

In the Matter of:

Defense Nuclear Facilities Safety Board

March 8, 2018
Closed Board Meeting

Condensed Transcript with Word Index



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Closed Board Meeting

Defense Nuclear Facilities Safety Board

3/8/2018

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13	MARCH 8, 2018
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16	625 Indiana Avenue, NW
17	Washington, DC 20004
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2	A P P E A R A N C E S	
3	DEFENSE NUCLEAR FACILITIES SAFETY BOARD:	
4	BRUCE HAMILTON, Vice Chairman	
5	JESSIE H. ROBERSON, Board Member	
6	JOYCE L. CONNERY, Board Member	
7	JAMES BIGGINS, General Counsel	
8	KATHERINE HERRERA, Deputy Technical Director	
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24	REPORTED BY:	
25	Sally Jo Quade, CERT, Reporter	

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2	P R O C E E D I N G S	
3	- - - - -	
4	MR. HAMILTON: Good afternoon. My name is Bruce	
5	HAMILTON, I'm the acting Chairman of the Defense Nuclear	
6	Facilities Safety Board, I will preside over today's	
7	closed meeting. With me today are my colleagues on the	
8	board, Board Member Daniel Santos to my left, Board	
9	Member Joyce Connery to my right, and to my far right,	
10	Board Member Jessie Roberson. We four constitute the	
11	Board.	
12	Having established a quorum of Board members,	
13	this closed meeting will now come to order. Mr. James	
14	Biggins, the Board's General Counsel, will serve as the	
15	Board's Executive Secretary for the meeting. This	
16	closed meeting was publicly announced on February 8th,	
17	2018 on the Board's public website. The announcement	
18	was updated February 24th and 26th to reflect changes to	
19	the time and date decided via unanimous consent of the	
20	Board.	
21	The Board has closed this meeting to the public	
22	per the provisions of the Government and the Sunshine	
23	Act, as well as the Board's regulations implementing the	
24	Sunshine Act and the Board's operating procedures for	
25	the meeting.	
	This closed meeting concerns member	

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1 deliberations pertaining to the development and
 2 formulation of potential Board recommendations to the
 3 Secretary of Energy. The Board's compliance with
 4 statutory provisions permitting closure of this meeting
 5 has been stated in the Board's Federal Register notice.
 6 Additional documentation relating to this meeting is
 7 available on our website at www.DNFSB.gov.

8 As a reminder to those who are in attendance and
 9 Board employees who may later become privy to these
 10 proceedings, the Board and its staff are prohibited from
 11 publicly disclosing information described in the draft
 12 or final recommendations prior to the receipt of the
 13 final recommendation by the Secretary of Energy. This
 14 prohibition applies to information learned during the
 15 course of this meeting, or by review of the meeting
 16 transcripts, related documents or from other sources.

17 Pursuant to the specific agenda, the Board will
 18 deliberate on two recommendations currently pending
 19 before the Board. Following the discussion on each, I
 20 will summarize the outcome of the discussions and the
 21 General Counsel will summarize any staff taskings and
 22 Board votes. After an opportunity for closing comments
 23 from Board members, the meeting will adjourn.

24 This concludes my opening remarks in my capacity
 25 as the acting Chairman. I will now turn to the Board

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1 MR. HAMILTON: Ms. Roberson?
 2 MS. ROBERSON: No opening comments.
 3 MR. HAMILTON: Thank you, Ms. Roberson.
 4 This concludes the Board's opening remarks, and
 5 at this time, I would like to begin with the first order
 6 of business on the agenda, Board member deliberations
 7 regarding

[REDACTED]

6

1 members for their opening remarks.

2 Mr. Santos?

3 MR. SANTOS: Thank you, Mr. Chairman. Just
 4 simply a clarification, we currently only have one draft
 5 recommendation that we are working on.

6 MR. HAMILTON: Thank you. We have one draft
 7 recommendation and one essential outline. Okay. Thank
 8 you. Anything else?

9 MR. SANTOS: No further opening remarks.

10 MR. HAMILTON: Ms. Connery?

11 MS. CONNERY: Yes, I would like to make an
 12 opening remark. The contemplation for this closed
 13 meeting was done in a manner that I didn't find very
 14 collegial, and I objected to it at the time. I am here
 15 because I believe it's my duty as a Board member to
 16 participate in these discussions, but as with our open
 17 meetings, I will say the same thing that I said then as
 18 with our closed meetings, this is a chance for Board
 19 member deliberation, not for grandstanding, and I would
 20 respectfully request that my fellow Board members listen
 21 to each other and make amendments to their comments
 22 having heard each other, rather than coming in here with
 23 preconceived notions as to the outcome that they are
 24 looking for, because the nature of a deliberation is a
 25 discussion. Thank you.

8

[REDACTED]

9

[REDACTED]

11

[REDACTED]

10

[REDACTED]

12

[REDACTED]

13

1 [REDACTED]. If there are no further items, I will
2 proceed to the next item, which is the Draft
3 Recommendation 2017-01, and I'm going to ask the Deputy
4 Technical Director the same question, is there anything
5 else you want to add that you haven't already put before
6 us in this package?

7 MS. HERRERA: The only thing is that we did
8 receive Mr. Santos' proposed amendment yesterday
9 evening. We have not yet formulated a response yet in
10 OTD, so, you know, we can answer specific questions, but
11 we cannot provide an overall response to that amendment
12 at this time.

13 MR. HAMILTON: You're not ready?

14 MS. HERRERA: Not ready, yes.

15 MR. HAMILTON: Okay. Mr. Santos?

16 MR. SANTOS: For clarification, I provided an
17 amendment to help anchor our discussions. I look
18 forward -- and I agree with Ms. Connery, it's worth that
19 we should have a discussion, so I was trying to provide
20 an anchor so we can have discussions. And I can provide
21 Board members kind of where I see some of the changes,
22 I'm obviously very open to the discussions, and I will
23 ask maybe the General Counsel when we get to discuss the
24 amendment, where you can bring it up in the screen so we
25 can -- I can hear and see the discussions and questions

14

1 that fellow Board members may have.

2 In terms of process, I was not expecting to vote
3 on this here today. I do look forward to following our
4 process, which includes receiving formal input from the
5 tech staff. If I decide to modify the amendment based
6 on our input today, I will quickly work with Exec Sec so
7 they don't have to -- so the staff doesn't get to be
8 cycled and they can only get to reply once on their
9 input. So if you give me some time after the meeting, I
10 will coordinate with you on that.

11 MS. HERRERA: Sure.

12 MR. SANTOS: So we sent a draft recommendation
13 and we received input from the Department. My
14 preference would be let's talk about that feedback
15 first, then let's talk about the staff disposition of
16 that feedback, and the last thing, time permitting, will
17 be for me to receive input and questions on my proposed
18 amendment, if that's okay with you.

19 MR. HAMILTON: I think that sounds like a good
20 path ahead. Why don't you lead off.

21 MR. SANTOS: So if we can simply go to the DOE's
22 feedback, in our packages it will be tab --

23 MR. HAMILTON: Six.

24 MR. SANTOS: Sorry. Six. So I read it, I
25 understand. I guess my main -- one of the issues I had

15

1 with it is DOE has a construct when it comes to their
2 definitions of public and workers. They have collocated
3 workers, facility workers. We as an independent
4 agency -- I don't subscribe to that construct; I
5 understand it.

6 So I do believe that workers do perform
7 functions that protect the public, especially when as
8 part of the safety control strategy those workers are
9 executing critical safety controls or safety programs,
10 whether it's emergency management, explosive controls,
11 what have you. And it's in that context that I do
12 personally look at the worker protection, because if
13 they do not perform those critical safety functions, the
14 safety strategy that protects the public will be
15 incomplete.

16 So I do take some issue with their judgment of
17 our jurisdictional line when it comes to workers where
18 they cannot highlight that in the second page of their
19 letter from Mr. Dabbar to us. So that was one of my
20 main issues. And my amendment tries to address that, we
21 will talk about it later.

22 I do recognize that they have taken actions to
23 reduce risk in the K-Area complex, kind of similar to
24 what our staff was recommending at the beginning, and I
25 think the changes reflect that we have made so far.

16

1 Some of the issues I have is a lot of their
2 basis is based on expectation as opposed to actual
3 analysis, whether it's quantitatively and qualitatively.
4 The expectation is that the resulting changes due to
5 accommodating their revised DSA for atmospheric
6 dispersion that there will be no expectation that
7 resulting postulated outside consequences will exceed
8 the guidelines.

9 So I'm a little bit troubled by making a
10 decision based on expectations. I think when it comes
11 to safety of the public, it needs to be backed up by
12 strong analysis and technical justification, which
13 includes qualitative analysis and an assessment of
14 inherent conservatism. That's okay. But I think it
15 needs to have that -- that discipline behind it.

16 So those are kind of my main issues with
17 their -- with their response.

18 MR. HAMILTON: Do you want to entertain --

19 MR. SANTOS: I want to hear from everybody.

20 MR. HAMILTON: -- opinions from the staff or
21 from our fellow Board members or what do you want to do
22 first?

23 MR. SANTOS: Fellow Board members also.

24 MR. HAMILTON: So let's see if we have any.

25 MS. ROBERSON: Who are you going to first?

17

1 MR. HAMILTON: I was going to go to Ms. Connery.
 2 MS. CONNERY: The collocated worker has been
 3 defined as part of the general public, and I think that
 4 that is consistent with the what the NRC does, I think
 5 that's what the DNFSB should do. So I don't subscribe
 6 to the fact that that collocated worker has to have a
 7 safety function.
 8 The worker, obviously the safety function is
 9 key, but I disagree with Mr. Santos to say that the
 10 collocated worker has to have a safety function before
 11 we care about the collocated worker. I believe that's
 12 the way we've operated and I believe that is how we
 13 should continue to operate. And if we have to have the
 14 conversation with the Department about that, then we
 15 should.
 16 I'm looking forward to hearing from the staff
 17 about how they dispositioned some of the comments. I
 18 want a little bit further clarification on the DWPF and
 19 why that came out of their recommendation, because it
 20 wasn't clear in the matrix as to how that decision was
 21 made. I understand what the Department said, but I just
 22 wanted to get a little more clarity from the staff as to
 23 why that was removed from the draft recommendation based
 24 on the information we got from them.
 25 MR. HAMILTON: Okay. Let me just for process

18

1 clarification, you had addressed your views on public
 2 health and safety and collocated worker and is that a
 3 question for Mr. Santos or --
 4 MS. CONNERY: Nope. A statement.
 5 MR. HAMILTON: Just a statement?
 6 MS. CONNERY: It's a disagreement with Mr.
 7 Santos' characterization.
 8 MR. HAMILTON: So the question you have now is
 9 just for the staff. Is that correct?
 10 MS. CONNERY: Correct. That was the next item
 11 that you said you wanted to have the staff talk about.
 12 MR. HAMILTON: Okay. Ms. Roberson?
 13 MS. ROBERSON: So, believe it or not, I believe
 14 with both Ms. Connery and Mr. Santos. I agree with
 15 Ms. Connery, collocated worker is in as a member of the
 16 public. DOE has drifted into trying to make it be a
 17 member of the operational workforce, but I think
 18 consistency with NRC is important. I do also agree, I
 19 think you two actually agree that when it comes to the
 20 facility workers, in a lot of cases, they are admin
 21 controls, they are safety controls. And I think the
 22 Board is within its right to evaluate their ability to
 23 carry out their function under circumstances that could
 24 result in impact to the public.
 25 So -- and I also agree with Ms. Connery, I

19

1 understand we had to make some changes to the references
 2 and the words relative to DWPF, but as far as what the
 3 Board is asking to be done, I don't know why DWPF would
 4 not be in the sub-recommendations listed with the other
 5 facilities.
 6 I have one more comment. So, having reviewed
 7 the Savannah River letter, I actually believe they
 8 validated this recommendation, and what they're saying,
 9 even though I understand in the letter from Mr. Dabbar,
 10 they basically said, we don't need this recommendation
 11 because we're going to do what we're going to do anyway.
 12 I don't think that's the standard for the Board and
 13 bringing to the Secretary's attention actions that need
 14 to be taken to ensure the public is protected.
 15 MS. CONNERY: Can I just ask a clarifying
 16 question? When you say the letter, do you mean the
 17 letter from Mr. Dabbar or the one that we just got from
 18 Nicole Nelson-Jean?
 19 MS. ROBERSON: The one we just got from Nicole
 20 Nelson-Jean. The copy of the letter we received. Thank
 21 you, Ms. Connery.
 22 MR. HAMILTON: Anything else, Ms. Roberson?
 23 MS. ROBERSON: Not right now.
 24 MR. HAMILTON: So right now I'm hearing a
 25 question that Ms. Connery has, but we're not to it yet,

20

1 and Mr. Santos wants to reply. Mr. Santos?
 2 MR. SANTOS: Yeah, I don't disagree with
 3 Ms. Connery. There's no disagreement. All I said is
 4 that I'm not subscribing to the DOE's construct in
 5 making reference to their terminology of collocated work
 6 facility worker. But in principle, I have no
 7 disagreement with both Ms. Connery and Ms. Roberson. I
 8 do believe they also need to be treated as a member of
 9 the public, especially if some of those collocated
 10 workers are not even aware of some of the hazards they
 11 are subject to, whether it's because they're performing
 12 other functions not related, strictly related to the
 13 execution of the specific worker mission.
 14 And many examples come to mind. There's a lot
 15 of supporting logistical type of work that is clearly in
 16 their "construct" collocated worker, but they're not
 17 even maybe aware of the hazards that they're exposed to.
 18 So I don't think there's a disagreement, I'm just not
 19 subscribing to their construct when it comes to sending
 20 a recommendation or acting on a message before the
 21 public. That's all. I don't want to get caught up into
 22 those arguments.
 23 So, Ms. Roberson, you referred to Ms. Nicole
 24 Nelson-Jean's letter. I just want to read from it and
 25 see if this is kind of what you're referring to. In the

21

1 second paragraph, it says, "The NNSA reviewed notes that
 2 there are multiple events that are credible and result
 3 in high-dose consequences to the collocated worker.
 4 NNSA requests that the Savannah River Solution (SRNS)
 5 develop a strategy to reduce these consequences."
 6 Is that what you're referring to?
 7 MS. ROBERSON: I'm referring to the whole
 8 letter. That's the key point.
 9 MR. SANTOS: The whole letter.
 10 MS. ROBERSON: That's the key point of the
 11 letter.
 12 MR. SANTOS: That's the key point? It sounds
 13 very similar to some of the language that we were
 14 contemplating. Okay.
 15 MR. HAMILTON: Okay. Anything else, Mr. Santos?
 16 (No response.)
 17 MR. HAMILTON: All right, I think this is a good
 18 point for Ms. Connery's question for the staff. Can you
 19 just restate it?
 20 MS. CONNERY: I think Ms. Roberson had the same
 21 question.
 22 MR. HAMILTON: Okay. Can you restate it?
 23 MS. CONNERY: Walk us through the -- I guess we
 24 can do it through the chart or the edits that you made
 25 to the document you submitted with regard to the defense

22

1 waste facility. Let me see. Defense-based processing
 2 facility.
 3 So it looks like we looked at a different DSA
 4 than they looked at? It looks like in our original
 5 documentation perhaps we didn't have the most updated
 6 version of the DSA? Could you just walk me -- why did
 7 you strike all the references to the defense waste
 8 processing facility?
 9 MR. HAMILTON: Just for the record, what page
 10 are you on here?
 11 MS. CONNERY: So I was looking at the chart on
 12 tab 7, page 3.
 13 MR. HAMILTON: Thank you.
 14 MS. CONNERY: Or you could just look at the
 15 redline strikeout of the --
 16 MR. HAMILTON: Well, let's all stay on the same
 17 page. So let's look at tab 7, page 3.
 18 MS. HERRERA: Tim, do you want to address or do
 19 you want the site to address that question?
 20 MR. DWYER: I will address in general and then
 21 ask Mark Sautman, who is on the telephone, to fill in
 22 another level of detail. So I am Timothy Dwyer, the
 23 Associate Technical Director for Nuclear Material
 24 Processing and Stabilization.
 25 You're referring to the disposition of DOE

23

1 comment number 3, I believe, which is that the site
 2 anticipates that only limited physical changes will be
 3 required at DWPF when they implement the new DSA. That
 4 is the reason that we deleted the citation to DWPF
 5 specifically in here.
 6 They actually did look at, going forward, what
 7 are they going to have to physically change, and their
 8 answer is they don't expect to have to change anything.
 9 They can -- they can absorb the revision to the DSA
 10 without changing the controls.
 11 MS. CONNERY: But correct me if I'm wrong, in
 12 the original, there were two pieces to it. One
 13 documented the update your DSA to reflect; and the
 14 second would be take any compensatory measures that
 15 would be needed in the interim. Correct?
 16 MR. DWYER: Correct. But since --
 17 MS. CONNERY: And they don't need to make any
 18 compensatory --
 19 MR. DWYER: They anticipate no changes necessary
 20 to the controls, therefore there are no compensatory
 21 measures.
 22 Mark, did you want to fill in any detail?
 23 MR. SAUTMAN: Yes, let me jump in here. I'll
 24 try to give a high-level summary, so if you want to get
 25 into all the gory detail, I can walk you through this,

24

1 because I sat down -- I just took several hours to
 2 figure out exactly what happened.
 3 So the short answer is, is when the -- last
 4 July, the contractor issued a safety basis strategy, and
 5 in the safety basis strategy, it was outlining how they
 6 were planning to address the revised atmospheric
 7 dispersion values, okay? And if you go look in that
 8 safety basis strategy, there is a table in there, and in
 9 that table, it says these are our bounding accidents,
 10 this is what the current DSA value is, this is what
 11 those same accidents will be if you include the -- where
 12 is it -- a 3.3 multiplier, okay?
 13 And so when the Board staff was working on
 14 writing this recommendation, we took the values for
 15 their current DSA and revised calculations that were in
 16 their safety basis strategy that was issued in July of
 17 2017.
 18 The thing is, though, this is where it gets
 19 really convoluted, is when SRR -- we were looking at
 20 revision 1 for the safety basis strategy. Revision 0
 21 was issued in 2013, and so that table reflects the
 22 values in the DWPF Safety Analysis Report in 2013. When
 23 the contract reissued their safety basis strategy four
 24 years later, they did not bother to update the values in
 25 those tables.

25

1 So even though the 2017 safety basis strategy
 2 said this is the current DSA value, what they were
 3 actually presenting was these were the values in the DSA
 4 four years ago and about three revisions earlier. And
 5 what happened in the interim between that is they made a
 6 modification to their waste acceptance criteria. And in
 7 their waste acceptance criteria, it lowered the
 8 inhalation dose potential values for both sludge as well
 9 as the 512-S monosodium titanate/sludge solids, okay?
 10 That's a value where you're given like a rem per
 11 gallon, it tells you what the dose potential is from the
 12 high-level waste. And when they lowered that, that
 13 lowered the consequences of the two bounding explosions,
 14 which were a central processing cell vessel explosion
 15 and an explosion in the melter off-gas.
 16 So if you lowered those to reflect the actual
 17 waste acceptance criteria, and then you put in the
 18 multiplier as a result of those atmospheric dispersion
 19 values, those doses rise actually to 9.9 rem versus the
 20 27 rem that we had quoted and cited from the safety
 21 basis strategy issued last July.
 22 That's the less -- I can go into more detail if
 23 there's further questions.
 24 MS. CONNERY: No. No.
 25 MR. HAMILTON: We have a follow-on.

26

1 Ms. Connery?
 2 MS. CONNERY: So my follow-on question is, if
 3 you go to, then, the revised recommendation tab, same
 4 tab, page 3 of the actual document, not the chart, you
 5 struck out "the defense waste processing facility." I
 6 understand that the numbers went down, and so therefore
 7 your chart is going to be incorrect, but instead of
 8 listing it in point 1, you could have moved it to point
 9 2 and basically said, update the DSA to the K-Area
 10 treating facility and defense waste processing facility,
 11 et cetera, in order to capture that in the DSA, because
 12 it's not just that we're saying that in some cases this
 13 challenges the guidelines, in other cases we're saying
 14 that you still need to update your DSA to reflect this,
 15 you've had a lot of time, and if there are no
 16 consequences, it makes it that much easier.
 17 And I would also note that in another separate
 18 issue that we were looking at with ITWU, we are actually
 19 contemplating sending a letter for them to update their
 20 safety basis, or saying it's a best practice to do so
 21 with updated information, regardless of how long the
 22 facility is going to run.
 23 So I don't see why we wouldn't be internally
 24 consistent across the board to say when you have
 25 information like this and you have to update your DSA,

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1 whether or not you have to make compensatory measures,
 2 that it should be included in the DSA. Does that make
 3 sense?
 4 MR. SAUTMAN: The reason why I did not include
 5 that was because my understanding is that DWPF has gone
 6 through and revised all of their supporting calculations
 7 to reflect the atmospheric dispersion values there. So
 8 they've revised all of their calculations, they've
 9 confirmed what they anticipated. They have not fully
 10 incorporated it, and to be perfectly honest, the reason
 11 is is because the nuclear safety folks are trying to
 12 address about five different positive USQs over at the
 13 DWPF, as well as some major flow sheet and other stuff
 14 that has been a matter of prioritization. So they have
 15 been focused on trying to close these positive USQs, and
 16 then these were going -- included, you know, farther
 17 down on the priority list.
 18 So, you know, they're looking at these. We did
 19 not feel there was a need for compensatory measures
 20 based on the anticipated doses, although I do agree that
 21 at some -- they still need to fully revise what's in the
 22 DSA to incorporate that. That is correct.
 23 MR. HAMILTON: Mr. Santos?
 24 MR. SANTOS: Thank you, Mr. Chairman. First of
 25 all, I agree with Ms. Connery on every point made.

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1 Question for the staff, and I think this is important,
 2 when we write recommendations, we're speaking to the
 3 Secretary of Energy and the Department of Energy that he
 4 leads. So I want to make sure we're very clear of
 5 things that are under the responsibility of the
 6 Department of Energy.
 7 So when we say update DSA, that means to me that
 8 the Department of Energy has approved, for example, a
 9 DSA, not that the contractor may have completed a work
 10 item. So I think that's an important distinction.
 11 So because of that, my question to the staff is
 12 simple, is has the Department of Energy approved an
 13 updated DSA for the DWPF that reflects the new
 14 atmospheric model?
 15 MR. HAMILTON: Ms. Herrera, who do you want to
 16 have address that?
 17 MS. HERRERA: Mark, you can address that.
 18 MR. SAUTMAN: I don't believe that has been --
 19 they have approved that.
 20 MR. SANTOS: Thank you.
 21 MR. HAMILTON: Ms. -- finished?
 22 MR. SANTOS: Just to finish real quick. And
 23 consistent with my comment and some of the issues I had
 24 with the DOE's feedback letter, I have a similar concern
 25 on the staff response that says "anticipated limited or

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1 physical changes will be required, and there's no
 2 expectation." So it's the same thing when it comes to
 3 adequate protection, we should be backing that up with
 4 technical justification, whether it's quantitatively or
 5 qualitatively. So I am not comfortable with words like
 6 anticipation and expectation.
 7 MR. HAMILTON: Is that a statement or a
 8 question?
 9 MR. SANTOS: It's a statement. And when we get
 10 to the amendment, I started working the amendment,
 11 accepting all changes by the staff, because I wanted to
 12 hear some of this discussion, so I might need to start
 13 making some changes already based on some of
 14 Ms. Connery's suggestions. I think they are spot-on.
 15 MR. SAUTMAN: One thing I would point out is you
 16 have liquid waste organization in there --
 17 MR. HAMILTON: Hang on, Mr. Sautman. Hang on.
 18 Mr. Santos wasn't finished.
 19 MR. SAUTMAN: Oh, I'm sorry.
 20 MR. SANTOS: Just as a point of order.
 21 MR. HAMILTON: Are you finished? Is there a
 22 question on the table?
 23 MR. SANTOS: No, no question.
 24 MR. HAMILTON: Ms. Roberson?
 25 MS. ROBERSON: I was going to chime in with the

30

1 other Board members. Listen, if the Department comes
 2 back and says we have completed our analysis and there
 3 is no compensatory measure needed, I am good with that,
 4 but I think it's new information and they need to
 5 complete their safety analysis and be done.
 6 MR. HAMILTON: Okay. Mr. Sautman, did you have
 7 a comment that regarded an erroneous assumption or
 8 mistake that we had said something wrong?
 9 MR. SAUTMAN: There is mention at the beginning
 10 of the proposed amendment that says "liquid waste
 11 organization and liquid waste organization covers DWPF."
 12 MR. HAMILTON: Okay. Mr. Santos?
 13 MR. SANTOS: I don't mind, if he makes it more
 14 clear, I don't see it as an issue, repeating.
 15 MR. HAMILTON: Ms. Roberson?
 16 MS. ROBERSON: I was going say I think it's a
 17 fair point. I know when we put it in originally, we
 18 focused on tank farm, but DWPF is indeed a liquid waste
 19 facility.
 20 MR. SANTOS: It makes it more clear.
 21 MS. CONNERY: In the original one, they call it
 22 separately, and the liquid waste operations facility.
 23 It is separate from the DWPF.
 24 MR. SANTOS: Correct.
 25 MS. CONNERY: So my only concern is if you did

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1 rely on that, the Department having already received the
 2 original with those separated out, if you then combined
 3 them and expect them to also include DWPF, chances are
 4 they aren't going to.
 5 MS. ROBERSON: That's a good point.
 6 MR. SANTOS: I agree with that characterization
 7 by Ms. Connery.
 8 MR. HAMILTON: Okay. Anything else we've
 9 missed, Deputy Technical Director?
 10 MS. HERRERA: No, not that I'm aware of.
 11 MR. HAMILTON: Okay. Did you have a next step
 12 that you wanted to go to, Mr. Santos?
 13 MR. SANTOS: No. I want to make sure that all
 14 the Board members have gone through the staff's input
 15 and whether they have any additional questions or
 16 concerns. Because we're still in that.
 17 MR. HAMILTON: Yes. Ms. Connery?
 18 MS. CONNERY: So I guess to follow along with
 19 that, again, my point is simply to be consistent in our
 20 commentary when it comes to asking them to put these
 21 things in the DSAs. However, in the chart, I recognize
 22 this is RA-2, again, tab 7, in the CUI recommendation
 23 that's been marked up based on the matrix. In that
 24 chart where it says, "Defense Waste Processing
 25 Facility," I perfectly understand that you're not going

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1 to put in the number 27 for the two accident scenarios
 2 that you have, and you could potentially remove that
 3 from the table summary and simply address it into text,
 4 considering, as you noted, we'll be below evaluation
 5 guidelines and there's no anticipated compensatory
 6 measures.
 7 MR. HAMILTON: Okay.
 8 MS. ROBERSON: No, I agree with that.
 9 MR. HAMILTON: Mr. Santos?
 10 MR. SANTOS: I agree that there might be other
 11 ways to deal with that, and we should look at that. I
 12 just want to stay away of using words like
 13 "anticipated."
 14 MS. CONNERY: Right, I get that, but your
 15 numbers are not going to -- you're not going to have a
 16 27 there.
 17 MR. SANTOS: That's correct. I think we could
 18 come up with some text.
 19 MS. CONNERY: So we wouldn't necessarily have it
 20 in the accidents table analysis.
 21 MR. SANTOS: Yes. Good point.
 22 MR. HAMILTON: Okay. I'm not seeing any more
 23 discussion. Did you want to go to your amendment, Mr.
 24 Santos?
 25 MR. SANTOS: Sure. If that's okay with --

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1 MR. HAMILTON: Now is probably a good time to do
 2 that.
 3 MS. CONNERY: Does the staff have a copy of it?
 4 MR. HAMILTON: Do you have a copy of the
 5 amendment?
 6 MS. HERRERA: I have a copy. Mark and Zach, you
 7 guys have a copy of the amendment, don't you?
 8 MR. SAUTMAN: Yes, ma'am.
 9 MR. SANTOS: So, may I go?
 10 MR. HAMILTON: Yeah, Mr. Santos.
 11 MR. SANTOS: Thank you. We have it on the
 12 screen, also. I would really like to kind of have
 13 free-flowing discussion and take your comments and
 14 questions as we go. Chairman will arbitrate here.
 15 My first point, and it goes to the cover letter,
 16 which is not part of this packet, but I made out a
 17 change to the cover letter, right there.
 18 So the change in the cover letter are also in
 19 the first page of the attachment is to address the issue
 20 of we as a Board get to care about the workers, okay?
 21 And we are communicating to the Department that we do
 22 look at the workers, too, when it comes to adequate
 23 protection.
 24 So it can be as simple as a period, as
 25 originally stated, but I wanted to avoid a

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1 jurisdictional argument with the Department at this time
 2 that will distract from them taking action in their
 3 recommendation and transition this into a lawyer versus
 4 lawyer argument by simply putting one of many answers of
 5 how we look at this. Ms. Connery made additional points
 6 on the collocated worker, I see no reason we cannot add
 7 that, also. This is just one explanation.
 8 But I'm really trying to get us away from
 9 distracting the Department with a jurisdictional
 10 discussion and not take action on the topic, because
 11 they want to tell us whether or not we get to look at
 12 workers, where when I feel we do.
 13 So I took a stab of providing an answer of why
 14 we look at workers. I'm willing -- we should look at
 15 additional, if you want, but that was my main goal with
 16 adding those words. So I would like to listen to
 17 suggestions.
 18 MR. HAMILTON: Ms. Connery?
 19 MS. CONNERY: So, again, to restate, I believe
 20 if you amend as -- and I know this is only a strawman,
 21 but if you amend as written, the impression that I would
 22 get if I were the Secretary of Energy, and specifically
 23 five of their lawyers, would be ammunition to go back to
 24 the Board to say that their jurisdiction is only with
 25 the public and workers with roles in protecting the

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1 public.
 2 So I would recommend either simplifying or
 3 saying that to ensure the adequate protection of public,
 4 and in parens, to include the collocated worker, and I
 5 would note that we spell that two different ways, with a
 6 hyphen, with two Ls, I'm not quite sure how that works,
 7 but we should probably figure that out and be
 8 consistent.
 9 And then if you can say "and workers with
 10 responsibility for maintaining adequate protection."
 11 MR. HAMILTON: Okay, what I've heard you say was
 12 not that you disagree with Mr. Santos' basic point to
 13 prevent this from becoming a legal question, but rather
 14 that we need to finesse the words.
 15 MS. CONNERY: I don't mind if it becomes an
 16 argument on the legal question, but I believe that we
 17 need to stake our ground and be consistent with what the
 18 Board has done in the past and what I believe it should
 19 do in the future, which is to consider the collocation
 20 of workers as part of the public.
 21 So whether we -- if we state it as written, I
 22 believe we are limiting ourselves and tying the hands of
 23 future boards, and I don't believe that that's something
 24 that we should be doing.
 25 MR. HAMILTON: Mr. Santos, do you want to

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1 respond to that?
 2 MR. SANTOS: I would like to work with -- listen
 3 to Ms. Roberson first before I turn to the General
 4 Counsel.
 5 MR. HAMILTON: Okay. Ms. Roberson?
 6 MS. ROBERSON: I was going to say, I'm
 7 comfortable with that approach, adding in collocated
 8 workers, and then modifying this to do that. I don't
 9 have any problem with that whatsoever.
 10 MR. HAMILTON: Mr. Santos?
 11 MR. SANTOS: Can I direct the keyboard? I think
 12 it would be easier.
 13 MS. CONNERY: Well, so I believe that we need to
 14 maintain that the collocated workers are a part of the
 15 general public.
 16 MR. SANTOS: Oh, okay, got it.
 17 MS. CONNERY: Parens, "to include collocated
 18 workers," closed parens. "And other workers" -- there's
 19 language here that can be better than this.
 20 MR. SANTOS: "At the site," I guess? Keep that
 21 part?
 22 MS. CONNERY: "With responsibilities."
 23 MR. SANTOS: Oh, okay, sorry.
 24 MS. CONNERY: "And other workers with
 25 responsibilities for safety or for ensuring adequate

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1 protection," either one.
 2 MR. SANTOS: Okay. I understand. I have no
 3 issue with that.
 4 MR. HAMILTON: Okay. I'm hearing no -- seeing
 5 no more discussion, you want do to go on to the next
 6 one?
 7 MR. SANTOS: Yeah, the next one. So just for
 8 consistency, I'm just going to copy and paste this into
 9 the next one, which is -- is the same thought, right
 10 here. Okay, how do I save this?
 11 MR. BIGGINS: Why don't you save it with a new
 12 name so your original document --
 13 MR. SANTOS: Yes, that's right. Desktop. It's
 14 in desktop?
 15 MR. DWYER: Current folder.
 16 MR. SANTOS: Current folder. Here.
 17 Okay. The next one. When we say just the
 18 public, I just added "and the workers" just to keep the
 19 theme consistent. So that was the one on the next page
 20 there.
 21 MR. HAMILTON: Ms. Connery, are you okay with
 22 that?
 23 MS. CONNERY: I'm sorry. Fine.
 24 MR. SANTOS: I deleted the word "significantly,"
 25 because we don't qualify it. So it just says

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1 "increase" -- whoops, sorry. "Increased for several
 2 postulated accidents."
 3 MR. HAMILTON: Anybody have any comments on
 4 that?
 5 MS. CONNERY: No.
 6 MS. HERRERA: I think we're missing a page.
 7 MS. CONNERY: We're missing a page.
 8 MS. HERRERA: We're missing a page on this.
 9 MR. SANTOS: Can we make sure the -- it's
 10 corrected.
 11 MR. HAMILTON: There's a page missing, but
 12 that's it.
 13 MR. SANTOS: I deleted the word "significantly,"
 14 because it's not qualified.
 15 MR. HAMILTON: I'm not hearing any comments from
 16 Board members. Is there anything that the technical
 17 staff had attached any special significance to the word
 18 "significantly?"
 19 MS. HERRERA: Tim?
 20 MR. DWYER: No.
 21 MR. SANTOS: Okay. And the conclusion, it's not
 22 that I disagree, but I think the main thought is in
 23 capturing the first paragraph, and if we focus the
 24 attention on the actual recommended actions, we will not
 25 run the risk of misinterpretations. So I think it's

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1 just a deletion for simplification, and I will walk you
 2 through how all those concepts are still captured in my
 3 proposed amendment for the recommendation.
 4 So that's why I proposed the deletions, and I'll
 5 show you that we're not losing --
 6 MS. CONNERY: So I don't believe that I agree
 7 with --
 8 MR. SANTOS: Okay, go ahead.
 9 MS. CONNERY: -- hold on. I'm trying to find
 10 the page we're on.
 11 MR. HAMILTON: Let's wait for Ms. Connery, she
 12 wants to make a comment.
 13 MS. CONNERY: Catch up. So there's kind of a
 14 method, I believe, to the madness of having a conclusion
 15 that's more than two sentences long, and then separating
 16 that from the recommendation.
 17 MR. SANTOS: So what I --
 18 MR. HAMILTON: Let her finish.
 19 MR. SANTOS: I'm sorry.
 20 MS. CONNERY: So, in particular, again, adding
 21 back in "the defense waste processing facility," I don't
 22 believe that it's necessarily repetitive. I think that
 23 it -- for those who aren't going to be taking the
 24 actions, it reinforces the challenges that we're
 25 wrapping up in the beginning section of the

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1 recommendation.
 2 MR. HAMILTON: Say that one more time. I'm not
 3 sure I followed you.
 4 MS. CONNERY: I don't think that it's
 5 extraneous.
 6 MR. HAMILTON: That?
 7 MS. CONNERY: Yes. I don't think it's
 8 extraneous.
 9 MR. HAMILTON: Okay, Mr. Santos?
 10 MR. SANTOS: I don't disagree. It's more for a
 11 style. So what I want to do first is walk through the
 12 revised recommendation, explain my rationale, and then
 13 if we need to make commensurate changes to expand on the
 14 conclusion, we could do that.
 15 MS. CONNERY: Well, I guess my question is
 16 what -- why is it offensive to have it in there?
 17 MR. SANTOS: No.
 18 MR. HAMILTON: What I think I heard Mr. Santos
 19 say is that he wants to put that -- this particular
 20 discussion momentarily on hold, make the recommendation
 21 and then come back to that.
 22 MR. SANTOS: Correct.
 23 MR. HAMILTON: He wants to do his recommendation
 24 first and then we will come back to that topic.
 25 MR. SANTOS: So the first thing I want to do is

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1 I wanted to list out, if you look at the screen, the
 2 facilities of concern. So I am going to add the DWPF.
 3 Did we list it out? Let's see. Have I got that right?
 4 MR. HAMILTON: Um-hmm.
 5 MR. SANTOS: And this is based on our previous
 6 discussion here today. Okay?
 7 So what I did is to kind of simplify and come up
 8 with a flow of actions. So the first thing is, for all
 9 of these facilities, we need to have the Department
 10 recommend to the Department that they update the DSA to
 11 reflect the atmospheric dispersion value. So first for
 12 all these facilities, go ahead and update your DSA.
 13 That's number one.
 14 Number two, as they go through that exercise, or
 15 in parallel, have them re-assess the inherent level of
 16 conservatism, as DOE themselves points out in their
 17 response to us, and revalidate the effectiveness of the
 18 credited safety controls, including the credit safety
 19 management programs that we know that they relied on,
 20 including today, to protect the public and the workers.
 21 I can simplify and delete this parenthetical so it
 22 doesn't get confusing with the previous discussion we
 23 had, and just simply leave it at that, if that's okay.
 24 If you think it will make it simpler, Ms. Connery.
 25 MR. HAMILTON: Ms. Connery, do you have anything

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1 to say about that?
 2 MR. SANTOS: And then --
 3 MR. HAMILTON: Let's let her answer.
 4 MR. SANTOS: Sorry, sir.
 5 MS. CONNERY: Well, I don't think you have to --
 6 you can stop at the end of the parenthetical, "to
 7 protect the public and worker," I think at that point in
 8 time they understand what they're saying.
 9 MR. SANTOS: Yes. Okay.
 10 MS. CONNERY: But for all of these, again, I
 11 would like to get the staff's view on the rejiggering --
 12 number one, I have no problem with it, but I want to
 13 make sure that we haven't lost anything between your
 14 recommendations and theirs once you're done.
 15 MR. HAMILTON: Let's try to let him finish his
 16 recommendations here and then we'll do exactly that.
 17 MR. SANTOS: So number two, after they did that
 18 re-assessment, I add in the sentence, "where necessary,
 19 implement compensatory informal measures as formal
 20 controls," which is identical to the thought the staff
 21 proposed in page 3 of their original one, in tab 7,
 22 where they say, "complement appropriate measures to
 23 control and protect their workers."
 24 So I'm preserving their new one that the staff
 25 had, in that last sentence of number 2. So where

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1 appropriate and necessary, yes, implement compensatory
 2 measures.
 3 MR. HAMILTON: Okay.
 4 MR. SANTOS: And then the third one is simply go
 5 ahead and implement the updated DSA, and all the safety
 6 control strategies to ensure adequate protection of the
 7 workers. So it's a simplification of the one that staff
 8 had, but it covers the intent. The staff originally had
 9 "as appropriate, develop a plan to reduce the hazards,
 10 implement new controls and upgrade existing safety
 11 controls." I -- I cover all of that by implementing the
 12 updated DSA and safety control strategies. I have no
 13 objection to adding words, but I think it's captured by
 14 that.
 15 So again, I'm not losing the thought that the
 16 staff wanted to communicate. Obviously we'll receive
 17 input from them, but as an original amendment, I'm open
 18 to suggestion. I think this cleans up the logic, it
 19 makes one, two and three applicable to all the
 20 facilities of concern, and it just -- I just think it
 21 flows neatly of what we want the Department to do.
 22 MR. HAMILTON: Okay, I'm going to ask
 23 Ms. Connery if she has any comments and then I'm going
 24 to go to staff and see if they agree or have any deltas
 25 between this.

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1 MS. CONNERY: I don't have any comments at this
 2 point.
 3 MR. HAMILTON: Ms. Roberson, did you have
 4 something?
 5 MS. ROBERSON: I don't have any yet.
 6 MR. HAMILTON: I would like to hear from the
 7 staff and Mr. Santos' changes and whether it materially
 8 affects what we're saying.
 9 MS. HERRERA: I'm just going to say a couple of
 10 introductory things and then I will turn it over. I
 11 think according to Mark's comment, DWPF is sort of a
 12 subset of liquid waste operations, so we might should
 13 clarify that in the front sentence there. Just so we
 14 can say including DWPF, or something like that, instead
 15 of calling out DWPF separately on the top sentence.
 16 MR. SANTOS: I will accept that.
 17 MS. HERRERA: The other piece is I agree with
 18 what Ms. Connery started to say, that I think the
 19 conclusions have to clearly lay out what we found in
 20 order to -- in order for the recommendations to flow
 21 from them. I don't think it's -- it's good to summarize
 22 in this situation. I think they should be called out so
 23 that it's very clear where the recommendations are
 24 coming from.
 25 I think there's a little bit of slippage in the

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1 rewrite, just because we had the back and forth with DOE
 2 where we agreed that DWPF may not need compensatory
 3 measures, but then we may want to say, okay, that they
 4 do have -- they do update their DSA.
 5 I understand that the "where necessary" is --
 6 clause is meant to account for that, but it sort of --
 7 it doesn't quite capture the exact back and forth that
 8 occurred with DOE in the response to the recommendation,
 9 but that -- it's still technically correct.
 10 MR. HAMILTON: I'm not sure what you mean. It
 11 didn't capture the back and forth.
 12 MR. SANTOS: Is it incorrect?
 13 MS. HERRERA: It's not incorrect. It's not
 14 incorrect.
 15 MR. SANTOS: Okay.
 16 MS. HERRERA: And I may have not followed the
 17 discussion correctly, but it seems to me that the
 18 compensatory measures at DWPF now do not need to be
 19 updated because they only get to 9 rem, or something
 20 like that. So we said, "where necessary, implement
 21 interim compensatory measures," which is not incorrect,
 22 but it just sort of doesn't account for the back and
 23 forth that occurred with DOE with regard to DWPF in
 24 the -- after the draft recommendation was sent. That's
 25 all I'm saying.

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1 MR. HAMILTON: Okay.
 2 MS. HERRERA: That's all the comments that I
 3 have. That's it. But I would want to hand it over to
 4 both Tim --
 5 MR. HAMILTON: Before you do, Mr. Santos wanted
 6 to ask you a question.
 7 MR. SANTOS: So I appreciate that input. I
 8 agree incorporating the clarification and to including
 9 the DWPF there. To what the rest of the DWPF on the
 10 compensatory measures, I think that that's why I added
 11 the word "necessary." If these were to get approved and
 12 accepted, they could tell us back on their IP or what
 13 have you that, hey, "there's no need for compensatory
 14 measures on DWPF because" -- you'll have that
 15 documented. So I understand what you're saying. I
 16 think this covers that.
 17 MS. HERRERA: Right. It's not incorrect.
 18 MS. CONNERY: Before we go.
 19 MR. HAMILTON: Ms. Connery?
 20 MS. CONNERY: So I'm sensitive to the fact that
 21 you had a resident inspector spend three hours with DWPF
 22 to actually go over this, and that we had incorrect
 23 numbers and assumptions in our first draft. So to split
 24 the baby on that issue, I'm -- I would be amenable --
 25 personally I would be amenable to actually just dropping

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1 a footnote when you parentheticalize DWPF and say "noted
 2 that the Secretary or Under Secretary made mention the
 3 fact that they won't be needing compensatory measures
 4 because of the lowering of the consequences," or
 5 something to that effect. That way we don't dilute the
 6 recommendation or what have you, but then at least we
 7 can capture the fact that Mark spent a considerable
 8 amount of time and detail that we don't want to know
 9 about, that we could actually draw up.
 10 MR. HAMILTON: Is this a specific request of Mr.
 11 Santos to change his amendment to include a footnote?
 12 MS. CONNERY: Well, no, because that amendment
 13 isn't on the floor at this point in time, so it's simply
 14 an offering up --
 15 MR. HAMILTON: The draft amendment.
 16 MS. CONNERY: I'm offering it as a friendly --
 17 MR. SANTOS: Sure, that's what I'm asking for.
 18 MR. HAMILTON: To Mr. Santos?
 19 MS. CONNERY: And the staff. I mean, I want the
 20 staff -- they're still reacting, because there had been
 21 a back and forth.
 22 MR. HAMILTON: Ms. Roberson? And then I'm going
 23 to come back to you.
 24 MS. ROBERSON: I almost agree. And I almost
 25 agree because, I honestly, and maybe the staff can tell

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1 us, I'm not sure of the pedigree of the analysis that's
 2 done. So I'm comfortable saying we understand your
 3 preliminary analysis, but I'm not -- I mean, I don't
 4 know why we would go further than that. I'm not aware
 5 that NNSA has bought off on anything yet. And things do
 6 change.
 7 MR. HAMILTON: Okay, Mr. Santos, what I would
 8 like to do is Ms. Herrera wanted to ask her staff to
 9 make some other comments, can I ask her to do that
 10 first?
 11 MR. SANTOS: I wanted a point on this point.
 12 MR. HAMILTON: Go ahead.
 13 MR. SANTOS: First of all, I agree with
 14 Ms. Connery and I want to thank the staff, I know
 15 there's a lot of work done behind this. But I think
 16 what I'm looking for here is the formality. And
 17 informing the Board and letting us know and providing
 18 those, you know, documents.
 19 I will put a footnote that we can work on, if we
 20 want to clarify -- aspects of it, without losing the
 21 ability to get a formal response back.
 22 MS. CONNERY: Right, and I acknowledge that, and
 23 I think Ms. Roberson's point of saying preliminary -- I
 24 think it's important to acknowledge the fact that the
 25 Department formally replied to us with this, and we did

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1 a followup. So even though it wasn't formal in terms of
 2 Mark's conversation, it is formal in terms of we got
 3 that in documentation back from the Department as a
 4 clarifier, and I think if we ignore that, we kind of
 5 ignore it at our peril, and I would rather not treat the
 6 Department shoddily.
 7 MR. SANTOS: So, before we turn it over, what I
 8 would like to say to Ms. Connery, I don't disagree that
 9 we should have the conclusion be expanded, all I ask is
 10 what I'm going to propose is that that conclusion will
 11 retain some of this, but that it will now better reflect
 12 the flow here. Do you see what I'm saying? So I'll --
 13 MR. HAMILTON: What I've heard you say is you're
 14 going to work with --
 15 MR. SANTOS: Yes.
 16 MR. HAMILTON: -- Ms. Connery and the tech staff
 17 to get the language just right?
 18 MR. SANTOS: Of the conclusion.
 19 MR. HAMILTON: We don't have a -- we don't have
 20 a delta --
 21 MR. SANTOS: Correct.
 22 MR. HAMILTON: -- what we're trying to achieve,
 23 we just want to craft the words so everybody agrees.
 24 MR. SANTOS: So we will expand the conclusion,
 25 but I will work in such a way that it will match this

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1 flow.
 2 MR. HAMILTON: Ms. Herrera, you wanted to give
 3 your people an opportunity to speak some more. So whom
 4 would you like to get to talk?
 5 MS. HERRERA: Tim, do you have anything to add?
 6 MR. DWYER: The first thing I will say is we and
 7 GC and GM are required to give you input based on the
 8 final form of the amendment, and I want to make sure
 9 that what I say now is not our input.
 10 MS. CONNERY: It's your expert opinion.
 11 MR. DWYER: It is just opinion. The site is
 12 going to push back and say they already have a plan for
 13 updating all these DSAs, so what you are really asking
 14 them to do is go faster. The site is going to say, what
 15 is required in this second bullet? What is a
 16 re-assessment of inherent levels of conservatism? And
 17 the site -- the site is going to say that the places
 18 where they have to implement compensatory measures are
 19 indicated by the screening that they did in July, the
 20 safety strategy that they submitted.
 21 We will, of course, provide written input, as
 22 the Board's operating procedures require, but on its
 23 face, we have concerns with how this is going, and we
 24 were struggling this morning to try to write that down
 25 and realized we could not do it by 1:00. So we don't

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1 have that input.
 2 MS. CONNERY: When you say "the site," do you
 3 mean the contractor or do you mean the federal?
 4 MR. DWYER: Yes, both.
 5 MS. CONNERY: Okay, so I share concerns with
 6 re-assessing inherent levels of conservatism, because I
 7 don't know what that means. It doesn't -- it's not
 8 concrete to me, but when you say "the effectiveness of
 9 the safety controls," what's the challenge with that? I
 10 mean, I guess I'm trying to say how is this materially
 11 different from the original language? What's the delta?
 12 MR. HAMILTON: Mr. Dwyer?
 13 MR. DWYER: No, I stopped short of revalidate
 14 the effectiveness.
 15 MS. CONNERY: Okay.
 16 MR. DWYER: I don't understand what "re-assess
 17 the inherent level of conservatism" means, and I believe
 18 I would have a hard time explaining that to personnel in
 19 the federal office and the contractor's office when they
 20 say, "What is the Board expecting?"
 21 MR. HAMILTON: Ms. Roberson?
 22 MS. ROBERSON: I want to comment on the second
 23 part, so I'll let them continue this conversation. I'm
 24 going to comment on what they're going to tell us.
 25 MR. HAMILTON: So, Mr. Santos, did you want to

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1 address what Mr. Dwyer said here?
 2 MR. SANTOS: Yes. Again on the first topic, I'm
 3 looking for formality from the Department of Energy. So
 4 whether they have plans or actions, they can answer
 5 number 1 formally. So I think that's why I used the
 6 word update, and it's not different from the words the
 7 staff proposed to the Board. They used -- I want to go
 8 to tab 7 real quick. Item 2 starts "Update the DSAs."
 9 So the staff proposal has those exact words.
 10 Regarding re-assessing the inherent level of
 11 conservatism, I'm glad you asked, I want to reference
 12 you to the letter from Under Secretary for Science,
 13 Mr. Dabbar, dated February 15th. The third paragraph,
 14 DOE's own words, "contractor review of the K-Area
 15 complex documents safety analysis that has identified
 16 existing conservatism that essentially offsets projected
 17 dispersion analysis result increase." And they go
 18 through an explanation.
 19 So they had already done a conservatism
 20 assessment as basis for the later feedback they sent us.
 21 So I don't agree with your statement that they don't
 22 understand what that means when they themselves are
 23 using that as a basis on their feedback to the Board.
 24 So I'm using their own words, and expanding it beyond
 25 the K-Area complex.

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1 MS. CONNERY: What does "inherent" mean in that
 2 scenario? Inherent to what?
 3 MR. SANTOS: When he talks to the conservatism
 4 being inherent to the context, to the facility, to the
 5 operations. So if the problem is the word "inherent,"
 6 we can delete -- I can delete the word "inherent." I
 7 just added that to make a reference to context, but I
 8 can take it out, if it's creating confusion.
 9 MR. HAMILTON: Mr. Dwyer, do you want to respond
 10 to this, or do you have any other things you want to
 11 add?
 12 MR. DWYER: I believe that the letter did not
 13 assess a level of conservatism, it was merely noting
 14 that in their DSA, when you were increasing the dose
 15 consequence because of putting in the new dispersion
 16 calculations, they could also knock down the source term
 17 because they had margin in the assumptions they made on
 18 the front end of the calculation.
 19 So I understand what you're saying, I also
 20 understand that there will be questions in that, and
 21 then I'll go back to what I started with. This is not
 22 my input, this is an off-the-cuff discussion at a closed
 23 meeting.
 24 MS. CONNERY: Is it possible to phrase that in a
 25 way that they would understand it?

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1 MR. DWYER: Of course it's possible, this is
 2 just "as written."
 3 MR. HAMILTON: Mr. Santos is holding up the
 4 letter saying they've already done it. So that's your
 5 point, right?
 6 MR. SANTOS: That's my point, and it's in their
 7 letter.
 8 MR. HAMILTON: I would like to go to
 9 Ms. Roberson, she has a question.
 10 MS. ROBERSON: So on this one, I look forward to
 11 hearing back from the staff as well, too. But two
 12 points I want to make. One, I go back to the letter
 13 from -- on tritium that they provided in response to the
 14 one previously where they provided their qualitative
 15 analysis as to why they had margins. So I think if we
 16 word it right, it has meaning.
 17 MS. CONNERY: Qualitative analysis.
 18 MS. ROBERSON: Number two, and I understand what
 19 the staff is saying about the site, and DOE and NSA will
 20 come back and say, well, we have a problem. So I guess
 21 my response is, well then you got your IP done. That's
 22 what we should say. If they have a plan, then their IP
 23 is essentially done.
 24 MR. SANTOS: May I make a comment?
 25 MR. HAMILTON: Okay. Are you good?

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1 MS. ROBERSON: That's it.
 2 MR. HAMILTON: I'm going to call on you, Mr.
 3 Santos, but are we about ready to go back up to the
 4 Conclusion section?
 5 MR. SANTOS: Almost. Yes, the answer is yes.
 6 And the --
 7 MR. HAMILTON: Okay, why don't we do that now.
 8 MS. HERRERA: Can I ask for input from the site,
 9 too, just to make sure that they're comfortable with --
 10 MR. HAMILTON: Sure, absolutely.
 11 MS. HERRERA: Mark and Zach, are you comfortable
 12 with the changes that are being proposed? Or do you
 13 have comments?
 14 MR. SAUTMAN: I guess --
 15 MS. HERRERA: Go ahead.
 16 MR. SAUTMAN: This is Mark Sautman. I guess I'm
 17 told that what the wording currently says is that the
 18 K-Area complex, the DWPF, the CST, the tritium
 19 facilities and the liquid waste operations facilities,
 20 you could delete the liquid waste operations facilities,
 21 because that includes three facilities, DWPF, CST and
 22 Saltstone, and this isn't an issue for Saltstone. And
 23 you've already said DWPF and you've already said CST.
 24 So just an observation.
 25 MR. HAMILTON: Okay.

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1 MR. SANTOS: I can accept that.
 2 MR. McCABE: This is Zach McCabe. I'm sorry, am
 3 I interrupting?
 4 MR. HAMILTON: No, your turn. Go ahead.
 5 MR. McCABE: I understand the -- I believe I
 6 understand the edits. I think, you know, I'd like to
 7 see them written down as they have changed since the
 8 last time before I provide formal comments, and
 9 obviously I'll do that through the OTD comments through
 10 my OTD.
 11 MR. HAMILTON: Thank you. Now I'm going to ask
 12 Mr. Santos to go up to the Conclusion section that we
 13 had held in abeyance. Go ahead, Mr. Santos.
 14 MR. SANTOS: I was reflecting on Ms. Roberson's
 15 comment, and maybe it would be worthwhile to acknowledge
 16 some of the language by the NSA in their March 5th
 17 letter, because I think it makes our case stronger.
 18 MS. ROBERSON: This is the old letter?
 19 MR. HAMILTON: The new letter.
 20 MR. SANTOS: The new letter, in our conclusion.
 21 The same way we are acknowledging that DOE has taken
 22 actions to reduce the hazards at K-Area, we can
 23 acknowledge that they consider some of these events
 24 credible and we don't deny those consequences. So I
 25 will incorporate that in the revised conclusion. I will

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1 come around and work on that.
 2 I want to go to the other changes real quick.
 3 MR. HAMILTON: Well, do you want to say anything
 4 else about the conclusion?
 5 MR. SANTOS: That I agree with Ms. Connery and
 6 Ms. Herrera, we should have a conclusion that flows, and
 7 that reflects what we're going to say to them in the
 8 recommendation and I need to work the words with them.
 9 MR. HAMILTON: Okay.
 10 MR. SANTOS: And I might incorporate some of
 11 these thoughts here.
 12 MR. HAMILTON: Go ahead.
 13 MR. SANTOS: Unless somebody else wants to add
 14 anything.
 15 Back to the Risk section, I think, if this is an
 16 issue here. If we go to -- what is this page, RA-2?
 17 MS. ROBERSON: Do we have all these pages?
 18 MS. CONNERY: If this is the amendment, no.
 19 MR. SANTOS: So we go to below the table RA-2
 20 there. So, two things. First of all, I'm going to note
 21 that I agree with Ms. Connery's comment on the table for
 22 the DWPF, so I want to just make a note here. I'll just
 23 add the story here, we'll have to work on it to address
 24 your point.
 25 I deleted the collocated number because I'm

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1 referring to both facility workers and collocated
 2 worker, because in the table from the current DSA, they
 3 both have high consequences, okay? So the statement
 4 will still be accurate by deleting the word
 5 "collocated," and it will be inclusive of both. That's
 6 why I deleted the word "collocated."
 7 Any objections with that change, the first
 8 sentence there?
 9 MS. CONNERY: As long as they interpret "worker
 10 doses" to mean both.
 11 MR. SANTOS: Yeah. And we'll get to that,
 12 because I included the table, so that's why. And "high"
 13 means the same for both. Okay?
 14 MR. HAMILTON: Ms. Connery has a comment.
 15 MS. CONNERY: So I'm just trying to figure
 16 out -- so substantially all you did was remove the
 17 factor of 7.42?
 18 MR. SANTOS: Yeah, I'm changing this real quick.
 19 MS. CONNERY: And you added the number 1,000
 20 rem?
 21 MR. SANTOS: Yeah, I've got to delete this, and
 22 I'll tell you why.
 23 MS. CONNERY: Why?
 24 MR. SANTOS: Right there. Because for the
 25 collocated worker, yes, the factor that the site

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1 estimates is 7.42, that's not the case for facility
 2 worker, because they don't necessarily do the same type
 3 of calculations. So it is true that it will increase,
 4 but by how much is not clear, okay?
 5 Also, we assessed that -- our staff has not
 6 performed detailed calculations behind those numbers, so
 7 I would be concerned to include a number for which we
 8 don't provide the supporting analysis necessarily.
 9 MS. CONNERY: Where did it come from originally?
 10 MR. SANTOS: It comes from the site analysis.
 11 MS. CONNERY: So does the table.
 12 MR. SANTOS: I'm sorry?
 13 MS. CONNERY: So does the table you put in
 14 there.
 15 MR. SANTOS: Yes, and there's reference for
 16 that. So all I did was delete the factor of 7.42,
 17 because that factor only applies to collocated worker,
 18 it does not apply to facility worker.
 19 MS. CONNERY: Okay. I was just --
 20 MR. SANTOS: So that's why I deleted the factor
 21 for that.
 22 MS. CONNERY: I was just keying off the fact
 23 that you said that we hadn't done an independent
 24 calculation of the 7.42, but we also haven't done an
 25 independent calculation on their chart.

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1 MR. SANTOS: That's right, but for the others,
 2 we put a reference. So that's why -- you're going to
 3 see that. So one thing I'm going to change here, okay,
 4 is where it says, "the public dose consequences from
 5 site basis accidents are expected" -- here we go. I'll
 6 add this real quick. Let me just make a change here.
 7 And that's the reference. So what I did is make
 8 sure we quote where the numbers came from, right, and
 9 provide that reference. Because that way, if our staff
 10 in the future wants to perform additional in-depth
 11 analysis on where to find errors on that, we can call it
 12 out, as opposed to the Board and its staff said the
 13 number is that, and they anchor it to it, and then they
 14 hold us accountable for that. In fact, the numbers came
 15 from their analysis. So that's why I added that
 16 distinction and provided the reference. But it keeps
 17 the same theme.
 18 And then I added this sentence here at the end,
 19 I think it's important. A lot of these controls rely on
 20 workers staying and performing their actions. If those
 21 workers are impaired, you could argue that the
 22 effectiveness of the controls to protect the public
 23 would be affected. So that's all I'm trying to
 24 communicate there.
 25 MR. HAMILTON: Ms. Connery?

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1 MS. CONNERY: I believe that to be true in
 2 principle; do we have any factual basis for that on this
 3 particular site? And are you talking about the workers
 4 in the tritium facility or collocated workers who may be
 5 affected by a release and have to perform a safety
 6 function in other facilities?
 7 MR. SANTOS: I used the word "workers"
 8 intentionally because in some cases, like emergency
 9 preparedness programs, you may have workers that are
 10 both facility workers and collocated workers that
 11 provide functions as part of the emergency program.
 12 MS. CONNERY: Yeah, I just want to make sure
 13 that we aren't overstating the case with regards to the
 14 effects to the public. Do we have any evidence that a
 15 tritium release could affect a worker or collocated
 16 worker who performs a safety function and therefore a
 17 resultant release to the public would ensue? Is there
 18 any evidence to that effect?
 19 MR. SANTOS: It's a qualitative statement, I
 20 used the qualifiers.
 21 MS. CONNERY: Can I ask the staff? Does anyone
 22 think -- there may be evidence out there that I just
 23 don't know about, and I just want to know.
 24 MR. SANTOS: That's a fair question.
 25 MR. HAMILTON: Dr. Minnema?

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1 DR. MINNEMA: I will volunteer this one.
 2 MR. HAMILTON: Please identify yourself for the
 3 court reporter.
 4 DR. MINNEMA: This is Dr. Minnema, I'm the
 5 certified health physicist and radiologic safety officer
 6 for the organization.
 7 The answer is, given some of the doses within
 8 the facility and the nature of tritiated water vapor
 9 exposures, you are likely to get into the acute injury
 10 and perhaps acute fatality range with these exposures,
 11 you are unlikely to get into that -- you are likely to
 12 get into that within the first 24 hours. You are
 13 unlikely to get into the fact where there we are impeded
 14 in the short term from taking actions; however, you have
 15 to recognize that you are now asking people to sacrifice
 16 themselves for reducing doses to lower level, and DOE
 17 generally tends to avoid that.
 18 MS. CONNERY: Self-sacrifice?
 19 DR. MINNEMA: Yeah, I mean, so it's a tradeoff
 20 there. They will be able to perform functions within
 21 that first 24 hours; do you want them performing those
 22 functions is a different question.
 23 MS. CONNERY: So can I just ask, and I realize
 24 I'm putting you on the spot, Dr. Minnema. Could you --
 25 MR. HAMILTON: Whom are you asking?

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1 MS. CONNERY: Dr. Minnema. Would you support
 2 that statement, would you, as a staff member, would you
 3 stand by that statement?
 4 DR. MINNEMA: Can you scroll it up a little bit
 5 higher?
 6 MR. SANTOS: Yes.
 7 MS. CONNERY: I mean, I realize it's an "if"
 8 statement.
 9 MR. SANTOS: Yeah, with qualifiers.
 10 DR. MINNEMA: I would -- my -- rather than
 11 standing by or arguing with the word, I would say that
 12 the only people that ought to be in that area working
 13 after the accident are properly prepared and equipped
 14 emergency response people. They would have the proper
 15 PPEs to be able to operate in that area and perform the
 16 functions. All of the other workers should get out.
 17 And so it's not a question of whether or not
 18 they're impaired, it's a question on whether or not they
 19 should be there to begin with.
 20 MS. CONNERY: Physically there.
 21 MR. HAMILTON: Ms. Roberson?
 22 MS. ROBERSON: One consideration. When you go
 23 back to how we set this up in the beginning, we included
 24 collocated workers with the public. So I just want to
 25 make sure. Is that a consideration to what you're

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1 saying, Dr. Minnema?
 2 DR. MINNEMA: Collocated workers who have no --
 3 who have no role in emergency management need to be
 4 taken out as quickly as possible. They should not -- I
 5 mean, we should not consider them as a class of workers
 6 in this case. Does that answer your question?
 7 MS. ROBERSON: No.
 8 DR. MINNEMA: I see I don't --
 9 MS. ROBERSON: So my question, you're saying the
 10 first 24 hours.
 11 DR. MINNEMA: Yes.
 12 MS. ROBERSON: Basically it can't reach the
 13 public. Are you accounting for collocated workers? So
 14 if you're relying on emergency preparedness, and you
 15 evacuate buildings, that doesn't mean collocated workers
 16 have left the site.
 17 DR. MINNEMA: Correct. How can I best explain
 18 this? And I have studied this quite a bit recently, to
 19 answer some other questions. The -- I'm searching for
 20 the right words.
 21 MS. ROBERSON: I mean, we can get feedback from
 22 the staff later.
 23 MR. HAMILTON: Yeah, okay. Let's hold this
 24 question. We need some further staff input on this, but
 25 now is obviously not the proper time to do that. Are

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1 you good with that?
 2 MS. ROBERSON: Yeah, I'm good with that.
 3 MR. HAMILTON: Okay. Mr. Santos?
 4 MR. SANTOS: I changed the word intentionally,
 5 and we'll wait for feedback, from "impaired" to
 6 "impacted," just to make it a little bit more general.
 7 And not get caught up with the word "impaired."
 8 MR. HAMILTON: Ms. Connery?
 9 MS. CONNERY: Yes. I'm just clarifying. So
 10 there is the worker that is going to be affected in some
 11 way, there is the collocated worker who could or could
 12 not be affected. This sentence, I believe what Mr.
 13 Santos is getting at, is that whether that worker or
 14 that collocated worker, regardless of what he or she is
 15 doing, has to perform an accredited safety control
 16 function, and the postulation is, if they are unable to
 17 do so because of the tritium impact, that then there
 18 could be increased dosage to the public. That's the
 19 chain of events that I just want to make sure is not
 20 created.
 21 MR. HAMILTON: Ms. Roberson? Hang on.
 22 Ms. Roberson?
 23 MS. ROBERSON: You know, in line with what
 24 Ms. Connery just said, my comment is at the end of that,
 25 not at the beginning of that, not that collocated

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1 workers have functions to perform, but could they be
 2 impacted as a result of the failure to perform by the
 3 facility workers.
 4 MR. HAMILTON: What I'd like to do is see if we
 5 can capture the question or group of questions on this
 6 topic that the staff is going to flesh out and answer
 7 for us, and could somebody articulate those. I'm
 8 looking at Ms. Herrera.
 9 MS. HERRERA: So the first one, I believe, was
 10 is it a true statement that the consequences to the
 11 public would increase due to the impact to the workers
 12 due to the tritium release, and so that seems to be the
 13 first question.
 14 MS. CONNERY: Right, the ones who are performing
 15 the safety functions.
 16 MS. HERRERA: For the ones who are performing
 17 the safety functions.
 18 MS. CONNERY: Right.
 19 MS. HERRERA: The second question, I'm not sure
 20 if I totally got that, because I was writing down the
 21 first question.
 22 MR. HAMILTON: Ms. Roberson, would you
 23 articulate the second part of this, please.
 24 MS. ROBERSON: So the second part of it is,
 25 given the first part, when we talk about impact to the

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1 public, are we considering collocated workers that may
 2 also be trapped?
 3 MS. HERRERA: Okay.
 4 MS. CONNERY: So it's collocated worker, is it
 5 included in public or is it included in worker,
 6 basically.
 7 MS. ROBERSON: No, no, we've already included it
 8 in the public.
 9 MS. CONNERY: So we're including it in both. So
 10 the collocated worker who is impaired could actually
 11 affect other collocated workers by not performing the
 12 safety function to protect that second worker.
 13 MS. HERRERA: Okay.
 14 MR. HAMILTON: Okay.
 15 MS. CONNERY: Close enough?
 16 MR. HAMILTON: I think we've captured the task
 17 that the staff is going to work on, and, Mr. Santos, did
 18 you want to add to that?
 19 MR. SANTOS: Yes. So I would say, in addition
 20 to those questions, the key is look at the entire
 21 proposed words and comment on that. I think that's the
 22 simplest way to go about it.
 23 I would like to make a motion for the Board to
 24 consider.
 25 MR. HAMILTON: Hang on. We're down to the last

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1 five minutes.
 2 MR. SANTOS: That's why. It's related to time.
 3 MR. HAMILTON: Okay. Then let's make it quick.
 4 MR. SANTOS: I would like to make a motion to
 5 extend the duration of this closed meeting by half an
 6 hour.
 7 MR. HAMILTON: Do I hear a second?
 8 MS. ROBERSON: I'll second it.
 9 MR. HAMILTON: Ms. Roberson second.
 10 Any discussion?
 11 (No response.)
 12 MR. HAMILTON: General Counsel?
 13 MR. BIGGINS: Mr. Chairman, on the question to
 14 extend the time period, I would first like to confirm
 15 with our court reporter that she is available, and she
 16 says she is.
 17 MADAM REPORTER: I am.
 18 MR. BIGGINS: So on the question to extend the
 19 time period; Mr. Chairman?
 20 MR. HAMILTON: Nay.
 21 MR. BIGGINS: Ms. Roberson?
 22 MS. ROBERSON: Yes. I just seconded. Yes.
 23 MR. BIGGINS: Mr. Santos?
 24 MR. SANTOS: Yes.
 25 MR. BIGGINS: And Ms. Connery?

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1 MS. CONNERY: Yes.
 2 MR. BIGGINS: Three votes in favor, one opposed,
 3 the motion carries.
 4 MR. HAMILTON: Okay. Now, what I have on the --
 5 what we're discussing right now, I know Dr. Minnema
 6 wants to weigh in on something, and I think I don't have
 7 any questions over here right now. So, Dr. Minnema?
 8 DR. MINNEMA: Actually, I would like some
 9 clarification on the words and the questions a little
 10 bit. You have accidents where you will have physical
 11 injuries and physical trauma, and radiation exposures.
 12 When we talked about workers who are impacted, are we
 13 referring to both, or radiological in nature? Because
 14 the nature of the questions -- answers tend to be
 15 different. So it's a matter of clarification right now
 16 as to what you are referring to there.
 17 MR. HAMILTON: Mr. Santos, do you want to
 18 address that?
 19 MR. SANTOS: I'm intentionally not getting into
 20 one or the other, but talking about everything,
 21 including everything.
 22 DR. MINNEMA: Okay.
 23 MR. HAMILTON: Good.
 24 MR. SANTOS: To provide maximum flexibility.
 25 MR. HAMILTON: Okay.

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1 MR. SANTOS: Can I continue?
 2 MR. HAMILTON: Mr. Santos?
 3 MR. SANTOS: Okay. And the last change that
 4 goes along with this paragraph is to simply provide
 5 context, and it's by basically providing the
 6 consequences based on the current DSA for the accidents
 7 of concern that I previously referred that have high
 8 worker consequence, both collocated and facility
 9 workers.
 10 So I just took the staff's input and the
 11 appropriate reference and put it in. And the only rems
 12 that I added -- that I kept on the collocated worker
 13 were those that exceeded the thousand, because we made
 14 the -- I made the change that while high means over 100
 15 rem, there are some that are over 1,000, so the obvious
 16 question is, which ones, so that's why I kept those.
 17 And so that's the change.
 18 MR. HAMILTON: Okay. Ms. Connery?
 19 MS. CONNERY: So a couple of questions for the
 20 staff on this. One -- well, I guess this is for Mr.
 21 Santos, which rev of the DSA? Is this the one that's
 22 being reviewed now or is this the previous one that's
 23 enacted?
 24 MR. SANTOS: The current one that is implemented
 25 that was provided by the staff in the package.

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1 MS. CONNERY: So the request of the staff is in
 2 the DSA that is being considered right now, do we know,
 3 is this table in there, and is it -- does it look the
 4 same?
 5 MR. DWYER: That's part of the input that we
 6 will provide in writing. I'm not willing to say we'll
 7 stand behind that table right now.
 8 MS. CONNERY: No, I just want to know, but is
 9 there a different -- is there one in the current DSA
 10 that's being reviewed that might look different from
 11 this? Can you say yes or no?
 12 MR. DWYER: I'm not willing to say.
 13 MR. HAMILTON: Mr. Tontodonato may have input on
 14 this. Mr. Tontodonato, did you have input?
 15 MR. TONTODONATO: I am Richard Tontodonato, I am
 16 the Associate Technical Director for Nuclear Programs.
 17 I actually have two things to say on this. First, the
 18 important thing to note is in this table, the words
 19 1,000 rems are, those are unmitigated consequences. If
 20 you go over to the mitigated consequences in the current
 21 DSA, they are knocked down to either medium, which is
 22 under 100, or prevented. So that's an important thing
 23 to note.
 24 And the other thing I will say is that the new
 25 DSA -- the proposed DSA, which we have not discussed

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1 with the NNSA yet, one of the main changes is not
 2 crediting emergency preparedness, and so you lose that
 3 mitigation that they are crediting in this table. So
 4 you will end up with higher mitigated consequences,
 5 because they are not crediting safety programs like that
 6 in the new DSA that is still not approved, and we
 7 haven't discussed it with the site.
 8 MR. HAMILTON: Ms. Connery?
 9 MS. CONNERY: So I was going to actually ask the
 10 question about the emergency preparedness response
 11 because I understood that they weren't using that as a
 12 credited control. So I guess the question, the staff
 13 doesn't have to answer now, that I had when I saw this
 14 table in here, and I want to hear from the staff is I'm
 15 not sure how productive or counterproductive it is to
 16 have this table in there.
 17 My first instinct is that it's counterproductive
 18 for a couple of reasons, including the fact that they
 19 are reviewing the DSA. Nicole Nelson-Jean provided me a
 20 second reason to reconsider it, and along the lines of
 21 what Mr. Santos is proposing, which is to include part
 22 of this letter in the conclusions at the beginning of
 23 the document, I would be in favor of replacing the table
 24 with simply an addendum that is NSA's own document,
 25 rather than outing numbers that we can't be assured of.

1 That's my first inclination, not having heard
 2 from the staff, but I want the staff to give feedback as
 3 to not only the factual accuracy, but I'd also like to
 4 know what they think the impact would be with regards to
 5 our relationship to the sites and whether or not it's a
 6 useful thing for us to provide this documentation at
 7 this time.
 8 MR. SANTOS: May I?
 9 MR. HAMILTON: Okay. Was there a question
 10 behind that, Ms. Connery, or is that just a statement?
 11 MS. CONNERY: That is a question for the staff
 12 to come back to us with.
 13 MR. HAMILTON: Okay. Have you captured that?
 14 MS. HERRERA: At a future time, yes.
 15 MR. HAMILTON: Mr. Santos?
 16 MR. SANTOS: I just to clarify and answer
 17 Ms. Connery's question, part of your packet, tab 9, we
 18 do have the numbers for the proposed, not-yet-approved,
 19 not-yet-revised DSA with the unmitigated consequences,
 20 and in a lot of cases they go up. And they go up by a
 21 lot. For example, the one on -- on the fire, the
 22 current implemented DSA is 6,200, that goes up to
 23 20,200. That might come down -- yeah, unmitigated,
 24 under the unmitigated column. That goes down to maybe
 25 17,000 after all the math is polished.

1 In terms of the sensitivities, some of these
 2 numbers and accidents have already been discussed by
 3 previous boards in public settings. In 2011 there was a
 4 public hearing, which we have been provided a
 5 transcript, where the 6,200 number, which is the highest
 6 one in this whole table, was publicly discussed, there's
 7 follow-up emails.
 8 So the reason I included it is because given
 9 this is an issue of adequate protection of the public, I
 10 think it's important that we are complete and provide
 11 the context of what we are talking about.
 12 Having said that, I look forward to the staff
 13 input and any other sensitivities that might not be
 14 readily apparent to me, and I will take those into
 15 consideration. And I might decide to do more than one
 16 amendment if that will make it easier for Board members
 17 to disposition.
 18 MR. HAMILTON: Okay. Thank you.
 19 Ms. Roberson?
 20 MS. ROBERSON: One straightforward comment, and
 21 it may require site response from maybe Mr. Tontodonato.
 22 We're saying absolutely we are not going to credit the
 23 emergency response program. How do we know that?
 24 MR. SANTOS: Correct.
 25 MR. TONTODONATO: I've said many times in what I

1 have said, draft DSA, not approved.
 2 MR. SANTOS: Right. Good point.
 3 MR. TONTODONATO: Not discussed with us. I'll
 4 say it again.
 5 MS. ROBERSON: Okay.
 6 MS. CONNERY: Well, so just to follow up.
 7 MR. HAMILTON: Ms. Connery?
 8 MS. CONNERY: I wasn't here for -- apparently
 9 there was a discussion about a letter having to do with
 10 the tritium DSA which took place when I wasn't here, so
 11 I don't have the benefit of that conversation and I have
 12 not heard back from the staff to reschedule that with
 13 me. So I apologize if I'm a little step behind, but
 14 given that fact, again, we know they're in the middle of
 15 revising their DSA. I'm not worried about having
 16 conversations about these numbers in public, I'm
 17 having -- my issue is with the fact that a good-faith
 18 effort has been made to go down and do a staff review on
 19 the current DSA, so to put numbers on the previous DSA
 20 or even the draft DSA seems a little disingenuous with
 21 regards to our dealings with the Department as their
 22 oversight.
 23 That's the concern that I have, it's not about
 24 discussing these numbers in public. We talked about
 25 this the first time we had this meeting to actually

1 write the draft recommendation, and we chose
 2 specifically not to include tritium in the table for
 3 those purposes. So that's why I'm reiterating my
 4 concern with regards to whether or not this table is a
 5 useful part of the document. I don't know that it adds
 6 anything to the recommendation.
 7 I have no problem with having this conversation
 8 with the Department or the site in a conversation such
 9 as a hearing, but to put it in a document when we know
 10 that it's being revised right now, and that we actually
 11 have lines of inquiry at the site to perform a staff
 12 evaluation of the new DSA seems to be disingenuous.
 13 MR. HAMILTON: Mr. Santos?
 14 MR. SANTOS: Again, I look forward to -- for the
 15 talk on that. I just think it helps make the case and
 16 takes it a little bit from the philosophical into some
 17 of the specifics when you talk about some of the
 18 consequences, that even the NSA themselves realize. If
 19 I'm a member of the public, and I'm looking at this, and
 20 people talk about high-dose consequences to collocated
 21 worker, what are we talking about? So I feel it
 22 presents a more complete picture.
 23 MS. CONNERY: I challenge you to find a member
 24 of the public that's going to know the consequence of a
 25 rem, you know, unless they are an outside organization

1 that consistently looks at this. I was surprised at
 2 9/11 and I was surprised again at Fukushima.
 3 MR. SANTOS: Is that what we're hearing from the
 4 people at Hanford? That they don't know what their
 5 exposures are?
 6 MS. CONNERY: Yes.
 7 MR. HAMILTON: Anything else, Mr. Santos?
 8 MR. SANTOS: No.
 9 MR. HAMILTON: You good?
 10 Ms. Roberson?
 11 MS. ROBERSON: I just want to make sure I
 12 understand where we are. We are going to get feedback
 13 from the staff, and some specific information to
 14 different Board members. Mr. Santos is going to
 15 re-evaluate his amendment.
 16 MR. SANTOS: Yes.
 17 MS. ROBERSON: Changes to the amendment. And so
 18 we Board members will see a new proposal?
 19 MR. SANTOS: Yes.
 20 MR. HAMILTON: And correct me if I'm wrong, this
 21 is really a draft amendment at this point?
 22 MR. SANTOS: Correct.
 23 MR. HAMILTON: It's not an amendment.
 24 MR. SANTOS: But after this meeting, I'm going
 25 to work with staff, I'm going to talk to individual

1 Board members, and I'm going to take what you saw today,
 2 and it might be more than one amendment to facilitate
 3 this position. But it will be consistent with what we
 4 discussed today.
 5 MR. HAMILTON: Just for clarity, the clock on
 6 this amendment -- on this draft amendment has not
 7 started yet, because it's still not an amendment, it's
 8 just a draft. So you're correct.
 9 Ms. Connery?
 10 MS. CONNERY: Do we need to take a Board action
 11 to extend the Yellow Folder process so that we have time
 12 for this amendment?
 13 MR. HAMILTON: That's really Mr. Santos is the
 14 one who's going to do this, so do you want to get an
 15 extension?
 16 MR. SANTOS: I think that's a great suggestion,
 17 and so I would like to ask the Board members, without
 18 objection, to extend the amendment process by one work
 19 week.
 20 MR. BIGGINS: That should be a public process.
 21 MS. CONNERY: So we should do a UC?
 22 MR. HAMILTON: So we need to do that outside of
 23 the closed meeting.
 24 MR. SANTOS: No problem.
 25 MR. HAMILTON: Thank you, General Counsel.

1 So we will do that outside of the closed
 2 meeting. Thank you. Okay? Anything else?
 3 Ms. Connery?
 4 MS. CONNERY: Is it time for a motion to
 5 adjourn?
 6 MR. HAMILTON: Yeah, I think so. Okay, let me
 7 call on the General Counsel to summarize any tasks, and
 8 you may want to defer to Ms. Herrera, unless you
 9 captured them all.
 10 MR. BIGGINS: So on the specific questions, I'll
 11 defer to Ms. Herrera; however, I would like to also ask
 12 the Board's consideration, the amendment was provided to
 13 the office directors for comment, and if it's going to
 14 be revised, that the timeline for office director input
 15 also be reset for any revised amendment rather than
 16 timed to the amendment that we received yesterday.
 17 MR. HAMILTON: Any objection?
 18 (No response.)
 19 MR. HAMILTON: We'll take care of that as an
 20 administrative action.
 21 MR. SANTOS: Outside this meeting.
 22 MR. HAMILTON: Outside this meeting, yeah.
 23 MR. BIGGINS: So, two staff taskings: The first
 24 is for the General Counsel to update the table of
 25 contents and the binder and ensure that the contents of

1 the binder are part of this closed meeting record; and
 2 the second is for the technical staff to respond to the
 3 specific question related to the language of, "however,
 4 if the workers are impaired by the accident and unable
 5 to perform their credited safety control functions, the
 6 risk to the public could increase, leading to increased
 7 consequences beyond evaluation guidelines."
 8 MR. SANTOS: I changed the word "impaired" to
 9 "impacted."
 10 MR. BIGGINS: Right.
 11 MR. SANTOS: And I will move quick to get you
 12 the right word so you are not unnecessarily cycled. So
 13 even on those questions, just give me -- give me some
 14 time so you are not unnecessarily cycled.
 15 MS. HERRERA: So the order is to wait for the
 16 revised amendment before providing input?
 17 MR. SANTOS: Any answers and any input.
 18 MS. HERRERA: I got it.
 19 MR. SANTOS: That will be easier for everybody.
 20 MR. BIGGINS: That's all I have, Mr. Chairman.
 21 MR. HAMILTON: So to summarize our closed
 22 meeting today, on the first topic, [REDACTED]
 [REDACTED]

3 [REDACTED]

4 And on the second item on the agenda, where we

5 are is that Mr. Santos is going to proceed to draft an

6 or several amendments which will then be formally

7 processed, and we will ask for an extension of the

8 timing -- the due dates for these outside of this closed

9 meeting.

10 Anything that I missed?

11 (No response.)

12 MR. HAMILTON: Okay, I am going to now ask for

13 closing comments from Mr. Santos.

14 MR. SANTOS: I want to thank my fellow Board

15 members for engaging in a very productive discussion.

16 MR. HAMILTON: Thank you, Mr. Santos.

17 Ms. Connery?

18 MS. CONNERY: So I would like to make a comment

19 on the first item [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

4 [REDACTED]

5 MR. HAMILTON: Thank you, Ms. Connery.

6 Ms. Roberson?

7 MS. ROBERSON: No comments.

8 MR. HAMILTON: And I have no closing comments.

9 Thank you, Ms. Roberson. I have no closing comments.

10 As a reminder, the Board and its staff are

11 prohibited from disclosing public information described

12 in draft or final recommendations. This prohibition

13 applies to information learned during the course of this

14 meeting, or by review of the meeting transcript, related

15 documents or from other sources. This prohibition shall

16 remain in effect until receipt of the final

17 recommendation by the Secretary of Energy or the Board

18 otherwise makes an affirmative decision to release

19 information.

20 This concludes the closed meeting. We are

21 adjourned.

22 MR. BIGGINS: Off the record.

23 (Whereupon, at 2:41 p.m., the meeting was

24 adjourned.)

25

1 CERTIFICATE OF REPORTER

2

3 I, Sally Jo Quade, CERT, do hereby certify that

4 the foregoing proceedings were recorded by me via

5 stenotype and reduced to typewriting under my

6 supervision; that I am neither counsel for, related to,

7 nor employed by any of the parties to the action in

8 which these proceedings were transcribed; and further,

9 that I am not a relative or employee of any attorney or

10 counsel employed by the parties hereto, nor financially

11 or otherwise interested in the outcome of the action.

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16 s/Sally Jo Quade

17 SALLY JO QUADE, CERT

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