

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: WTP Tech Issues

Doc Control#2017-100-067

The Board, with Board Member(s) Joyce L. Connery *approving*, Board Member(s) Sean Sullivan, Bruce Hamilton, Jessie H. Roberson *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) Daniel J. Santos *not participating*, have voted to disapprove the above document on September 25, 2017.

The votes were recorded as:

| | APRVD | DISAPRVD | ABSTAIN | NOT PARTICIPATING* | COMMENT | DATE |
|--------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|----------|
| Sean Sullivan | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 09/22/17 |
| Bruce Hamilton | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 09/21/17 |
| Jessie H. Roberson | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 09/25/17 |
| Daniel J. Santos | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 09/21/17 |
| Joyce L. Connery | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 09/21/17 |

*Reason for Not Participating:

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.


Assistant Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

cc: Board Members
OGC
OGM Records Officer
OTD

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Sean Sullivan

SUBJECT: WTP Tech Issues

Doc Control#2017-100-067

Approved _____ **Disapproved** X **Abstain** _____

Recusal – Not Participating _____

COMMENTS: **Below** X **Attached** _____ **None** _____

The staff with significant effort has put together a report that should be of considerable value to the Department of Energy. I decline, however, to send that report to the Department under a cover letter demanding biannual briefings. Such briefings have in recent years been delegated to subordinate DOE staff. They have generally consumed considerable staff time and provided little value. I conclude that they are not an efficient or effective use of resources.



Sean Sullivan

9/22/17

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton
SUBJECT: WTP Tech Issues
Doc Control#2017-100-067

Approved _____ **Disapproved** X **Abstain** _____

Recusal – Not Participating _____

COMMENTS: **Below** X **Attached** _____ **None** _____

This letter would forward to the Department of Energy a superlative technical report, but it would also burden DOE with the requirement to provide biannual briefings pursuant to 42 U.S.C. § 2286b(d).

42 U.S.C. § 2286b(d) authorizes the Board to, "... establish reporting requirements *for the Secretary of Energy ...*" (emphasis added). Given that the Board has not determined that the safety issues identified in the report rise to the level of providing adequate protection of the public health and safety, it is inappropriate to use this authority as a mechanism to convey either an explicit or an implied mandate for DOE to carry out an activity. In this case, that appears to be the message.

Further, if the Board determines that an issue is of sufficient significance that it should invoke the formal reporting requirement of its enabling statute, then it follows that the requirement should usually be transmitted directly to the Secretary. The Board should generally refrain from using this authority at various touchpoints within the Department subordinate to the Secretary. Such broader interpretation of the language in the statute would bypass the Secretary and might have negative consequences, including: (i) omitting the Secretary's endorsement of the reporting requirement, thus eroding the Department's urgency to address it; (ii) interfering with the Secretary's ability to allocate the Department's resources for processing the reporting requirement in the most efficient manner; and, (iii) creating the false perception that the Secretary is unaccountable for the response to the reporting requirement.

I therefore disapprove.


Bruce Hamilton

21 SEPT 2017

Date

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

FROM: Jessie H. Roberson

SUBJECT: WTP Tech Issues
Doc Control#2017-100-067

Approved _____ Disapproved X Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____


I do not support the Board's issuance of this report because I believe it infringes on DOE's authority and capability to determine its solutions and determine what requirements shall apply.

The technical analysis in the Report is very thorough and I support providing those parts of the Report to DOE. If the Board believes the Department is creating a challenge to adequate protection by its determination of or application of specific technical requirements or the lack thereof, then the Board should evaluate and address that in the form of a Recommendation and highlight the safety consequences. I do not support those parts of the Report that proceed to displace DOE's requirement decisions with the Board's preferences.

I understand some on the Board believe that because this is not a Recommendation it does not require DOE to act and is not consequential, with or without a Reporting Requirement, and this is true. However, the Board's work is also provided for public consumption and some communications could be misleading regarding the potential impact on adequate protection to the public.



Jessie H. Roberson



Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Daniel J. Santos

SUBJECT: WTP Tech Issues

Doc Control#2017-100-067

Approved _____ Disapproved _____ Abstain _____

Recusal – Not Participating X

COMMENTS: Below _____ Attached _____ None _____



Daniel J. Santos

9/21/17

Date

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

FROM: Joyce L. Connery

SUBJECT: WTP Tech Issues

Doc Control#2017-100-067

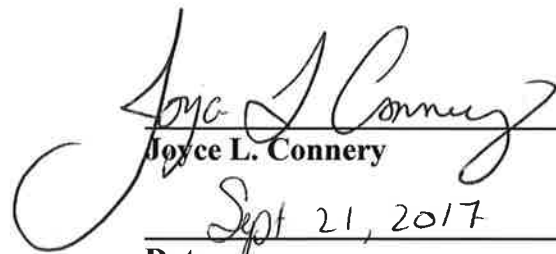
Approved X Disapproved Abstain

Recusal – Not Participating

COMMENTS: Below X Attached None

I want to commend the staff for its excellent work to identify and articulate some of the challenges with which WTP is dealing as it moves to the next phases in design and construction. This has been difficult project with many stakeholders and several design iterations to date and I believe that the contents of this Technical Report will serve as a great reference in helping to frame some of the issues that will need to be considered as the Department moves forward with this project.

There was an amendment to strike the reporting requirement from the transmittal letter that failed. I am hopeful that even though that amendment failed, that my colleagues will choose to transmit this letter and the Report given the importance of this information, its value to the Department of Energy, and the significant work of the staff to produce a quality product that is well-written, well-referenced, and technically detailed enough as to provide specific and actionable information—should the Department choose to act on any of the specifics.



Joyce L. Connery

Sept 21, 2017
Date