7 MS. CONNERY: I have a second friendly amendment  
8 when you're done.

9 CHAIRMAN SULLIVAN: We're already way past two  
10 friendly amendments.

11 MS. CONNERY: A third friendly amendment.

12 CHAIRMAN SULLIVAN: Mr. General counsel?

13 MR. BIGGINS: Okay, so I am going to try to add  
14 this all together. Direct the technical director to not  
15 proceed to final design and implementation of the  
16 proposed scorecard process. Require the completion of  
17 the five pilots. Brief the Board on the process and  
18 conclusions so the Board can at that time determine its  
19 usefulness in a broader context.

20 Also, this RFBA replaces the previous Board  
21 direction contained in the October 11, 2016 RFBA  
22 2017-300-004. In addition, as part of the development  
23 of the FY 2018 technical work plan, the technical  
24 director is directed to leverage lessons learned from  
25 the development to date of the proposed scorecard

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1 process to identify and institutionalize improvements to  
 2 the independent technical oversight work of the Office  
 3 of the Technical Director. This effort should satisfy  
 4 the following goals: One, improve the information  
 5 sharing, evaluation of cross-cutting safety issues and  
 6 standardization to the extent possible of risk ranking  
 7 or safety issues across all technical groups; two,  
 8 improve the technical work planning measurement and  
 9 execution process; three, improve the timing and quality  
 10 of information provided to the Board for the Board to be  
 11 able to more efficiently and effectively establish  
 12 safety oversight priorities and understand resource  
 13 allocations and needs for the Office of the Technical  
 14 Director; and four, maximize the use of technical  
 15 information generated by the DNFSB staff independent  
 16 evaluations.

17 Brief the Board on the scope involved in the  
 18 five pilots, the results of the five pilots, the  
 19 resources necessary, both internally and externally, and  
 20 make recommendations for changes in the work planning  
 21 process.

22 Finally, the technical director is directed to  
 23 brief the board on the specific actions taken on this  
 24 RFBA included but not limited to those actions  
 25 incorporated into the proposed FY 2018 technical work

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1 plan by September 30, 2017.

2 MS. ROBERSON: Mr. Chairman, if I can make one  
 3 modification to that? The modification in the first  
 4 paragraph, really all that we need to say is complete  
 5 the five -- the pilot program, period.

6 CHAIRMAN SULLIVAN: As a further modification, I  
 7 suggest that we -- that that second -- that new second  
 8 sentence in the first paragraph, and for the new  
 9 paragraph 3, just begin those both with the words "the  
 10 technical director shall."

11 MR. SANTOS: Since this is a friendly amendment,  
 12 I accept the friendly amendment.

13 CHAIRMAN SULLIVAN: All right, I'm going to wait  
 14 until the executive secretary catches up, I'm going to  
 15 ask him to read just the first and new third paragraphs  
 16 again, and then we will see if there's any objection  
 17 from the Board members, and I know that Ms. Connery has  
 18 already indicated she has yet another friendly amendment  
 19 in the offing.

20 Okay, Executive Secretary?

21 MR. BIGGINS: Direct the technical director to  
 22 not proceed to final design and implementation of the  
 23 proposed scorecard process. The technical director  
 24 shall complete the five pilot programs, and then it goes  
 25 into the next sentence. Also this RFBA replaces the

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1 previous board direction contained in the October 11,  
 2 2016 RFBA, 2017-300-004.

3 And then the additional paragraph, the technical  
 4 director shall brief the Board on the scope involved in  
 5 the five pilot programs, the results of the five pilot  
 6 programs, the resources necessary both internally and  
 7 externally, and make recommendations for changes in the  
 8 work planning process.

9 CHAIRMAN SULLIVAN: Okay. Is there any  
 10 objection to -- by any Board member to those friendly  
 11 amendments?

12 (No response.)

13 CHAIRMAN SULLIVAN: Seeing none, I think the  
 14 amendment is amended, as read.

15 MR. SANTOS: Thank you.

16 MS. ROBERSON: Thank you.

17 CHAIRMAN SULLIVAN: Ms. Connery?

18 MR. SANTOS: Sorry, so this is now the amendment  
 19 in front of us?

20 CHAIRMAN SULLIVAN: This is now the amendment.

21 MR. SANTOS: Thank you.

22 CHAIRMAN SULLIVAN: Which we haven't voted on  
 23 yet. Ms. Connery?

24 MS. CONNERY: So, I would like to introduce a  
 25 friendly amendment, and that would be the deletion of

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1 the sentence, very long sentence that starts, "this  
 2 effort," and ends in "evaluation." And it's the one  
 3 that talks about the goals, and I don't find anything  
 4 objectionable about the goals put forward, I just don't  
 5 see them directly relevant to just the scorecard  
 6 process. They are goals that I would see for the  
 7 planning process or how we would do our technical work  
 8 plan, but I just don't think that they're necessary to  
 9 put here.

10 And in particular, number 3 about improved  
 11 timing and quality of information has nothing really to  
 12 do with the SSO implementation. Again, they are goals I  
 13 support, I just don't know that they necessarily need to  
 14 be in this action, and it would make it easier for me to  
 15 support this action if that chunk of the paragraph  
 16 weren't there.

17 MR. SANTOS: I appreciate your perspective on  
 18 that. Part of the reason I added specific goals is  
 19 based on feedback from other Board members, and  
 20 including staff in the past that if we even go back to  
 21 the original RFBA package in October proposed for Mr.  
 22 Hamilton, one of the things we didn't do was to write  
 23 down specific goals or provide some sort of, you know,  
 24 strategic guidance for the staff to then have some  
 25 guidance to go with.

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1 So that's why I felt very strongly that was  
2 important to be explicit, you know, about it. So my  
3 preference is that we do that. The staff already  
4 assessed the RFBA, they understood it, they provided  
5 that there's no impact. So my strong preference is that  
6 we keep that. It doesn't hurt to have explicit  
7 expectations.

8 So, respectfully, I'm not accepting the friendly  
9 amendment. But I understand what you're saying. Thank  
10 you.

11 CHAIRMAN SULLIVAN: All right, so I will point  
12 out procedurally, if he's not going to accept it, then  
13 the amendment is not amended, but our executive  
14 secretary will correct me if I'm wrong.

15 Our procedures would allow you, Ms. Connery, to  
16 introduce what you just suggested as a new amendment  
17 before we have a final vote, and if you get a second,  
18 then we can entertain and discuss what you have just  
19 proposed.

20 MS. CONNERY: Okay, seeing no agreement from the  
21 proposer of the amendment, then I will propose that we  
22 remove that paragraph, that part of the paragraph  
23 starting with "this effort." And my reasoning for it  
24 is, again, these are lofty goals, they are great goals,  
25 they are not specific to the SSO process. They are

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1 general goals for the staff that we can entertain  
2 putting forward in some other manner, but I don't think  
3 it does anything to add to the discussion of the  
4 scorecard process in specific. And there's, again, part  
5 of these do not directly reflect what it is that we're  
6 trying to do here with the scorecard effort, and some of  
7 them do, so rather than apply, I'd just rather pull them  
8 out and remove them from the amendment.

9 CHAIRMAN SULLIVAN: I understand, and just to  
10 review procedurally, we have an amendment which is now  
11 four paragraphs long. The amendment replaces, by its  
12 own language, it replaces in total the original staff  
13 proposal that we had, so if this amendment is adopted,  
14 then this is now where we are heading, but we can  
15 entertain further amendments to it prior to a final  
16 vote. And Ms. Connery has already indicated that she  
17 will propose a further amendment.

18 So, is there any other discussion on the  
19 amendment by Mr. Santos as modified by two friendly  
20 amendments that have been made? Mr. Hamilton?

21 MR. HAMILTON: I don't disagree with the  
22 sentiment of Ms. Roberson about wanting to look at the  
23 pilot in advance. What I would say is that from the  
24 very beginning, we've defined or we've intentionally  
25 defined the task of the staff in very loose terms, to

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1 allow them to own it, to allow them to develop it, and  
2 to give them as much flexibility as we can, telling  
3 them, bring us a system, and trying to avoid telling  
4 them how to design it. That's what I believe the  
5 original Board -- request for Board action did. It gave  
6 some broad parameters about looking for NRC process  
7 oversight and so forth and allowed them the flexibility.

8 The RFBA, upon which this amendment is being  
9 proposed, contains similar sorts of flexibility. For  
10 example, the fourth bullet says, "the systematic system  
11 oversight scope will begin with operating Hazardous  
12 Category 2 defense nuclear facilities. It doesn't say  
13 it begins with all Hazardous Category 2 facilities,  
14 certainly you could say that's inferred, but the reality  
15 is the technical staff have the ability to get started  
16 and if it turns out that their data collection process,  
17 which is something that I have been hearing is a concern  
18 here, is overwhelming, they have the flexibility to say,  
19 hang on, we can stop and re-evaluate this. The third  
20 from the bottom, it says, "Technical staff will brief  
21 the Board biannually on the results, effectiveness of  
22 process and any adjustments that were made and/or  
23 envisioned." That combined with the fact that the  
24 technical staff is being allowed to write the  
25 instruction already gives the staff enough flexibility

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1 to adapt in the event that it turns out that data  
2 extraction is a big problem, like we've heard described  
3 by Mr. Santos.

4 So, while I don't disagree with your desire to  
5 say, hang on, let's look at it, in my view, the ability  
6 for the technical director to do that is already  
7 embedded in his RFBA, and it allows him that  
8 flexibility. So I really don't think the amendment as  
9 amended is necessary. That's all.

10 CHAIRMAN SULLIVAN: Any further discussion?

11 MS. ROBERSON: And I appreciate your feedback,  
12 Mr. Hamilton. The one thing I'd say is the staff has  
13 told us that they're doing 61, and I believe by virtue  
14 of the Board debating and we can say making a  
15 nondecision decision, we are mandating to the staff the  
16 scope of that effort. You're right, their proposal  
17 would allow them to come and push back. But I think if  
18 we walk away from this meeting, and this is what I wish  
19 is a shift. And I'm concerned about that. I mean you  
20 captured my concern exactly right.

21 CHAIRMAN SULLIVAN: Ms. Connery?

22 MS. CONNERY: I would say the other challenge  
23 that I have is the staff does not look at these  
24 things -- they don't look at resource constraints. They  
25 were told this is what we're looking for in terms of a

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1 technical proposal. We didn't give them any resource  
2 constraints and so that's our job as the Board to  
3 recognize what resources are being used, what -- they  
4 can tell us what is not getting done, but we make the  
5 decision as to whether or not we want those resources  
6 applied to developing a safety oversight system or  
7 whether we actually want those resources to be applied  
8 to actually doing oversight in the field.

9 And so from my view, that's the challenge with  
10 the staff proposal is, again, they are trying to meet  
11 our needs, but our needs also have to include making  
12 rational decisions based on knowing what our constraints  
13 are and knowing what our budget is going to be next year  
14 and knowing the number of bodies we're limited to.

15 CHAIRMAN SULLIVAN: Any further discussion?  
16 (No response.)

17 CHAIRMAN SULLIVAN: The question on the board is  
18 the amendment by the amendment and the two friendly  
19 amendments. Executive Secretary, please call the roll.

20 MR. BIGGINS: Chairman Sullivan?

21 CHAIRMAN SULLIVAN: No.

22 MR. BIGGINS: Vice Chairman Hamilton?

23 MR. HAMILTON: No.

24 MR. BIGGINS: Ms. Roberson?

25 MS. ROBERSON: Yes.

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1 MR. BIGGINS: Mr. Santos?

2 MR. SANTOS: Yes.

3 MR. BIGGINS: Ms. Connery?

4 MS. CONNERY: Yes.

5 MR. BIGGINS: Mr. Chairman, three votes in  
6 favor, two opposed; the amendment is approved.

7 CHAIRMAN SULLIVAN: Thank you. So, the  
8 amendment is now the proposal in total. Are there any  
9 other further efforts by Board members to amend the  
10 proposal? Ms. Connery?

11 MS. CONNERY: Yes, I would like to repeat my  
12 amendment that we strip out the last long sentence in  
13 the second paragraph of the existing proposal.

14 CHAIRMAN SULLIVAN: So, Ms. Connery has moved to  
15 further amend the proposal by deleting the sentence in  
16 the second paragraph that begins with "this effort," and  
17 then ends with "DNFSB staff independent evaluations."  
18 And I will second that motion.

19 So, we have a proposed amendment with a second.  
20 Is there further discussion on the proposed amendment?  
21 Mr. Santos?

22 MR. SANTOS: Again, I understand the description  
23 by Ms. Connery, all I want to offer is, since I am --  
24 the approved amendment has to do with the technical work  
25 plan, that's taking us away now from the scorecard. So

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1 now the focus is the technical work plan. So we were  
2 originally on the scorecard. We are now talking about  
3 the technical work plan.

4 So given that that is the subject, how to review  
5 and approve the technical work plan, what are the  
6 expectations and guidance we want to provide to the  
7 technical director and the Office of the Technical  
8 Director regarding the technical work plan? And I  
9 believe those items one through 4 are guidance  
10 associated to improve the technical work planning  
11 process, and they're all -- there's a connection of each  
12 one to the work planning process.

13 So I understand your concern that this has  
14 nothing to do with the scorecard, and literally you're  
15 correct. This is associated with the technical work  
16 plan. And that's how it flows. But I welcome your  
17 amendment.

18 MS. CONNERY: But given that, again, this came  
19 to us as an amendment to a Board action, it came to us  
20 in whole cloth with no ability to discuss or deliberate.  
21 You know, we have 15 minutes left of a meeting on those  
22 particular issues because we were talking about other  
23 things. Again, I think that that's more appropriate to  
24 discuss later on when we're having a conversation about  
25 the work planning process and have the Board actually

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1 come up with something that we could all agree on that  
2 we are all authorize and have authorship of and  
3 ownership of. And I believe if you introduce goals as  
4 an individual Board member, even if I agree with all of  
5 them, I just don't think that that's an appropriate  
6 process for us to set goals for the technical director  
7 and his staff, nor for the whole agency.

8 You know, we've had other processes where we've  
9 been able to come up collaboratively with goals for the  
10 organization, and that I think that's what we should try  
11 to do and not try to shoehorn them into an amendment.

12 CHAIRMAN SULLIVAN: So, while I didn't support  
13 Mr. Santos' amendment, I support this amendment to it  
14 for the reasons stated by Ms. Connery.

15 Is there any further discussion?

16 (No response.)

17 CHAIRMAN SULLIVAN: All right, Mr. Executive  
18 Secretary, if you would call the roll on Ms. Connery's  
19 amendment.

20 MR. BIGGINS: Ms. Connery's motion is to amend  
21 the amendment to strike the sentence describing four  
22 goals starting with "this effort should satisfy the  
23 following goals." Vice Chairman Hamilton?

24 MR. HAMILTON: Yes.

25 MR. BIGGINS: Ms. Roberson?

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1 MS. ROBERSON: No.  
 2 MR. BIGGINS: Mr. Santos?  
 3 MR. SANTOS: No. Can I make a comment? Or can  
 4 I --  
 5 MS. ROBERSON: Too late.  
 6 MR. SANTOS: No, no, to the vote? How will that  
 7 work?  
 8 CHAIRMAN SULLIVAN: We are voting. We will  
 9 provide opportunity if you want to make -- there's final  
 10 comments and then you can make a written comment.  
 11 MR. SANTOS: Thank you. The vote is no.  
 12 MR. BIGGINS: Ms. Connery?  
 13 MS. CONNERY: Yes. Yes.  
 14 MR. BIGGINS: And Chairman Sullivan?  
 15 CHAIRMAN SULLIVAN: Yes.  
 16 MR. BIGGINS: Chairman, it is three votes in  
 17 favor, two opposed; the motion to amend the matter is  
 18 approved.  
 19 CHAIRMAN SULLIVAN: Thank you. So, again,  
 20 procedurally, we had a proposal from the staff that was  
 21 replaced in total by Mr. Santos' amendment, as further  
 22 modified by friendly amendments, and then an amendment  
 23 by Ms. Connery made further changes to it. Are there  
 24 any other proposals before the Board? If not, it may  
 25 sound like it's redundant, we've been amending, and so

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1 we will take a final vote on the actual proposal.  
 2 MS. CONNERY: Mr. Chairman? I move to table the  
 3 vote on the final action and revert to notational voting  
 4 procedures and allow three days for Board members to  
 5 vote and provide comments on this matter. If I have a  
 6 second.  
 7 CHAIRMAN SULLIVAN: All right, so by our  
 8 procedures, we've had a motion to table. If there is a  
 9 second, then we will immediately move to, without any  
 10 further discussion on the motion to table. If there  
 11 is -- if there is no second, then the motion to table  
 12 will automatically fail. Let me point out, before we  
 13 ask if there is a second, once there is a second, we  
 14 can't make any further comments. So, by our procedures  
 15 we will immediately vote on the motion to table.  
 16 So, if there is any Board members who wishes to  
 17 comment on whether it's appropriate to table at this  
 18 point, if it's okay, if we can just have that -- have  
 19 the Board members give an opportunity to comment before  
 20 we -- before we look for a second.  
 21 MS. ROBERSON: I didn't have any comment on  
 22 that, Mr. Chairman.  
 23 CHAIRMAN SULLIVAN: Okay. Well, I have a  
 24 comment. Personally, I would be disappointed if we  
 25 can't have a meeting and reach finality in a meeting,

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1 and I don't see any reason why we can't after almost an  
 2 hour and 45 minutes. We invite the public to the  
 3 meeting, and then it seems like we take the climax away.  
 4 If we just then all retire to our offices to produce  
 5 something on a piece of paper at some further time.  
 6 That's my comment.  
 7 MS. CONNERY: I like cliffhangers and I want to  
 8 drive them to our website. There is a method behind my  
 9 madness, because I have another motion after that, but  
 10 there's a reason, I believe that I would like to be able  
 11 to take the time to perhaps have conversations with the  
 12 staff to determine what my final vote will be, and maybe  
 13 have offline conversations with other Board members to  
 14 further refine thinking on this as I'm not quite sure  
 15 how I'm going to vote even at this moment. So that's  
 16 why I'm proposing that we revert to notational voting.  
 17 CHAIRMAN SULLIVAN: I understand. Is there a  
 18 second on the motion to table?  
 19 MS. ROBERSON: I'll second the motion.  
 20 CHAIRMAN SULLIVAN: Okay. Then without further  
 21 discussion, I ask the Executive Secretary to call the  
 22 roll on the motion to table.  
 23 MR. BIGGINS: On the motion to table,  
 24 Ms. Roberson?  
 25 MS. ROBERSON: Yes.

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1 MR. BIGGINS: Mr. Santos?  
 2 MR. SANTOS: Yes.  
 3 MR. BIGGINS: Ms. Connery?  
 4 MS. CONNERY: Yes.  
 5 MR. BIGGINS: Chairman Sullivan?  
 6 CHAIRMAN SULLIVAN: No.  
 7 MR. BIGGINS: Vice Chairman Hamilton?  
 8 MR. HAMILTON: No.  
 9 MR. BIGGINS: Mr. Chairman, three votes in favor  
 10 of tabling, two opposed; the motion is tabled.  
 11 CHAIRMAN SULLIVAN: Okay, the motion is tabled,  
 12 and we currently have no further business in front of  
 13 the Board.  
 14 Ms. Connery?  
 15 MS. CONNERY: I have a motion. I move to leave  
 16 the record of the meeting open for two business days and  
 17 instruct the general counsel to accept public comments  
 18 through the website during that period.  
 19 MS. ROBERSON: Mr. Chairman?  
 20 CHAIRMAN SULLIVAN: We have a motion, we need a  
 21 second if we're going to deliberate on the motion.  
 22 MS. ROBERSON: I want to make a clarification to  
 23 the reading of the previous motion.  
 24 CHAIRMAN SULLIVAN: Okay.  
 25 MS. ROBERSON: I thought there was a --

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1 CHAIRMAN SULLIVAN: We have a motion. Can we  
2 decide if we have a second, or do you -- we can as part  
3 of deliberations, if there's a question, we can find  
4 that out.

5 MS. ROBERSON: Okay. No, my question is on the  
6 motion we think we just closed the book on, but I can  
7 wait until after this process.

8 MR. SANTOS: I'll second the latest motion.

9 CHAIRMAN SULLIVAN: So, we have a motion and a  
10 second on the question of holding the record open for  
11 two business days.

12 MS. CONNERY: Two business days and to instruct  
13 the general counsel to accept public comments through  
14 the website, or if you have an email address,  
15 Mr. General Counsel.

16 MR. BIGGINS: For clarification, what we would  
17 do is we would provide an email address on the public  
18 website for this public meeting page, to allow people to  
19 email comments and then we would collect those and  
20 provide them to the Board.

21 CHAIRMAN SULLIVAN: Is there any other comment  
22 or discussion on this motion to leave the record open  
23 for two days and take comment from the public?  
24 (No response.)

25 CHAIRMAN SULLIVAN: If not, I ask the executive

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1 secretary to call the roll on Ms. Connery's motion.

2 MR. BIGGINS: The motion is to move to hold the  
3 record open for two business days and direct the general  
4 counsel to collect public comments.

5 Mr. Santos?

6 MR. SANTOS: Yes.

7 MR. BIGGINS: Ms. Connery?

8 MS. CONNERY: Yes.

9 MR. BIGGINS: Chairman Sullivan?

10 CHAIRMAN SULLIVAN: Yes.

11 MR. BIGGINS: Vice Chairman Hamilton?

12 MR. HAMILTON: Yes.

13 MR. BIGGINS: Ms. Roberson?

14 MS. ROBERSON: Yes.

15 MS. CONNERY: I got five yeses, that's the first  
16 time.

17 MR. BIGGINS: Mr. Chairman, there are five votes  
18 in favor, none opposed; the motion passes.

19 CHAIRMAN SULLIVAN: Let it never be said we  
20 can't reach something unanimously.

21 Ms. Roberson, you had some question for  
22 clarification?

23 MS. ROBERSON: I did. Mr. Chairman, maybe it  
24 was my misunderstanding. I'm asking the general counsel  
25 to reread the next to the last motion.

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1 MR. BIGGINS: Yes, ma'am. I notated it as a  
2 motion to table, but the motion was to table it to allow  
3 for notational vote by the Board.

4 MS. ROBERSON: That was my question. I thought  
5 there was a time frame associated with the proposal.

6 MS. CONNERY: It was just the regular notational  
7 voting time, which is three business days, is what I  
8 intended.

9 CHAIRMAN SULLIVAN: So, unless there's an  
10 objection, then for clarity, since we tabled it, the  
11 Board members would get the proposal -- would get what  
12 the current proposal is, with all the amendments, as  
13 we've done it, in a blue folder, and we would vote on  
14 them under the timelines in our procedures, which  
15 generally allows us three days to vote on something once  
16 we actually receive the folder.

17 MS. ROBERSON: Yes, sir. I just wanted to  
18 understand that. Thank you.

19 CHAIRMAN SULLIVAN: Without objection, that is  
20 what -- that is the Board's understanding of what we  
21 approved in the motion to table.

22 All right, Mr. Santos?

23 MR. SANTOS: Since we're going to be moving to  
24 the final blue folder on the proposal, I just wanted to  
25 make a very quick comment on the final amendment. Is

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1 this the time to make that? It's very brief.

2 CHAIRMAN SULLIVAN: Well, as part of our normal  
3 meeting procedures, I was going to give all Board  
4 members an opportunity to comment before we adjourn the  
5 meeting.

6 MR. SANTOS: Okay.

7 CHAIRMAN SULLIVAN: So, right at the moment,  
8 we're almost there. I know of no further business  
9 before the Board.

10 MR. SANTOS: Yeah, my comment was very specific  
11 to the approved final amendment to delete the goals.  
12 That's all.

13 CHAIRMAN SULLIVAN: All right, so --

14 MR. SANTOS: As opposed to a general comment.

15 CHAIRMAN SULLIVAN: So, we have no further  
16 business before the Board at this point, and if no Board  
17 member is going to try to raise any business related to  
18 the proposal, then I will call for Board member  
19 comments. So, I will start with vice Chairman Hamilton.

20 MR. HAMILTON: I have no closing comments,  
21 Mr. Chairman.

22 CHAIRMAN SULLIVAN: Thank you. Ms. Roberson?

23 MS. ROBERSON: Thank you, Mr. Chairman. Just  
24 briefly, I just want to thank the Board for hearing me.  
25 I do feel like we had a good conversation, and I did

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1 have some concerns and I feel those concerns were heard,  
2 and although I know we all would like to have a 5-0 vote  
3 on everything, I respect the different perspectives and  
4 I feel like we can get something out of this process  
5 that will be beneficial. So thank you.

6 CHAIRMAN SULLIVAN: Thank you. Mr. Santos?

7 MR. SANTOS: Again, I want to thank my fellow  
8 Board members. It's good to be able to have a  
9 professional deliberation on matters of the Board, so I  
10 look forward to this type of forum in the future. I  
11 think to me it was very beneficial.

12 Regarding the final amendment or proposal that  
13 got approved. My only comment is it will be good  
14 practice, one that will encourage that as we come up  
15 with future actions and tasking to the staff that we  
16 provide additional clarity from a strategic level and  
17 provide our expectations and guidance in writing as much  
18 as possible to avoid confusion as things get executed.  
19 So I think that's a good practice that I encourage.

20 For closing, I want to just go back to my  
21 opening statements, and basically say we have work to  
22 do. All of us, to improve our internal execution of  
23 work. There's a lot of improvements going under way,  
24 but additional improvements are necessary to ensure we  
25 don't erode external competence in our mission. That's

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1 my mission, I look forward to continue to work with my  
2 fellow Board members and the staff to continue to  
3 improve. We are a learning organization, and, you know,  
4 I'm excited about improvement.

5 So, thank you again, and that concludes my  
6 closing remarks, thank you.

7 CHAIRMAN SULLIVAN: Ms. Connery?

8 MS. CONNERY: I would also like to thank the  
9 Board for this morning's conversation, and I would like  
10 to thank Mr. Hamilton for challenging us to take a look  
11 at an outside practice and try to adapt it to our own  
12 particular activities here. The team did a tremendous  
13 job, and I will echo what Mr. Hamilton said earlier,  
14 taking a very complex project and turning it into very  
15 good things. But I would be remiss if I didn't take my  
16 opportunity for closing to recognize on the record our  
17 federal workers, because it is Public Service  
18 Recognition Week. You are the unsung heroes of the  
19 Government. We up here we're temps, we come to serve a  
20 term and we leave, but you are the constant. And it's  
21 not always easy, we give you a hard time, you are  
22 denigrated in the press as bureaucrats, your family has  
23 a hard time remembering the acronym DNFSB, let alone  
24 describing what you do. And I understand that that can  
25 be demoralizing, but I am so honored to be associated

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1 with each of you from the tech staff to our legal team  
2 to the folks in the office of the general manager. You  
3 uphold the mission of this agency regardless of who is  
4 sitting on the Board, you do the right thing for the  
5 right reason and I am extremely proud to be part of your  
6 agency. Thank you.

7 CHAIRMAN SULLIVAN: And I have no final  
8 comments. So, having concluded the business before the  
9 Board, the record of the meeting is open for two more  
10 business days as indicated in the final motion that was  
11 approved, and otherwise this meeting is adjourned. We  
12 are off the record.

13 (Whereupon, at 11:57 a.m., the meeting was  
14 adjourned.)

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CERTIFICATE OF REPORTER

1 I, Sally Jo Quade, do hereby certify that the  
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9 in the outcome of the action.

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