In the Matter of:

Defense Nuclear Facilities Safety Board

December 11, 2015 Nonpublic Meeting

Condensed Transcript with Word Index



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1		1 2	MR. DWYER: Timothy Dwyer, Group Lead, Nuclear Weapon Programs.
2 3	DEFENSE NUCLEAR FACILITIES SAFETY BOARD	3	MR. DUNLEVY: Michael Dunlevy, Board's
3 4	DEFENSE NUCLEAR FACILITIES SAFETT BOARD	4	technical staff.
5		5	MR. ROSCETTI: Chris Roscetti, Group Lead for
6		6	Performance Assurance and Acting Group Lead for Nuclear
7		7	Programs and Analysis.
8		8	DR. POLOSKI: Adam Poloski, Group Lead for
9		9	Nuclear Facilities Design and Infrastructure.
10	NONPUBLIC MEETING	10	MS. HERRERA: Katherine Herrera, Deputy General
11		11	Manager.
12	DECEMBER 11, 2015	12	MR. PASKO: John Pasko, Group Lead for Nuclear
13		13	Materials Processing and Stabilization Group.
14		14	MR. TONTODONATO: Excuse me. I'm Richard
15	DEFENSE NUCLEAR FACILITIES SAFETY BOARD	15	Tontodonato. I am the Tech Staff's Deputy Technical
16	625 INDIANA AVENUE, NW	16	Director.
17	WASHINGTON, DC 20004	17	MS. CONNERY: Casey?
18		18	MS. BLAINE: Casey Blaine, Associate General
19		19	Counsel.
20		20	MS. CONNERY: Okay, so, with that, I'm going to
21		21	turn it over to Mr. Biggins, the Board's Acting General
22		22	Counsel, who will serve as the Board's Executive
23		23	Secretary for the meeting.
24		24	Mr. Biggins, please present the closed meeting
25		25	agenda.
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publicly available until after they have been received by the Secretary of Energy or the President respectively. I have certified closure of this meeting under Sunshine Act Exemption 3.

The Board is recording this proceeding through a verbatim transcript. This closed meeting concerns member deliberations pertaining to the development and formulation of potential Board recommendations to the Secretary of Energy.

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

Pursuant to the agenda for today's meeting, the Board will now discuss the following agenda items.

recommendations of issues that we think could be considered at some point to be issues of adequate protection. I do not think that we need to vote on every issue as an issue of adequate protection.

Despite the flow sheet that Mr. Sullivan helpfully put together last time, I believe that is an internal process that each of us goes through when we have sufficient facts in front of us and a recommendation in front of us to determine whether or not there's an adequate protection issue. So, I just wanted to put that marker down.



And my hope is that during our conversation today about things that concern us and potential recommendations that we can tease out some of the issue items that we could focus on at that time and then once we have complete information we can make determinations

Following each item, the Chairman will summarize the outcome of the discussion in conjunction with a summary of any staff taskings by the General Counsel. After an opportunity for Board Member comments, the meeting will adjourn.

Pursuant to the constraints of the Sunshine Act, the Board should not conduct deliberations in this closed meeting on purely procedural aspects of issuing recommendations that are not coupled to the substance of a particular recommendation.

I now yield the floor back to the Chairman for any opening remarks.

MS. CONNERY: Thank you. So, I actually do have a few opening remarks, and I apologize ahead of time. Part of this is because Bruce and I were at Pantex earlier this week, so I didn't get a chance to talk to Board Members separately prior to the meeting.

I want to comment a little bit about our first closed meeting, which is part of the -- was part of the agenda of this closed meeting, except we ran out of time, to state that I was -- and we have not yet made our notational votes or our comments on those votes, but I do want to point out in this conversation, which I think is very important, about potential recommendations that from my point of view we should be discussing potential

as to how we want to move forward with either potential recommendations or other courses of actions that may be relevant to the conversation.

So, those are my brief opening remarks. And with that, I will turn it to Ms. Roberson for any opening remarks she has.

MS. ROBERSON: I don't have any, Ms. Chairman, at this time.

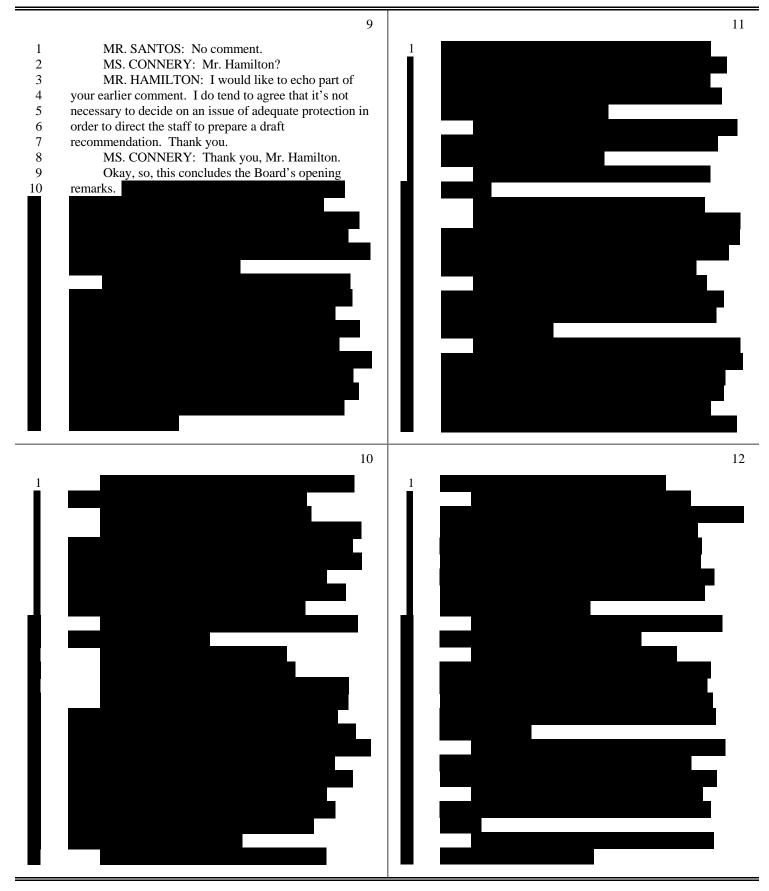
MS. CONNERY: Okay. Mr. Sullivan?

MR. SULLIVAN: Thank you, Madam Chairman. So, just to respond to some of the comments that you did make, my opinion is different. I respect your opinion; my opinion is different. I think a meeting is an opportunity for deliberations. We have an opportunity to put forward motions.

If no -- if a Board Member is alone in wanting to pursue a motion and it gets no second, well, then that will end the motion right there. If there is a second, then we should proceed to a vote unless -- unless tabled by a majority. And, so, I mean, it's just a simple procedure with discussions that go along with our discussions and deliberations. And I think those will be useful.

MS. CONNERY: Thank you, Mr. Sullivan. Mr. Santos.

2 (Pages 5 to 8)



3 (Pages 9 to 12)



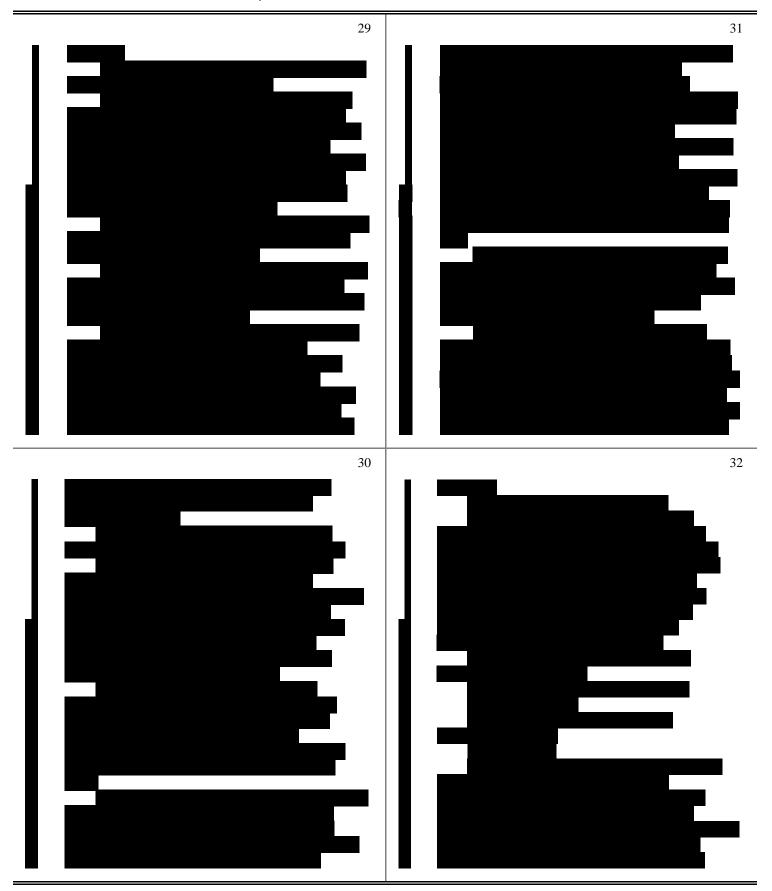
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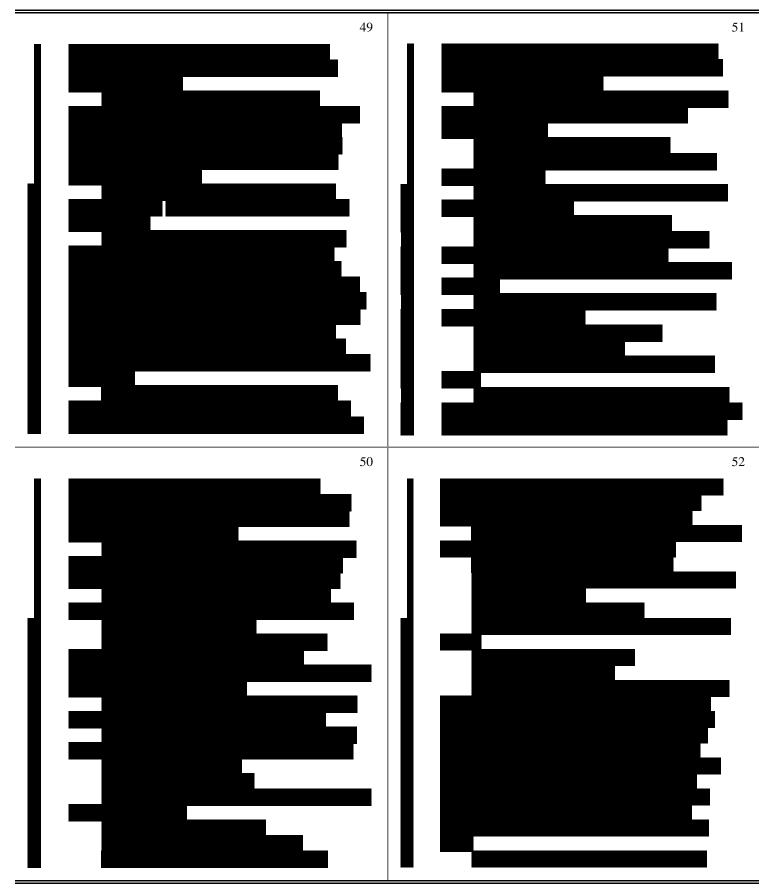


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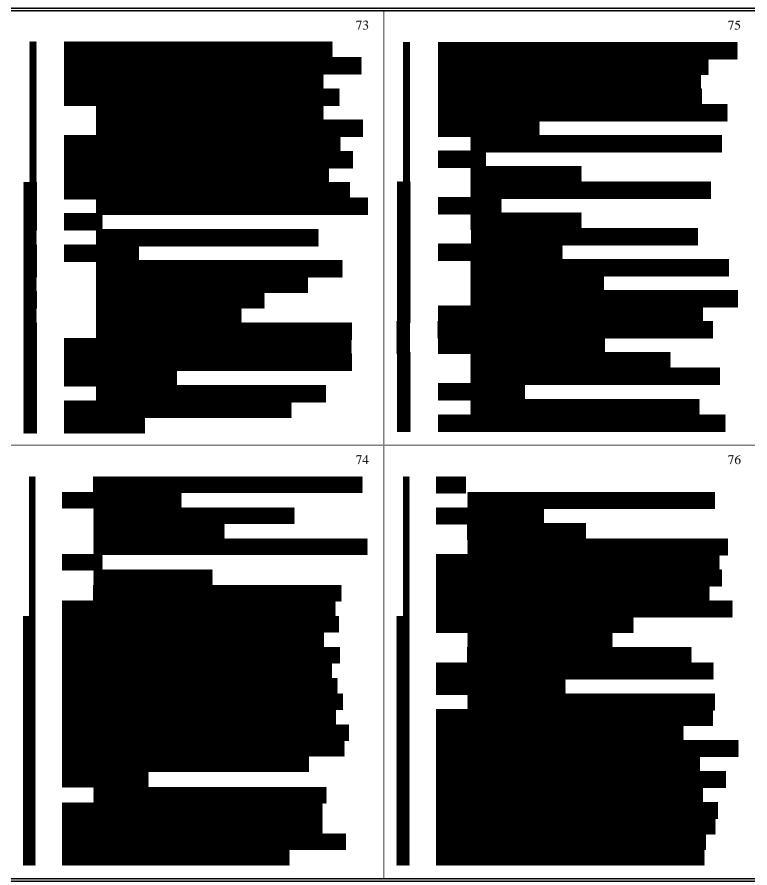
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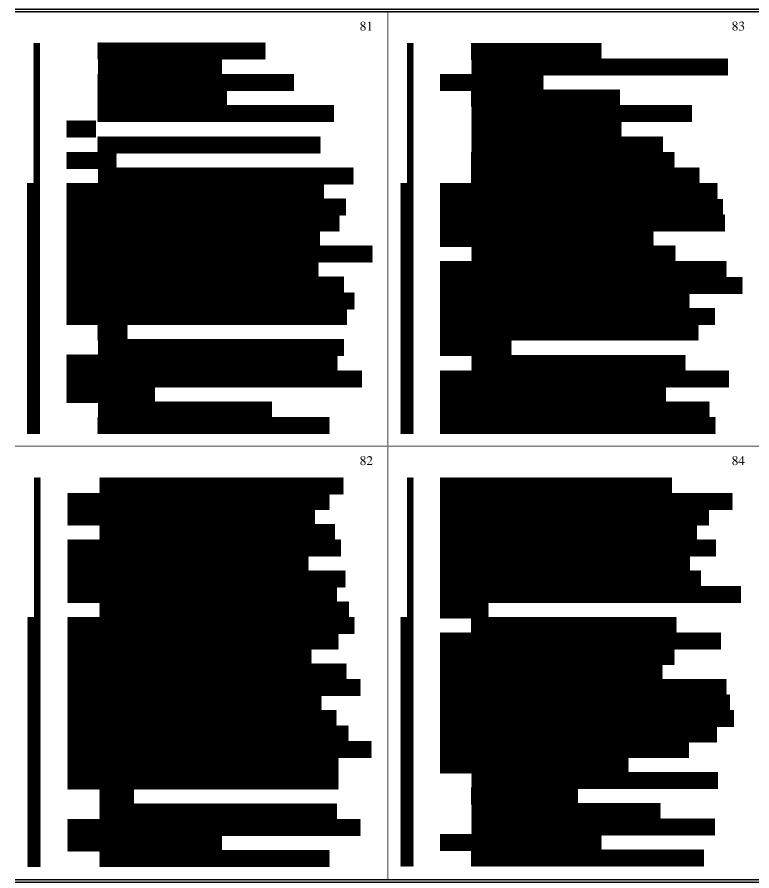
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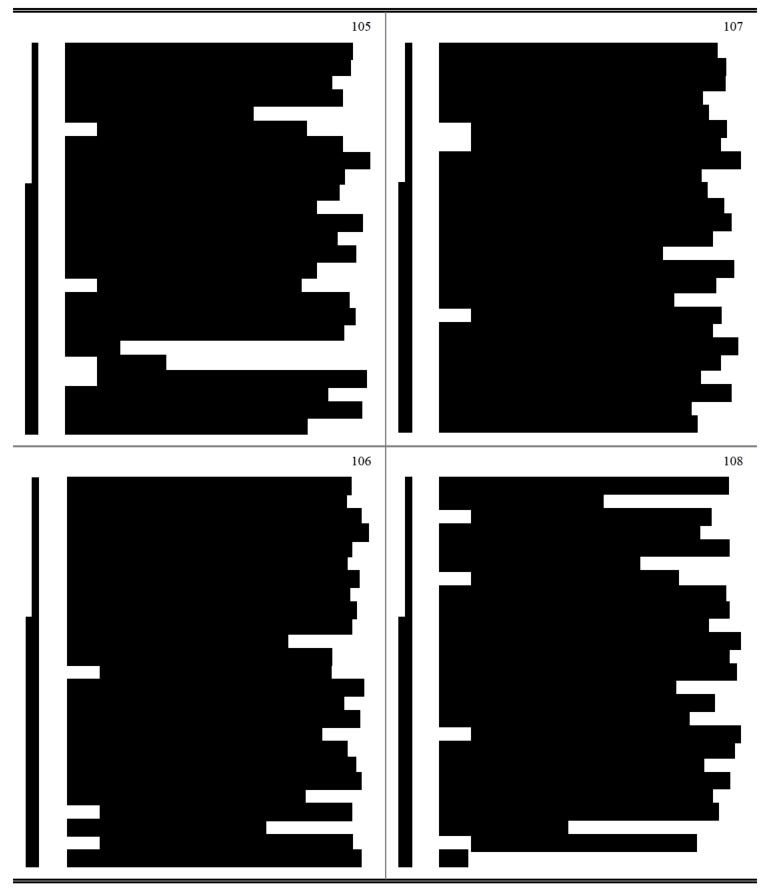


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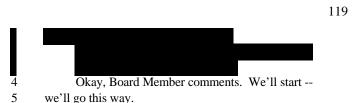
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we'll go this way.

Mr. Santos?

MR. SANTOS: I think this was very useful for me, and I look forward to future closed meetings. The more we practice, I think the better we're going to get at this. And I look forward to our deliberations. So, this was very useful to me. Thank you.

MS. CONNERY: Ms. Roberson?

MS. ROBERSON: Yeah, I don't have any additional comments.

MS. CONNERY: My only comments is next time we should bring food.

Mr. Hamilton?

MR. HAMILTON: No comments, Madam Chairman.

MS. CONNERY: Mr. Sullivan?

MR. SULLIVAN: Yes, I want to thank the other Board Members and the staff who are here participating. I also think these were two very useful discussions and focused on the safety issues that are in the -- in the -around in the complex in various places. And I ask

myself, as I'm sure I think other Board Members do, I ask

myself these questions on every issue the staff brings to us.

And because -- and I do that because as I read our statute and the legislative history behind it, our actions and our expected response by the Department varies. They vary significantly. Vary, V A R Y. They change. They fall into different categories based on whether or not these are issues of adequate protection.

And if an issue is adequate protection and we identify it as such, then we are saying to the Secretary, you must address this issue and we think that the decision to address it is -- we make that decision independent of cost. Now, how it gets addressed is always a function of cost, but it's independent of cost that -- that we determine you must address this.

If the issue does not fall as an issue of adequate protection, then it is a safety improvement, which is subject to cost. And I often see us through -as prompted by our staff, demanding from the Department a technical justification for whatever decision they are making, but in my view, if they -- if the issue itself is not an issue of adequate protection, then it is entirely appropriate for the Department to make a decision on an economic basis as opposed to a technical basis.

So, I think this is a very important thing that

30 (Pages 117 to 120)

	121		123
1	I consider, and I'm sure other Board Members do, from the	1	CERTIFICATE OF REPORTER
2	beginning, whenever any issue is comes up, because it	2	
3	actually, in my view, controls what the proper	3	I, JENNIFER METCALF-RAZZINO, the officer before
4	appropriate thing that the Board should expect the	4	whom the foregoing testimony was taken, do hereby certify
5	Department to do in its response and it also should	5	that the proceeding was digitally recorded by me and
6	control their response. And those things go in	6	thereafter reduced to typewriting by me or under my
7	completely different directions based on the way the	7	direction; that said testimony is a true record of the
8	initial question is answered in my own mind as to whether	8	event; that I am neither counsel for, related to, nor
9	or not this is an issue of adequate protection.	9	employed by any of the parties to the action in which
10	So, I think for I think it is healthy for	10	this proceeding was taken; and, further, that I am not a
11	the Board to early in issue identification, as best as we	11	relative or employee of any of the parties hereto, nor
12	can, try to see if we have consensus amongst ourselves.	12	financially or otherwise interested in the outcome of the
13	There may be various ways, as other Board Members have	13	action.
14	stated, to try to get to resolution, but I do think the	14	
15	type of resolution that we should expect actually does	15	
16	vary significantly based on how the issue is viewed in	16	JENNIFER METCALF-RAZZINO
17	terms of adequate protection. And, so, I encourage	17	
18	further discussion on any such issue to be had in a	18	
19	manner similar to the way we had it today.	19	
20	Thank you.	20	
21	MS. CONNERY: Thank you, Mr. Sullivan.	21	
22	I'll give the staff an opportunity. If you	22	
23	have parting shots for us, since you are our technical	23	
24	experts. No, they'll wait until we leave the room for	24	
25	those.	25	
	122		
1	Follow on the mhome and comments?		
1	Folks on the phone, any comments? No comments from us.		
2 3	MS. CONNERY: We appreciate you taking the time		
4	out of your day to spend with us. Unless there are no		
5	objections, I move to adjourn the meeting. There's been		
6	unanimous consent. All in favor?		
7	MS. ROBERSON: Yay.		
8	MR. SANTOS: Yay.		
9	MS. CONNERY: Yay.		
10	MR. HAMILTON: Yes.		
11	MS. ROBERSON: Going to off the record.		
12	(Whereupon, the closed meeting was adjourned at		
13	12:55 p m.)		
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