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DEFENSE NUCLEAR FACILITIES SAFETY BOARD

PUBLIC BUSINESS MEETING

December 20, 2018

1:00 p. m.

**Defense Nuclear Facilities Safety Board
625 Indiana Avenue, NW
Washington, DC 20004**

1 >> HAMILTON: The purpose of this public business meeting is for the Board to discuss
2 recent recommendations of the National Academy of Public Administration and the Inspector
3 General. Both organizations have written reports. Copies of the executive summaries are
4 available here in the room and the entire reports are available online at www.dnshfb.gov.

5 I would like to offer a short background for why we are having this and subsequent public
6 meetings. For some years, the Board has recognized that we are not operating at the level
7 expected of a high-performance organization. From looking at just the Federal employment
8 viewpoint surveys, we have observed that a sea change in the agency occurred six years ago. In
9 2012 and prior years, the agency was consistently in the top quartile of small Federal agencies.
10 Beginning and since 2013, we have been in the bottom quartile.

11 There are other surveys and reports which validate this observation.

12 Late last year, the Board agreed that it was time to obtain professional advice to perform
13 an in-depth analysis, help us determine why we are not performing well. And give us tangible
14 recommendations on how to improve. Subsequently in February of this year. The Board
15 engaged the National Academy of Public Administration to perform this task. And I would point
16 out that this was an act of the Board alone, this engagement of the National Academy of Public
17 Administration.

18 The result was an exhaustive study and an extensive report published last month entitled
19 Defense Nuclear Facilities Safety Board Organizational Assessment.

20 In parallel with the work with the National Academy our own Office of the Inspector
21 General conducted a study of our issue and commitment tracking system commonly called
22 IACTS and also released a report in November. Although not identical in scope and depth to the
23 NAPA study, the IG report identified several similar issues of concern.

24 When we assumed our roles as Board Members, we each swore an oath to the
25 Constitution. Implicit in that oath is our duty to uphold and faithfully carry out the laws of the
26 land. In our case the Atomic Energy Act as amended.

27 That legislation specifies the mission of the defense Board, namely to provide independent
28 analysis, advice and recommendations to the Secretary of Energy to inform the Secretary in the
29 role of the Secretary as operator and regulator of the defense nuclear facilities of the

1 Department of Energy in providing adequate protection of the public health and safety at such
2 facilities.

3 The NAPA panel in its executive summary to the report unequivocally concludes that the
4 Board safety oversight mission is as important today as it ever has been in its 30-year history.
5 While concurring with the Board's own assessment that we are underperforming in
6 accomplishing that mission. Just as it is our constitutional duty to perform the statutory mission
7 of the Board, it is likewise, our duty to improve where we are falling short. It is now, therefore,
8 incumbent on us to embrace this report and to do our utmost to implement as many of its
9 recommendations as we can.

10 In doing so, we should recognize that we will most assuredly not agree on every point.
11 Congress established a Board in order to provide differing perspectives and viewpoints on the
12 issues before it. Likewise, Board Members are human. And humans all have flaws and
13 shortcomings. For me, the solution set must not take the path of simply saying that we should
14 just all get along with each other. Rather, we should be addressing those procedures and
15 policies, which have driven our performance downward and replace them with processes and
16 procedures which bring out the best in us.

17 The first step at improving is to acknowledge that you are not achieving your best. We have
18 done that. And now the hard work of tackling the causes is before us.

19 It is in a genuine spirit of our mutual desire to improve in our performance of our vital
20 mission that we are meeting here today.

21 I'll now turn to the other Board Members for their opening remarks. Ms. Roberson.

22 >> ROBERSON: Thank you. Thank you, Mr. Hamilton. I support using the National Academy
23 of Public Administration assessment as a bases for focusing our efforts to address this Board
24 and the agency at large the challenges that we face that have impacted the execution of the
25 agency's duties. Until now each year line management has been tasked to fix functional
26 productivity and morale issues. Those have not been successful because Board Members were
27 not on board. Sometimes not even aware of what was being done.

28 This report makes it clear that that responsibility lies first with the Board itself to make
29 internal changes and then with the entire agency. Some Board Members have raised and

1 advocated for addressing some of the same issues cited by NAPA in recent years through
2 formal and informal actions or proposals submitted to us. Those have generally fallen short in
3 garnering sufficient support from enough Board Members to be approved for execution. There
4 were no new issues raised in this report. NAPA did not create issues. They evaluated the gravity
5 of what they heard and saw. Their independent assessment and organization of the issues we
6 face will enable focus and NAPA, based on its experience, suggested potential solutions or
7 processes to achieve solutions which can be used as guides and goalposts. Our actions must
8 reflect the significance of the challenges facing the execution of the mission Congress created,
9 cultivated and entrusted to the Board.

10 Independent safety oversight, in my view, is even more essential now and in the future
11 than it may have been in the past. I hope the actions we agree to take are done so with an eye
12 on the health, reputation and effectiveness of the execution of the statutory duties in the
13 present and for the next decade by focusing on communications to the Secretary of Energy
14 regarding actions that should be taken to ensure adequate protection of public health and
15 safety. That is our assigned mission. Thank you.

16 >> HAMILTON: Thank you, Ms. Roberson. Board Member Santos.

17 >> SANTOS: Thank you, Mr. Hamilton. Our independent nuclear safety oversight mission
18 continues to be extremely important especially when one studies the challenges currently
19 facing the defense nuclear complex.

20 As the Board approaches 30 years since Congress created the Board subject to
21 Congressional oversight, we find ourselves facing significant external and internal pressures
22 that are threatening the very existence of this agency and threaten the trust placed in us Board
23 Members by Congress and the public for us to execute the important function of ensuring
24 protection of public health and safety.

25 Today we start a series of in my opinion overdue public meetings to address internal issues
26 that have been diminishing the effectiveness of the Board for quite some time now. Even
27 before some of us joined the Board. The issues are not new. And have been evolving in a
28 negative way while several reform initiatives have not been effective.

29 Back in around 2011-2012 timeframe this agency was ranked one of the best places to

1 work in the Federal Government. But in several years, we sit near the bottom while our
2 productivity continues to erode to historically low levels.

3 I am grateful for the work performed by outside organizations, including the work by the
4 office of the Inspector General and the National Academies of Public Administration that have
5 served as a forcing function to bring us together and address issues as a Board as it was
6 intended by Congress.

7 I agree that the Board sets the tone and it's up to us working together to get back to basics
8 and provide stability. I look forward to a very open and collaborative process. Thank you.

9 >> HAMILTON: Thank you, Mr. Santos. Board Member Connery.

10 >> CONNERY: So I wasn't going to prepare opening remarks but this is what positive peer
11 pressure does. So I appreciate all of you preparing opening remarks and forcing me to do the
12 same just because I don't want to get some of the important information lost during the
13 discussions. But I do think this is important for our conversations to actually be conversational
14 and human to human as well as Board Member to Board Member.

15 So before we start walking through recommendations, I think it's important to recognize
16 the NAPA report as a whole and I think as several of you pointed out it's important that the
17 NAPA study found our mission remains not only important today but essential. Their colorful
18 wording included compelling, intricate, strategic, complicated, daunting, as well as relevant.

19 NAPA also pointed out the decline in the production of staff work. I think there was a
20 necessary oversimplification on the part of NAPA on this item. Quantity of work doesn't
21 necessarily equal quality. And not all work products are created equal. Some of our recent work
22 products have been heftier both in terms of volume and mass as well as the technical
23 complicatedness of those works.

24 That being said, we can all attest to the uneven work products in terms of the quality and
25 that certainly needs to be addressed. The Board has also seen -- by the Board I mean the
26 agency -- has seen attrition in some of our most experienced technical staff. And the turnover
27 has been problematic in terms of maintaining quality and quantity of product.

28 But I want to point out that if we're going to deal with the issues discussed in the NAPA
29 report as well as the reports going back several years, we're going to have to create space to

1 allow this to happen. Training our newer staff will take time and our experienced staff will have
2 to give up that time in order to do so and any new initiatives are going to have opportunity
3 costs in terms of product. We have a tendency to careen from initiative to initiative and pull
4 staff from tasks and then complain that the work isn't completed in a timely fashion or that
5 we're not seeing enough product.

6 So as we go through this, I want folks to understand that our staff isn't completely fungible
7 and to the extent we use staff to address these initiatives we might be seeing a slower pace of
8 work product in other areas.

9 The big issues that the NAPA report highlights, the ones which the recommendations are
10 aimed at addressing, include poor communications between Board Members, between staff
11 members, between the Board and the staff, between the agency and the stakeholders,
12 between the agency and Congress. I 100% agree with this analysis that communications is one
13 of our challenges. And we need to work on strategies to improve those communications.

14 Hand in hand with communications is trust. Mistrust let's to an exacerbation in poor
15 communications and lack of communications leads to mistrust. NAPA pointed out that the
16 Board hasn't taken sufficient action to address the FEV surveys. When I joined the Board in
17 2015 with Mr. Hamilton, there were several ongoing initiatives aimed at addressing the survey
18 challenges. In 2017 we initiated another batch. But we missed the boat. And I think
19 Ms. Roberson pointed out why.

20 We delegated the remedy of the issues to the staff and we, the Board, neglected to involve
21 ourselves. This is our chance to do that. And the idea of physician heal thyself, it's got to start
22 with us. And I think it's not going to be easy. And I believe we're going to need outside help. We
23 had some outside help from NAPA to address the problem -- to articulate the problem. I think
24 we also need to reach out some more with communications. We certainly need to make
25 somebody's full-time job on the Board to work on communications with Congress and
26 stakeholders. That's my view. And we're also going to have to practice amongst ourselves and
27 maybe seek some outside help in that area, as well. Active communication, listening to each
28 other and actually hearing what we're saying.

29 Finally there's this perennial challenge of the -- sorry, I shouldn't use air quotes -- but the

1 collegial Board. I don't believe that we're all using the word in the same way. The first definition
2 of collegial is marked by power or authority vested equally in each of a number of colleagues.
3 We need to recognize that we are four equals in authority. Yes, Congress wanted a mix of
4 individuals. But not because they wanted us to agree to disagree. They wanted diversity of
5 thought so that we could work out the best possible answers. We should understand that each
6 others' views -- what each others' views are before we vote on issues, not when we're reading
7 each others' vote sheets. We should be asking each other what would it take to get to a place in
8 which our colleagues, our co-equals, could support. And then we should be able to compromise
9 on many of the issues. There will be some times when we can't. But agreeing to disagree before
10 we even start or dismissing somebody's input is in my view giving up. This shouldn't be a zero
11 sum game and we shouldn't look at it as a winning or a losing proposition. Our best products
12 are the ones in which we can all contribute and we each have unique perspectives and valuable
13 insights.

14 So the last thing I want to talk about, because I think we have to face the elephants and the
15 donkeys in the room, is this notion that comes up in the NAPA report that the Board has been
16 overly politicized. I don't believe that that is true. I think that we don't have as much discord
17 over the mission as people think. We all believe in the mission and we all believe in the role of
18 oversight.

19 Where we differ is how to do that effectively. How much focus should be on efficiency.
20 What method should be used to describe our views to the department? But there's a
21 mythology about these distinctions and our viewpoint that is exaggerated and doesn't
22 represent reality and I think we have to dispel those myths.

23 As for the politics itself, someone asked me recently if -- one of the staff members -- if I got
24 instructions or guidance from the White House when I was Chair or if I get any from the Hill.
25 The answer is categorically no. Never happened. I've never been steered in any direction by
26 anybody in the White House or anybody in the Hill and I would dare say that none of you have,
27 either. If they recognize who we are, that would be a miracle.

28 But -- and I've never sought their advice about how to carry out my duties as a Board
29 Member. Safety has no political party. Whether it's Ernie Moniz or Rick Perry sitting in that

1 chair, my advice on nuclear complex is the same and my commitment to their success in
2 providing adequate protection for the public health and safety while they carry out their
3 important missions is also the same.

4 I'm committed to this process to move the agency forward because I believe that our
5 mission is essential and I believe it enables the Department to do its essential mission. Thank
6 you.

7 >> HAMILTON: Thank you, Ms. Connery. Before we turn to the specific recommendations, I
8 just want to restate the process for this meeting that we agreed upon last week when we
9 planned the agenda. First we agreed to address each of the report's recommendations
10 sequentially. And we have identified a member -- Board Member who will lead the discussion
11 for each. We are going to do four today.

12 Second, we agreed to allocate a specific amount of time for each recommendation,
13 understanding that should that not -- should we not have enough time to complete our
14 deliberations on that particular recommendation, we will have the opportunity to return to that
15 recommendation in a future meeting. And I will act as the timekeeper to make sure we don't go
16 over.

17 Third, we intend to place each recommendation or sub-recommendation into one of three
18 categories. One, closed without further deliberation. Two, assigned to a Board Member for
19 follow-up actions. Or three, tabled to be discussed at a future meeting.

20 The acting General Counsel will tabulate a list of the disposition of each recommendation
21 and/or sub-recommendation. And at the end of this meeting today, I will ask him to review that
22 list of the items we have discussed today.

23 Are there any questions or deltas with the Board Members to what I just said about our
24 process today? Hearing none, I get the first item in the agenda. And I'm going to briefly read the
25 highlights from the recommendation and then we will discuss -- there's actually three sub-
26 recommendations in this. So Recommendation No. 1, refresh Board leadership. Take actions to
27 bring a new DNFSB -- to bring in new DNFSB Board Members who can approach the Board
28 issues, organizations and people with energy, dedication and commitment.

29 There were three sub-recommendations. The first, which we're going to talk about them in

1 sequence here. The first is that the Board Chair should contact the White House and Congress
2 to pursue appointments of new Board Members to replace the three current Board Members
3 who are serving in expired terms. In addition, measures should be taken to encourage action to
4 fill the open Board seat.

5 I am under the understanding right now that the White House has, in fact, nominated three
6 Board Members. Myself, Board Member Roberson, and a third Board Member, Ms. Lisa Vickers.

7 I understand that they are working on a fourth. Although the General Counsel, I've asked
8 him not to provide a name for me. So I believe this sub-recommendation we can consider
9 closed. Unless there's any discussion. And of course, we're getting ready to have a Senate
10 recess. So the process is going to be recycled. But the process is still in place.

11 So are there any questions or comments about this or discussion? Ms. Roberson.

12 >> ROBERSON: The only comment I would make is the assignment, the nomination
13 obviously is with the White House and they are working on it. But in the meantime, it doesn't
14 mean that we can't refresh the Board that we have to make sure whatever changes occur,
15 we're still all doing the right thing. I think that's what this is about. We could have just said,
16 we'll wait until there's a new Board. But we didn't.

17 So I think the other part of that is while we are here, whoever the Board is, we are trying to
18 figure out how to make an impact as we stand today.

19 >> HAMILTON: I appreciate that comment and I also think that all four of us are actually
20 doing that as testimony to this today. Mr. Santos.

21 >> SANTOS: I agree. I'm focusing on the part that says renew energy, dedication and
22 commitment. And I see it from all of us.

23 >> HAMILTON: Okay.

24 >> SANTOS: Let's continue that.

25 >> HAMILTON: Okay. I'm not hearing any objection to consider this recommendation as
26 closed. Recognizing that there's a lot of yet to be done by the Administration and the Senate.
27 But for us, I think that there's not any action.

28 Item 2, Sub-recommendation 2, Board Members should also pursue legislation with
29 Congress to restrict Board Members from serving after the expiration of their terms, which is

1 consistent with the authorizing statute of the Board Members of the nuclear -- of the
2 commissioners of the Nuclear Regulatory Commission, which is an organization engaged in a
3 similar field to us. My initial reaction to this sub-recommendation when I read it was this would
4 be a forcing function on the part of the Administration, whichever one it is in the White House
5 and as well as the Senate to put our nominations and confirmation and appointment at a higher
6 priority. So that would be a good outcome of this. But I just want to open it up -- open up the
7 table for further ideas and discussion.

8 >> CONNERY: So I kind of like this recommendation. Except I would say having the hard
9 deadline that the NRC has, the challenge is always the chance of falling below quorum and
10 that's happened in a number of instances. So I think that we could perhaps look at other
11 models in which there is a softer deadline. In other words, they don't have to end on October X
12 of the year in which they are going to expire. But I think there are some other boards or
13 commissions in which there's a tail that's allowed for a short period of time. But I agree with
14 you. I think it is a forcing function for both the White House and for the Senate. But it's also to
15 make sure that we keep our Senate and Congressional interlocutors involved of the Board and
16 its importance. So it's also forcing function on us to maintain those relationships with the
17 stakeholders, which is also a recommendation that NAPA has later on.

18 >> ROBERSON: So I'm not a fan. I'm just going to say. And the reason I'm not a fan is I'm not
19 sure what problem we're solving. Our issues today are not really Congress's problem. They are
20 of our own creation, it's the Board's creation. And I think we should focus on them. This may be
21 -- I'm not adverse to it. It may be a fine thing to do but I agree with Ms. Connery. In the last few
22 years, as we have struggled with what reforms or initiatives to take, we have seen other models
23 out there. And it depends on what problem we're trying to solve.

24 Listen, in my view even if somebody is confirmed, if the Congress and the President say,
25 you're out of here, we serve at the pleasure. So I don't need to wait for a targeted date if I'm
26 not doing the job. I think the frontend and we'll talk about that next it's really important. It is
27 important to get the right people on the Board. But this assumes if we don't, then we'll wait
28 five years and then they are gone. Or whatever it is. I don't see what problem that's solving or
29 what we have now. I'm not adverse to it. I just don't think it's going to solve the problems that

1 we're facing.

2 >> HAMILTON: Just for clarity, my remark a minute ago was not intended to say I support
3 it. I'm just pointing out the only obvious advantage to it is the forcing function. Mr. Santos, do
4 you have any points on this?

5 >> SANTOS: No like I said at the beginning, the Board is 30 years. We're subject to
6 Congressional oversight. And if there's ideas on issues that need to be addressed structurally,
7 we need to find a process that we engage our Congressional stakeholder. And evaluate many
8 ideas. There's many models out there.

9 >> HAMILTON: I think I'm hearing you say in different words what Ms. Connery said.

10 >> SANTOS: Similar, yes.

11 >> HAMILTON: I'm not hearing any consensus that we want to pursue this in legislation. Is
12 there any?

13 >> ROBERSON: Well, I'm not sure we can pursue it today. But I'm a fan of seeing are there
14 elements of other models that might actually get to the motivation behind some of the issues
15 that we're experiencing. I don't think we have exhausted that. So I don't think we're going to do
16 it at this table. But I don't think we ought to not consider other models.

17 >> SANTOS: I think we should put it in the table category, No. 3. Because I think this is just
18 one element of other elements that may get rolled into potential, you know, proposals that we
19 should work with Congressional stakeholders.

20 >> HAMILTON: Let me offer that we put it into Category 2 and I will take it to research
21 Ms. Connery's question as to whether there are other Boards and Commissions that have a
22 variation on this theme. And we'll bring -- we'll bring it back at a future Board Meeting. I'm
23 getting nods.

24 >> CONNERY: I'm okay with that I also think that maybe further down the road we'll be
25 talking about other legislative proposals so we should be considering a number of legislative
26 proposals, perhaps in a package when we get to the next conversation in your topic but also in
27 later topics so there might be several things we're looking at to legislative proposals.

28 So Ms. Roberson point about what problem we're trying to solve, I think we're also trying
29 to anticipate a problem. I don't see -- this is not a claim on any of the Board Members that are

1 serving now. But I can imagine a situation in which you have a Board Member who is serving at
2 the will of the President but is not egregiously causing problems nor are they helping to move
3 the mission forward. And with the comfort of knowing that if they fly under the radar that they
4 don't have to answer questions for Congress in a re-nomination, then I think that that's not
5 good governance. So for that reason, I think that we should consider a limit.

6 >> ROBERSON: And I understand what you're saying. And maybe my -- my base and my
7 view is a little bit different in that I've seen this Board operate at its best. And it operated at its
8 best with an expired Chairman for five years and expired Board Member. And it's really about
9 how the Board works together as a team. Not about the external factors that are -- that create
10 that threat. And sometimes you need that. I get that. But I still say it's up to us inside the Board
11 to address the issues. That's -- anything can work. And I don't disagree with you, it could work.
12 But I don't think it's going to solve a problem.

13 >> HAMILTON: All right. What I've heard is that we're going to table this issue. But I'm
14 going to research Boards and Commissions that may have different models and offer those up
15 at a future meeting. Is that what I've heard correctly? Okay. So I'll let the General Counsel make
16 a note of that.

17 All right, the third and final sub-recommendation is that the Board Members should
18 request legislation from Congress that directs the National Academy of Sciences to maintain an
19 ongoing registry of potential Board Member candidates to forward to the White House
20 whenever a vacancy on the Board arises. Apparently modelled after a similar process with the
21 Nuclear Waste Technical Review Board, which was established around the same time as we
22 were, this approach would help ensure Board Members access to individuals who are respected
23 experts in the field of nuclear safety with the demonstrated competence and knowledge
24 relevant to the independent investigative and oversight functions of the Board.

25 My initial reaction to this is this actually sounds like a good proposal if we can agree on
26 what those characteristics are. So that may be the harder nut to crack is agreeing on how the
27 National Academy of Sciences should -- what we should be looking for.

28 >> ROBERSON: Actually I agree. I think somebody does have to do kind of a requirement
29 document of what the skills and knowledge and experience should be. But I think that would be

1 helpful, whether it went to the National Academy of Science or anybody any place else. So I
2 don't have any problem with this one. I think that work should be done. I think there should be
3 some type of document that defines what the skills and qualifications should be. So I'm fine
4 with this.

5 >> SANTOS: I agree. I also don't see how it needs to be limited to just the National
6 Academy of Science. And as part of your research of our models, I think I can each roll this one
7 in, too.

8 >> HAMILTON: Help me understand how you would have other agencies --

9 >> SANTOS: If there are other agencies that have developed a list of requirements.

10 >> HAMILTON: Oh, other than the Nuclear Waste Technical Review Board?

11 >> SANTOS: Yes.

12 >> HAMILTON: Well, we can poke around and see. This was the recommendation by NAPA.

13 >> SANTOS: I understand.

14 >> HAMILTON: But there may be others.

15 >> SANTOS: So that would be my call.

16 >> CONNERY: So I agree with the notion of having a list that lives somewhere. Recognizing
17 that the White House can take its prerogative and nominate anybody that it would like to. So I
18 think the list of characteristics or qualifications are important. I think we have to be careful
19 about how limiting we are with that list of characterizations. I mean, coming from somebody
20 who doesn't have a technical degree, I don't believe that diminishes my capability to be a safety
21 expert or somebody who has a degree in, you know, biology from 1972 also that doesn't
22 necessarily make them a good Board Member.

23 I also think we have to look at other characteristics to include the leadership and
24 management characteristics as well. Given the fact that the Board has to be able to functionally
25 run the agency. And I also have -- I also think this goes with the refreshing of the Board every so
26 often is that sometimes you're going to need maybe a different skill set. It may be that down
27 the road we have to have somebody on the Board who has more of an insight on things having
28 to do with cyber and its relationship to safety for instance. I'm just making a comment here. Or
29 PRA or something like that. Based on the trajectory that the Department is taking so that we

1 can actually fulfill our duties in oversight the Department. So I don't think it has to be a fixed
2 list. I think we have to make sure that we can refresh the list as well as refreshing the Board.

3 >> ROBERSON: I was going to say I agree and I think it's actually something that has to be a
4 living document. And may have to be adjusted. At the end of the day, it's just suggestions. I
5 mean, you're right, the White House has its liberties and the Congress has its liberties. But if we
6 can add value by providing some baseline input, I think we should. But I agree with you, it
7 would have to be living.

8 >> HAMILTON: Okay. And this would -- this specific sub-recommendation has us requesting
9 legislation to do this. Okay. So what I'm hearing is that -- because the general consensus is that
10 this is a good idea. That the first nut to crack is to figure out who else does this besides the
11 Nuclear Waste Technical Review Board. The second nut to crack is what the list looks like given
12 all of the comments you made, which I agree with. And then the third nut to crack is approving
13 -- is getting legislative proposals -- a legislative proposal. That's what I'm hearing is the issue
14 here or the set of issues.

15 >> ROBERSON: So I think those are good. But I'll be honest with you, I would actually start
16 out seeking feedback from our oversight committees. Whether they would entertain it, as well,
17 too. I mean, everybody has seen the NAPA report. They see it in here. So I don't think there's
18 any secret. I think the path you led, I think we just need to integrate it somehow with not just
19 sending something out but talking.

20 >> HAMILTON: Okay.

21 >> ROBERSON: Maybe even to the White House.

22 >> HAMILTON: Maybe that's the first step before we go and start creating a resume punch
23 list is to see if there's an appetite for this.

24 >> SANTOS: I think our overarching theme we're going to see across -- I'll cover some when
25 I get to Recommendation 4 -- is the need to improve the whole what I call Congressional affairs
26 and stakeholder management. And to me that sits at the top. And a lot of these proposals
27 should then follow that improved process. So I don't think we have to talk about that now. But
28 we have to talk about it at some point. Because all of this should follow a better process than
29 what we have today.

1 >> CONNERY: So I don't think disagree. I'm a big -- have I said this before, I'm a big
2 proponent of having somebody help us talk to Congress and to talk to them more often. I would
3 say, though, we should talk to our oversight committees about both of these proposals that
4 have to do with the structure and nature of the Board. I do think, though, that the exercise in
5 and of itself of describing what we think a Board Member candidate would look like would be
6 helpful in general. Because I know we have all been asked by somebody in one party or the
7 other or in some cases both parties, who do you suggest we consider? And so we've all been
8 put in that position. So us having a common understanding of what we think those
9 characteristics are regardless of whether it gets into a legislative proposal I think is a good and
10 useful exercise for us to go through.

11 >> ROBERSON: I agree 100%. I think doing that is important. My only point is once we do
12 that, we need to make sure we are communicating with those parties that we would send it to.
13 So I think we definitely should do it.

14 >> HAMILTON: All right. I'm going to propose that we table this one until we have had
15 enough time to discuss other potential legislative proposals and the whole how do we improve
16 our outreach and liaison with our oversight committees. Is that a reasonable thing to do? Could
17 you capture that, Mr. General Counsel?

18 I want to do -- before we close this topic, I wanted to read a paragraph out of our enabling
19 legislation regarding legislative recommendations just to kind of refresh all of our memory.

20 This is out of the Atomic Energy Act Section 320 and it is in our neighboring legislation:
21 Transmittal of certain information to Congress. Whenever the Board submits or transmits to
22 the President or the director of the Office of Management and Budget any legislative
23 recommendation or any statement or information in preparation of a report to be submitted to
24 the committees on Armed Services appropriations and energy and commerce of the House of
25 Representatives and the Committee on Armed Services appropriation of energy and natural
26 resources of the Senate pursuant to Section 2286EA of this title, the Board shall submit at the
27 same time a copy thereof to such committees. That's a mouthful. But what it says is when we
28 submit a legislative proposal to the OMB or the White House, we're supposed to tell our
29 oversight committees. That's what this says. And we don't need to discuss that. Just since we're

1 talking about legislative proposals, I wanted to kind of refresh our collective memory so that we
2 don't forget that this is part of the Atomic Energy Act that we have to abide by.

3 So I have no further discussion on Recommendation 1. Did you want to say something.

4 >> CONNERY: It doesn't say it in the reverse, does it? It doesn't say that if we send
5 something to the Hill that we have to send it to OMB and the White House?

6 >> HAMILTON: No, it does not.

7 >> CONNERY: Interesting.

8 >> HAMILTON: Yeah.

9 >> ROBERSON: That means it never goes that way.

10 [CHUCKLES].

11 >> HAMILTON: Okay. I think that's everything I wanted to talk about on Recommendation
12 1. So hearing no other comments, we're going to move to Recommendation No. 2. We do have
13 a break here. We're running about ten minutes ahead of schedule. But the next section is on
14 mission, vision and principles and Ms. Connery is going to lead this. Do you think we should
15 take a break now or do you think we should push through and do this one?

16 >> CONNERY: I think we can go ahead and start it.

17 >> HAMILTON: Let's go ahead. We've got a half an hour allocated to this and then we'll
18 take a break after that. Ms. Connery.

19 >> CONNERY: Unless any of you have to take a break beforehand and then just let me know
20 and we'll stop. So I just want to say at the outset I noticed how the first section went how
21 Mr. Hamilton presented and then he got all of the actions. So I'm a little skeptical of having the
22 recommendation that says establish mission, vision and principles for the DNFSB and
23 potentially being the stucky [phonetic]. But that being said.

24 So the Recommendation 2 is a short paragraph. But there's a lot packed into it. And kind of
25 big important things I would say. It says the Board Members should work towards having a
26 common understanding of the Board's mission and develop a new Vision Statement to
27 characterize how it would like the organization to evolve over the next two decades and
28 beyond. It said it should have an accompanying strategic plan that sets forth steps to -- for the
29 organization in order to realize that vision.

1 And it says we should announce a unified commitment to remediate to the current climate
2 of disputes that's become so ingrained and an attribute of its work culture. It talks about
3 dedicating ourselves to adopting the best practices for operating in a deliberative body. And
4 then it talks about how we would -- we should establish -- after we establish a strategic plan,
5 how we should pursue that strategy.

6 So that's a lot because it encompasses two very distinct things in my mind. One is more on
7 the behavioral side of the house. And the other is on an actual practical issue which is strategic
8 planning.

9 So no shock to you all, I'm a big proponent of strategic planning. I think the process of
10 doing it is as important as the outcome. So the last time we tried this, and I kind of chaired that
11 effort and it met with limited success, ironically, I kind of modelled this process on something I
12 had done when I was at the NSC in which I got 47 countries to agree to an outcome including
13 India, Pakistan and Israel. And you folks are a lot harder than it was to get those folks to agree
14 on something.

15 But I think part of the problem was that we were up against a deadline. And it was a check-
16 the-box exercise at that point in time and I think we all treated it as such and I think that that
17 was problematic.

18 I also think much like we talked about the solution sets, we delegated down to the staff to
19 deal with some of the problems that we were having. In this case, we didn't involve the staff
20 and we kept the strategic planning to ourselves. And I did a lot of research at the time with
21 regard to strategic planning specifically for Federal agencies. And one of the first things that
22 they tell you is that you should do it in conjunction with your senior management. And we
23 didn't actually do that.

24 And I think the other problem that we had was we focused it on the statute. And we
25 focused it on the statute because we don't disagree with the statute because we can't disagree
26 with the statute. We all kind of salute smartly to it. I think that, one, we do need a strategic
27 planning process and I'm going to ask you if you all agree to that. I think that it shouldn't be
28 time driven. I think it should be process driven.

29 And I think we should look at where the Department is going in the next five to ten years

1 and take that as the outset proposition and flow our strategic plan based on how we're going to
2 react to the issues and challenges that the Department is facing.

3 In the NAPA report they talked specifically about the challenges the Department is facing in
4 the section in which it says we're essential. It talked about the production ramping up in NSA,
5 PIP production, team production, weapons expansion. It talked about waste remediation. WTP
6 tank side seasoning recovery. Those are just examples of the things that they have to look
7 forward to. And the fact that they are hitting high hazard decommissioning.

8 They talked about aging infrastructure, which we can all attest that we have been seeing a
9 lot of our staff reviews, the mission is enduring but the buildings aren't I guess is the short
10 takeaway from that.

11 So there's different postures that are required with mission changes, engineer controls
12 might be more challenging and we might be relying on admin controls. This might make
13 maintenance more difficult and more important I should say.

14 There's workforce attrition. So those four challenges, the change in the work structure for
15 NSA to ramp up, the high hazard difficulties that EM is going to be facing as they hit harder-to-
16 do activities. Aging infrastructure, attrition and workforce, I think around those challenges that
17 NSA and we are facing, we could then have a strategic plan of how we're going to approach
18 giving advice to the Secretary based on those things.

19 So my first proposal to the Board would be that we, one, we need -- I need to know if
20 there's an appetite for actually revisiting a strategic plan and doing so in a non-time constrained
21 way. But a deliberate fashion that in my view should include staff but my other proposal will be
22 to ask for help when we need it and in this case maybe bring on an outside consultant who
23 does Government strategic planning, either from NAPA or from some other entity. So that's my
24 first question to all ya'll.

25 >> HAMILTON: Go ahead, Ms. Roberson.

26 >> ROBERSON: So I was going to say I believe we should engage in a strategic planning
27 effort. And maybe in a new strategic plan. I will say it's more where we've run into trouble, not
28 just this last time but times before, it's not just a time constraint for some artificial reason. But
29 this last time we also ran into where the staff below was generating performance metrics and

1 they had to meet the strategic plan.

2 So I think we should let business as usual proceed for the next year. And if we're going to
3 have a real effort, we have a real effort.

4 The one thing I would say is I think the Board should have its strategic plan. Not DOE's
5 strategic plan. So I think we can breathe in and breathe out based on how many of DOE
6 activities. But I do worry that we not base our oversight on looking at exactly what they are
7 doing every time. We shouldn't be looking at them in the some pipe. So I agree with you in
8 some places we haven't paid enough attention to is aging infrastructure. I'll just say safety
9 controls in general. We are increasing that. But I think there are areas that DOE may not be
10 paying as much attention to for its own reasons but we probably should.

11 So I'm just cautious as we proceed that we make sure we produce a strategic plan for
12 oversight.

13 >> SANTOS: I support the notion. I also support we should not be time constrained. But I
14 think we need some additional first order exercise to see if there's alignment before we embark
15 on a strategic plan. So even higher than that. I think there's some definitions of how we want to
16 approach our work itself that should be clarified. I think we have a ways to go in doing a better
17 job explaining how our independent oversight is going to be carried out. Meaning be more
18 predictable, more transparent. Better communicating our risk methodologies, better
19 communicating how we're going to remain focused given a scope of work. And I think we need
20 to define some of those high-level approaches to the fundamental way we're going to conduct
21 oversight to all stakeholders and then derive a strategic plan that will follow from that. So I
22 support the initiative. So I think we need some higher level work first.

23 >> HAMILTON: First of all, I want to thank you for shepherding this last time, even though I
24 know it was a bit of a rock soup kind of exercise, you had a job that gets no thanks. And you
25 pushed through and got it done, even if it wasn't something that you really wanted at the time
26 we got it done.

27 I can't agree more that when we try to do this under time pressure, we get into trouble.
28 And when we link it to the annual cycle of reports that we're required to give and so forth, we
29 end up having to get it done rather than doing it right. So that's what we were faced up against

1 before.

2 I also think you're right on the money, Mr. Santos, this is a very -- there's a very set -- very
3 complex set of other issues running in the background. Having said that, and agreeing with you
4 that that's the case, I'm not sure that we can wait until we have solved all of those other issues
5 to tackle this again. And again, we may end up like last time where we don't quite get it right
6 but we get it closer.

7 So I don't want to wait until we do these other higher order issues that you're talking
8 about. One of them being this voting and dispute process, which is not part of this one, but I'll
9 bring it up.

10 Sub-recommendation No. 2 talks about climate of disputes. Let's just -- let me take a
11 sidebar for a minute. Why do we get into these disputes? Well, when you and I got here in
12 August of 2015, that's just the way it was done. We were voting on things. And we didn't know
13 until the vote closed how each other voted. And the way -- the reason that I do that is because
14 that was what I learned when I got here. That's it. There's no other reason than that.

15 And you learned the same thing. And so what does that do? Well, it means that we don't
16 collaborate as well as we should. And we're afraid to tell each other how we're going to vote
17 until we voted. And this creates this kind of dispute problem you're talking about.

18 So we need to address that. Now is not the time to address it. I use that as an example of
19 the many myriad things that have to be resolved simultaneously. My point in all of that is we
20 can't wait until we get all of those myriad things addressed before we do this. I think we should
21 push ahead with this.

22 >> CONNERY: I just want to address some of the issues that you've raised because I think
23 they are good ones. Ms. Roberson, you're right, I wasn't -- it has to be our plan. It's about how
24 we respond to what DOE is doing. I was just using them because our job is to do oversight of
25 the Department. Understanding where the Department is going in five or ten years helps us
26 understand it.

27 When it comes to the fundamentals of how we do oversight, that actually should flow from
28 your strategic planning. Your strategic plan should tell you where you want to go. What you're
29 asking is how do I get there. And that's actually going to be the next level down and that's

1 harder. That's how do we risk rank? That's where do we put our resources? But I would submit
2 that you can't even begin to understand what resources you need and where they need to be
3 deployed until you have a vision as to where you're going to go.

4 And we unfortunately live in the tactical because it's easier to do. And that's kind of the
5 default. And some of us walked into that scenario. There was already a plan in place. So most of
6 what we do I feel as a Board has become much more tactical and much less strategic. And we
7 have to be able to raise ourselves out of the weeds and do the strategic which is harder than
8 the granular things that we do.

9 And once we have a strategic plan that we can buy into, and this is why I think we need
10 some outside help, because I think stakeholders have to give us some insight. NAPA did. I think
11 we can get insight from others to inform -- not to dictate but to inform what we do as a
12 strategic plan. I think that the staff has to be involved with it and have buy into it because the
13 strategic plan should not live separate from their day-to-day work. It should inform their day-
14 to-day work. And it should inspire their day-to-day work so that they feel tied back to the
15 strategic plan, which is tied to our mission.

16 And until and unless all the staff feel invested in that mission in everything that they do,
17 we're not going to get the products that are going to satisfy us. And we're not going to give the
18 products that the Department deserves for us to give. So I'm extremely passionate about that
19 aspect of it.

20 And then it will give us a better insight into, again, where we want to put our resources.
21 Eventually it should flow down into the work plan. Again, which would be tied back to strategic
22 objectives, which are much, much higher and the work plan is the tactical. And we have to have
23 a way to evaluate it. We have to have checks along the way to make sure that we are actually
24 executing to the strategic plan and the mission of the agency.

25 And again, we've kind of lost that. When I was doing the deep dives when I initiated that
26 process back when I was Chair, my thought process was, this was a program review. And a
27 program review is always to kind of understand the bigger picture, the strategic understanding,
28 of what it is that you're doing. And we did it by sites and then we were going to move to cross-
29 cutting. We have kind of gotten away from that.

1 And instead we have Resident Inspector Weekly where we get snapshots in time but again
2 it's focused on the tactical. And if we can't do strategic, I think we're doing a disservice to our
3 senior executives and our staff who are the leaders of tomorrow and they have to be able to do
4 strategic. So we need to demonstrate that we can do it first. So my plea to ya'll is let's roll up
5 our sleeves. Let's try to get to a point where we have a clear vision of where we want to go with
6 the agency. And I would, again, ask for outside help, some contract assistance, for people who
7 have done this and know how to do it right. And that we involve some of the staff members so
8 that they have experience doing it so that this doesn't become something that gums us up
9 every five years or something that we just stick on a shelf because we're told to do it by the
10 Federal Government and the processes.

11 >> HAMILTON: I just want to say I'm supportive of the idea of getting some outside help to
12 you.

13 >> ROBERSON: Yeah and I think this is definitely a venture we should take for multiple
14 reasons. One is we need a real strategic plan because it is what communicates to the rest of the
15 organization and to the outside where we're focused. I also think it's a great opportunity to
16 practice that we heard what we've been told about our functionality. So I think it would be
17 important in that. Several of these will. But this is certainly one.

18 >> SANTOS: I wholeheartedly agree. I'm supportive of getting outside help. Because as you
19 all know there's Strategic Plans and there's Strategic Plans. And some of them just becomes a
20 marketing kind of beautiful brochure after a lot of expense and doesn't actually get to being a
21 real strategic plan. So I support having a real strategic plan and getting the help we need to do
22 that.

23 And then rolling out some of the elements that we have to get some of the harder aspects
24 of it. Concurrently I'm okay with that. I just want to make sure we recognize them. Because if
25 we don't include them, then we're going to end up with a marketing strategic plan as opposed
26 to a real strategic plan. That's all.

27 >> HAMILTON: One of the -- I'm having a little bit of difficulty remembering specific
28 challenges we had with the last exercise that you shepherded. I just remember there were
29 challenges. Were we to be able to go through that exercise in this setting, I think it would be

1 much more fruitful. I think part of the problem that we have, not just with the strategic plan,
2 but with our functioning and relationship in general is trying to do things bilaterally. And ending
3 up playing telephone with each other. And it really goes to this disputes. It goes to hard
4 feelings. It goes to misunderstandings. If we can do the strategic planning in a much -- in this
5 sort of environment, and it may take several meetings to do it, I think we would have a much
6 more successful path.

7 >> CONNERY: So I would propose we put this in the category of we're going to move
8 forward on it. Is that your No. 2?

9 >> HAMILTON: Yeah. But you've got it.

10 [CHUCKLES].

11 >> HAMILTON: But you can get help.

12 >> CONNERY: Thank you. But I would say, yes, I think we could go through the strategic
13 planning process in a group setting. I think one of the challenges we had last time was that it
14 wasn't -- I didn't do a lot of work upfront because one of the things that the Board had told me
15 individually, collectively, was that this was for the Board -- the Board should do this without
16 staff and we should make it our own. And that's -- it goes against everything that I've looked at
17 from every other body that does this.

18 So we may have to get some -- give you something to shoot at first. Put up a straw man or
19 a straw structure and then once we have an outline, bring it to a meeting like this in which all
20 the Board Members can contribute and shape how it goes. So that's I think one of the problems
21 that we had the first time.

22 So this is -- so according to the --

23 >> HAMILTON: May I address that point?

24 >> CONNERY: Sure.

25 >> HAMILTON: I think that's the right way to do it. We get outside help to be the Sherpa for
26 this, the outside help, the Sherpa, gets with us individually, starts building a straw man, gets
27 with the staff. Puts all of that together. And then in this setting we start -- it's the straw man
28 that we start challenging and seeing where the consensus is.

29 So I think that's exactly what we need to do.

1 >> CONNERY: So moving on to the unified commitment to remediate the current climate of
2 disputes, I wasn't going to talk a lot about that because I think that's throughout the
3 conversations. I don't know that there's anything specific we should do other than I'm a fan of
4 maybe having more discussions offsite where we address underlying challenges. But I look
5 forward to anyone else's comment on that.

6 >> ROBERSON: This is a string through Recommendation 4 so we'll be able to come back to
7 it and you'll be able to help shape it again.

8 >> HAMILTON: So this one is tabled for further discussion. I would like the remark that I
9 think that I've already talked about our voting process and how we have had challenges there,
10 how we play telephone all the time. The Government in the Sunshine Act drives us in directions
11 that probably aren't healthy for us. It drives behaviors. It's driven us into this bilateral
12 negotiations.

13 And I have been a proponent, although I haven't been as vocal as maybe would have been
14 beneficial. But I've been a proponent of doing these kinds of public meetings for quite some
15 time, as I know Mr. Santos has been and I think everybody is comfortable doing them.

16 But I think if we can do more and more of these public meetings, we can drive the
17 behaviors away from those kinds of things that are causing these disputes. So that's just my
18 thought on that. But we'll put this in the tabled for future discussion category.

19 >> CONNERY: So Sub-element 3 talked about adopting best practices for deliberative body.
20 And again, there's a lot of overlap with that. That's in Section 4.2 of the report. The first is to
21 agree on a clear mission and strategic vision, which I think we just discussed. We were about to
22 embark on outside of this.

23 Two, it says to reflect the current needs of the organization. And it talks about the skill sets
24 of each of the Board Members. And I would say this, we have discussed this I think at length
25 under Mr. Hamilton's section but I also think that there are -- each of us have strengths and
26 weaknesses in our both leadership, technical, managerial capabilities. And I don't think it is -- I
27 don't think it takes away from any of our individual strengths or weaknesses or capacities to say
28 that we should, as individuals, also seek to improve in certain areas. Again, it's not about what's
29 wrong with each of the Board Members. But I think we could all say we're a learning

1 organization. We're also a learning organism. So I would be a proponent of any individual Board
2 Member that sought to strengthen where they think that they have personal challenges
3 themselves.

4 Like taking a safety course, for instance. Just you saw that you had a technical interest in
5 something and you had a safety course. I don't think -- I think that if any one of us or collective
6 of us felt like there was a place where we had a deficit that we should seek to address that
7 through outside means.

8 >> ROBERSON: Did you want comments on that?

9 >> CONNERY: If you would like to give one, sure.

10 >> ROBERSON: No. I think that's in life in general, no matter where we are. We should
11 always be introspective in understanding what our strengths and weaknesses are. I have some
12 strengths. I have some weaknesses. I don't tell anybody what my weaknesses are but that
13 doesn't mean I don't know them. And I think you're right. As professionals we want to be the
14 best professional we can. I think the point they made and you emphasize is right on.

15 >> CONNERY: I would like to thank the former staff member who sent us all copies of the
16 Dale Carnegie book. Helpful.

17 And then third, it says interact respectfully, honestly and cultivate mutual trust. I think the
18 beginning of trust is communication. The more communication we have, the less mistrust there
19 is. I think there will be chances to talk about team building later on in the section that
20 Ms. Roberson is going to look at. And maybe a conversation about conduct going forward.

21 So I will wait to finish that later on.

22 The freely exercises dissenting opinions, I'm not sure that we have a problem expressing
23 dissenting opinions. I think they meant before we voted. But I think some of us are quite clear
24 where we stand on things. And maybe a little too clear. We need to be able to describe where
25 we stand on something but also where we'll move on something. I think that's actually the
26 bigger challenge is to say not just what I don't like but what I could live with.

27 >> ROBERSON: You said -- you ended with what I was going to say. I think that's the
28 practice that is important is the practice I remember from my experience with the Board in the
29 past is all Board Members, I mean, I've seen -- there's a one of us that's been on every Board.

1 But I think the thing we have to practice is finding out where that point of intersection is.
2 Because everybody has some value they bring to the decision making. And to me that's what
3 collegiality is. You started with that. It's respecting that even though I may have a strong
4 opinion, the goal is to get the best decision out of the totality of the brainpower of the Board.

5 So I think it's -- it is a good practice. And it may be something hard for us to practice on.
6 What is it you need to be able to support this? What is it that bothers you about this? Can we
7 address that? I think it's an understated point.

8 >> SANTOS: What I experience is that we all do a great job of communicating our analysis,
9 our needs and things we can live and we cannot live with. I think what's lacking is that feedback
10 loop and going back and are your needs being satisfied or not.

11 So I think there's room for work there. So maybe as we talked -- go ahead.

12 >> ROBERSON: I agree with you. I just want to emphasize it's never like an individual thing.

13 >> SANTOS: Yeah.

14 >> ROBERSON: Personally what do I think is the best way to act or to communicate or to
15 say this? At the end of the day, I believe everybody wants to do what's necessary to add value
16 to ensuring safety is considered. But it's the compromise in how not what to me.

17 >> SANTOS: Yeah I agree with that.

18 >> HAMILTON: Is this the kind of thing that belongs in a Code of Conduct?

19 >> CONNERY: I don't know that that -- I don't know. I think it's more about -- it's not about
20 how you present. It's about whether you present. I think it's a practice that has to be exercised.
21 I think that there's ways to understand the point that the -- first of all, letting the other person
22 make the point. That's the first thing. And then being able to accommodate that. I don't think
23 it's a Code of Conduct. I think it's a practice. And there might even be, you know, coursework
24 that we could do to practice how to accommodate those things.

25 But I guess I disagree a little bit with Mr. Santos' characterization, I find it extremely
26 frustrating when a product goes out and I try to be extremely vocal about what my issue with it
27 is and then I don't feel that I'm always listened to or accommodated. And if you have -- if you
28 have consensus on a 75% product and the 25% doesn't add to or diminish the product if it's not
29 there, then you take the 75%. I've realized that that's a C. But at least you passed something

1 you know with a consensus. And I think that's important in certain areas. That's the kind of
2 thing that I don't see us doing well.

3 >> ROBERSON: Who was next?

4 >> HAMILTON: Go ahead.

5 >> ROBERSON: Listen, I was going to say we're going to talk about potential Code of
6 Conduct in Recommendation 4 so I don't think anything we say here is going to be lost. But I
7 think each of us have advocated strongly for things we haven't gotten. Some of them I'm still
8 raw on. And you guys know which ones. But I respect that the Board makes a decision. And I
9 will always respect that the Board made a decision. But I will continue to try to add value to the
10 decision making, even though I lost one. So we're probably all raw on things that we thought --
11 or how we thought things should have been done. I think it is not at the end of the day
12 believing that the agency action is something you can feel good about. It's not about us
13 individually feeling good. It's about the agency action. And I think it's a struggle. Because we're
14 all very strong willed personalities. But I think we do need more work.

15 >> HAMILTON: You don't see this as a Code of Conduct issue?

16 >> ROBERSON: I see the element that's a Code of Conduct issue is how we interact with
17 each other. I think that is -- it's something -- like I said, I'm going to raise that in
18 Recommendation 4. I think the -- I don't know that it's a Code of Conduct issue but it's how we
19 relate and treat each other that could benefit from a Code of Conduct. That's what I would say.

20 >> SANTOS: One thing that resonates with me, I think we need to carry it in practice and
21 what have you, is that individual versus the Board. And that transition and understanding that I
22 think it's important we continue to work that. So even if you don't get yours, if the agency is
23 moving forward, that's a good thing. I think that's something we all need to continue to work
24 on. So it's a good topic that we should continue to carry forward.

25 >> HAMILTON: Would you -- so we've been at this for half an hour now which is what we
26 had allotted. Would you summarize for the General Counsel what you think we are on these
27 points -- where you think we are on these sub-recommendations?

28 >> CONNERLY: Sure I was just going to -- the last point on this and I'm going to wrap it up.
29 Continually evaluate their performance and respond to findings. So I think that's what we did

1 with the NAPA report and I think this is how we're responding to it so that's all to the good. I
2 think like I said earlier, I think the problem we had before and what Ms. Roberson said, as well,
3 is we delegated a lot of this work to the staff and you can't delegate leadership. We have to
4 own it. And we have to model it.

5 So where I think we are on these issues for the General Counsel is I think I am the point
6 person stucky on working on --

7 >> HAMILTON: But we're giving you help.

8 >> CONNERY: Yes. Strategic planning with assistants to be named at a later date. So that
9 one is kind of tabled to a later extent. The climate of disputes will be discussed a little bit later
10 on under Ms. Roberson's rubric. Best practices, I think we all agreed to looking toward the best
11 practices. I don't think there was any disagreement there. So that one is considered to be a
12 work in progress.

13 And then the agency strategy pursued will be a follow-on from the strategic planning.

14 >> HAMILTON: Okay. Thank you. And one just very quick comment, I forgot to make at the
15 beginning, this recommendation, which says establish mission, vision and principles, the
16 mission is established by Congress. So just a fine point. But we don't establish the mission. We
17 do do the vision and principles. But not the mission. Just wanted to make that point.

18 We will take a ten-minute break. And we'll reconvene to discuss Recommendation No. 3
19 led by Mr. Santos so we will reconvene at 22 minutes past 2 by that clock right up there. Thank
20 you.

21 >> HAMILTON: We are reconvening this public meeting with Recommendation No. 3, the
22 discussion led by Board Member Santos.

23 >> SANTOS: Thank you, Mr. Chairman. Recommendation 3, the Board Members shall
24 engage in publicly open discussions and work with the Congress and the Department to
25 formally define its legal jurisdiction along with its role and responsibility.

26 So I would like to parse this a little bit. When it comes to our legal jurisdiction, that's clearly
27 defined by Congress on our statute. I think there's some areas that are subject to our judgment
28 and interpretation. But I just want to make sure that we recognize that it's very clearly laid out.
29 And I know you'll know that.

1 When it comes to -- I'll talk some more. I'm going to get specific examples where some
2 areas that might be subject to interpretation and how we move forward.

3 When it comes to the Board Members shall engage in publicly open discussions, my
4 observation is we're doing a very good job of that. In areas where there's alignment, I think our
5 recent practice has been to increase our transparency and our ability to engage publicly, which
6 is something I've been supporting and I want to thank all of the Board Members for engaging in
7 it. Whether it's technical hearings, public meetings. So that part to me is working well in areas
8 where there's alignment.

9 I think working with the Congress, I want to do a parentheses and bring that issue up. I
10 think we are not doing a good job. And we'll talk about how to improve our Congressional
11 affairs and stakeholder engagement.

12 So an example where I consider we're executing our work consistent with this
13 recommendation -- and there's some areas we could leverage to serve as an approach to move
14 forward on other issues where the Department of Energy or other stakeholders may be
15 challenging our interpretation and authorities to pursue our mission is Order 140.1. As you
16 know, we have -- we are having a series of public hearings on the subject. We have sent several
17 letters to our Congressional oversight committees. We have communicated to the Secretary of
18 the Department. We're trying to be very transparent and communicative on those.

19 So what I hope happens at the end of this whole issue with 140.1 is that we can reflect
20 back what worked well, what didn't work well, what should be codified in our agency
21 infrastructures in terms of procedures to continually -- continue to execute to this
22 recommendation. So I do agree with the recommendation.

23 And before we move on to the other topics, I will get your perspectives on what I just said.
24 Why don't we just go around the table.

25 >> CONNERY: I just want to clarify what you mean by procedures with regards to --

26 >> SANTOS: I'm sorry?

27 >> CONNERY: You said something about we should take lessons learned and adopt
28 procedures with regards to the 140.1 hearings. Maybe I misunderstood what you meant.

29 >> SANTOS: Figure out the best practices from a process that's publicly available -- that we

1 gather the best practices and we codify it into our infrastructure. I'm not necessarily talking
2 about 140.1.

3 >> CONNERY: I guess examples of what? I just am not following what you want to
4 procedurally or codify.

5 >> SANTOS: For example the way we decided to have letters to Congressional oversight
6 committees, the number of -- having public hearings and meetings. Kind of have an expectation
7 laid out for the staff and ourselves of how we are to proceed. Because some of this being
8 reactionary is being kind of ad hoc. Go ahead.

9 >> ROBERSON: Are you done for now, Ms. Connery?

10 >> CONNERY: Yes.

11 >> ROBERSON: Let me just said I think what you just said is something like Ms. Connery said
12 that we figured out a way on 140 to find a point of intersection on the line and that's the best
13 practice we should implement. And I agree with that.

14 >> SANTOS: That's basically what I'm saying.

15 >> CONNERY: Okay.

16 >> HAMILTON: I don't have anything to add. I'm really expecting us to dig down on 140.1
17 on this so go ahead.

18 >> SANTOS: I'm sorry; you said you are not?

19 >> HAMILTON: I am.

20 >> SANTOS: Ah, you are.

21 So the -- some of the -- so on 140, I think we have a process laid out. We have an upcoming
22 public hearing in February. So we're going to have -- we have feedback from the Department.
23 We're going to have feedback from the public hearings. We have work done by the staff in
24 generating red line strikeouts, what have you. My expectation is shortly after we come from
25 our last hearing, we consider getting together and saying, okay, what, if anything, we want to
26 recommend to Congress on 140.1. Because it's becoming more clear to me that we're going to
27 need some help on the topic. And my hope is, as we discuss better ways to do Congressional
28 engagement, affairs, and all of that, we can pilot all of these new procedures and ways to find
29 alignment using 140.1 as a model to start implementing our best practices.

1 >> ROBERSON: Yes.

2 >> HAMILTON: I don't have anything to add at this point. I'm kind of searching for how to
3 wrap this recommendation into a bow. Help me with that.

4 >> CONNERY: I said I passed and I shouldn't have passed. So I agree with you that I think at
5 this point we've heard from the Department. We have one more public hearing which I think
6 we own to the public and to the state of New Mexico which asked us specifically to have a
7 hearing in New Mexico. But it's clear from the Secretary's letter that they have a defined
8 position. And it doesn't look like they are entertaining at all a conversation with us about
9 anything but status quo with regard to the order and it being implemented. So our recourse is
10 Congressional action. And I would recommend personally that we consider putting this in the
11 bucket with future potential legislative proposals. And maybe have one of the Board Members
12 along with our Legal Department who is going to be opining on this for us soon to have a
13 conversation about what we would propose, how we would propose it, and the mechanisms by
14 which we would do that.

15 >> SANTOS: So I agree. It's pretty clear to me where they stand. But I respect their roles
16 and responsibilities. They own the order. I don't expect they are going to change their own
17 order. So it's up to us to communicate appropriately to Congress on that.

18 So I can be the lead to work with legal. So I'm volunteering myself to do that. Again, put it
19 in the right bucket. But all I'm saying is if we decide to do better engagement with Congress and
20 what have you, we use this process to pilot some of our new best practices to the
21 [indiscernible].

22 >> HAMILTON: The common theme I'm hearing between this discussion and previous
23 discussions is getting back to the idea of having talent that's specifically allocated to legislative
24 affairs.

25 >> SANTOS: Yes, as you know, we used to have Congressional affairs help. And I've noticed
26 the delta since we no longer have that. And that could be part of the solution.

27 >> CONNERY: So I'm going to associate myself with the comment that we need to have
28 somebody. I wouldn't say that their sole purpose should be Congressional affairs because
29 Congress is big. We're small. So they wouldn't have a full plate if that were the only thing they

1 did. External affairs in addition to speak with our stakeholders, I think that would be a useful
2 role. And that's the role we had before. And there could be other duties as assigned. Basically I
3 think that we should come up with a position description that we all agree to and then decide
4 to go out and recruit somebody who has legislative experience to do that.

5 I think it's not just about 140. I think in general it's the -- Congress is going to be very
6 interested in the work that we do on a day-to-day basis that helps inform them so that they can
7 understand how their funds are being allocated both at NSA and EM. It's kind of good for all of
8 us to be transparent in that way.

9 >> ROBERSON: So I agree with the point that's been made. I do think we need to consider a
10 resource. Maybe there's more functions as Ms. Connery said. And one of those sets of functions
11 is something that I'm going to raise in Recommendation 4. But I think one of the things that
12 NAPA was clear on is that we have kind of dispersed and engaged the entire organization into
13 our direct decision making. What we need to do is lift some of that burden off the rest of the
14 organization and establish some internal changes that make our internal decision making
15 processes more efficient. And this is one of them in my opinion. There are others, as well, too.

16 >> SANTOS: Okay. So again, I think 140 has provided a model. And there's alignment. I think
17 we have been pretty effective up to this point of working together and communicating and kind
18 of have a strategy. But as you all know, there's other topics regarding potential jurisdictional
19 issues or interpretation of statute where there's some differences among ourselves. And we
20 have just resorted to just simply vote and express our disagreements through our vote sheet
21 without having any meaningful discussion. And I want to mention some of them. This is all very
22 well known to all of you. And I want to have an open discussion of alternatives for us to deal
23 with them.

24 So I'll start with an easy one. I'm joking.

25 The use of reporting requirements. And as laid out by the statute. The scope of the work,
26 the Board's oversight over non-nuclear non-radiological hazards. The role and scope of Board
27 oversight over onsite transportation. The scope and Board oversight regarding whether it's
28 atomic weapons safety or nuclear explosive safety. The meaning and scope of Board oversight
29 over worker safety at defense nuclear facilities.

1 These are areas where we have differences of opinion -- you know, a range of views in
2 some of them. In some of them there's closer alignment. And why I'm bringing this up is in the
3 context of this recommendation to engage in publicly open discussions and work with the
4 Congress and the Department.

5 These are some areas where we have just expressed our views through our voting
6 primarily. And some of them have been recognized by the IG and NAPA as issues of -- that have
7 created some challenges for the agency.

8 So I'm open to suggestions. One way to do them is to basically enact a series of public
9 meetings to pick a topic and go through it and pick examples where we have taken recent
10 actions or upcoming actions in front of the Board and where we can express our views. This is
11 just a brainstorming session at this point.

12 >> HAMILTON: Go ahead.

13 >> CONNERY: So I think we're mixing some metaphors here. I think the use of reporting
14 requirements as a tool. I think when it comes to things like worker safety or as I would call it
15 public safety, I think those are issues that are supposed to be decided on an individual basis. I
16 think that having a discussion in the abstract is not necessarily useful for a lot of these. But I
17 think there's two buckets. One is, what are the tools that we can use? And then there's
18 jurisdictional issues. And those are two very distinct things. The one that got the vision or the --
19 grabbed the attention of NAPA a reporting requirement because they saw that as there's a
20 distinct difference in how we view that. And I think that -- I don't know that we necessarily
21 need a public meeting to have that conversation. I think amongst ourselves we just need to
22 understand the different views around the table as to when that's useful. But I'll tell you for me,
23 I can't talk about any of these in the abstract because context is king in this scenario. And
24 depending on the situation that we're looking at and the site that we're looking at, that's going
25 to affect whether or not I think there should be a reporting requirement. What kind of
26 information are we getting? And for what purpose? That's going to be the same on onsite
27 transportation. What is the review that we're doing and what are the outcomes of that?

28 I think in any of these, the legislation is clear that we have the right to ask the questions
29 and gather the information. And then what we do with that is our deliberative process. So to

1 have a conversation where each of us goes on record to say what our thoughts are on non-
2 nuclear hazards or nuclear explosives I think is going to be less than useful without the context
3 of a particular issue in front of us or whether it's a recommendation or a proposal for a hearing
4 or a letter.

5 >> ROBERSON: So I think the issue here is that NAPA pointed out and maybe bared in other
6 parts of the report and many of these recommendations crisscross other reaction is what is the
7 guidance to the staff separate from how the Board makes decisions.

8 So they pointed out some examples. And some of those I'm a culprit. And I'm fine with
9 that.

10 [CHUCKLES].

11 >> ROBERSON: And others are culprits. But in my view we should try to provide the staff
12 with one position. For instance, I certainly -- I agree with you. When it comes to onsite
13 transportation, I'm going to look at, what is its effect on defense nuclear facilities? But the staff
14 has to have some guidance. They can't wait until we give them feedback after a review to
15 decide how to scope out their work. So on some of these -- and all of those are sprinkled.
16 Maybe there are others sprinkled through the report. I think we should consider is there some
17 simple statement of guidance we provide to the staff and make it clear to the staff that even if
18 at the end a Board Member doesn't agree with something, it's not because they did the wrong
19 thing. It's because our decision making is based upon an assessment of the information at the
20 end. Not intended to -- they can't have four different views on the same topic guide their work.

21 So to me the issue is separating guidance to the staff as to how to do their work from our
22 decision making at the end. Does that make -- I think that's the issue. That's the issue I think
23 they were trying to get to here.

24 >> HAMILTON: I'm having a little bit of cognitive dissidence because when I read this
25 recommendation, it's really focused on 140.1. And I'm hearing all of these other things about
26 reporting requirements and jurisdictional issues and everything. But this recommendation, if
27 you read the last paragraph, it says, the Board should use as an opportunity to make its views
28 known to Congress imperative if the Board completing an assessment of the effects of Order
29 140.1 and communicate its views to the Secretary and President and Members of Congress.

1 I think we're wandering off of this topic. I don't understand. Help me with this.

2 >> SANTOS: Let me be clear. I agree. I positioned right off the bat, we are doing it. My point
3 on 140.1 is we are doing exactly what the recommendation is doing. And I think we're on par to
4 do all of this regarding to 140.1. I then went beyond that when it comes to, you know, more
5 members should engage in public open discussion and the Department fully define its legal
6 jurisdiction along with its roles and responsibilities. Beyond 140.

7 >> HAMILTON: The way I read that -- the way I read that was as a part of the 140.1
8 question. Not the broader question of jurisdictional issues.

9 >> SANTOS: I took it broader. Because the 140.1 to me was we're doing it. It's a little bit
10 easier. So I want to address some of the comments made by Ms. Connery and Ms. Roberson.
11 Because I agree. Content is absolutely king. I agree staff needs guidance. The reason I pointed
12 out these examples in the abstract is because the only way we're providing to the staff is
13 through our voting is creating a lot of confusion and I'm just looking for are there other
14 opportunities for us to provide guidance to the staff and clarity. That's all.

15 >> CONNERY: I think we provide guidance in other ways. I think one of the ways that we
16 provide guidance is through the work plan and I think we have all been very vocal where we
17 thought there were items in the work plan that didn't fit into our view of what our jurisdiction
18 was. Sometimes that came down to an amendment to the work plan or a vote in which we
19 decided one way or the other.

20 Personally I think giving the staff a little bit more leeway to look at things and then provide
21 us with what they think are the safety issues and then having us decide is the preferable way to
22 go. I know that the staff has been influenced by the vote sheets. And some of them won't bring
23 information up to us. And I'm actually more concerned about that than I am about us not
24 having a public discussion or giving them guidance.

25 I think the guidance should be you are all safety professionals. We're going to give you
26 guidance when it comes to the strategic plan and the work plan. If you find an issue that you
27 want to bring to us, by all means, the technical director should feel empowered to bring us any
28 issue regardless of where it fits on this menu and they we should be able to evaluate it and
29 discuss it at that point based on the information given to us by the technical director.

1 But I don't -- I think the communication to the staff should be, do not be cowed by some
2 poor reading of the room that you think you have that gives you some special insight as to how
3 we're going to vote. They shouldn't be making that decision. The technical staff should be
4 empowered to provide us with any safety issue and then we make the decision as to whether
5 or not we think it's appropriate in scope, in timing, in content to send it to the Department.

6 >> ROBERSON: I don't think we're off track. But I agree with that. Although, as NAPA points
7 out, the staff even reacts when we make changes to the work plan. So some of these issues are
8 seated. And they are not understanding different views even on the work plan. But in an ideal
9 world, you're right, that's the way it should work. And we should strive for the idea.

10 [CHUCKLES].

11 >> SANTOS: Yeah and I share your concern and my experience is we're actually getting less
12 not more and that's a problem.

13 >> CONNERY: But I think that's something that could be easily communicated to the staff.
14 And again, we have a senior executive technical director that given proper guidance to say err
15 on the side of more than less. And don't try to provide a product that you think we want.
16 Provide us the product that you would send over.

17 >> HAMILTON: Okay. Would you summarize where we are on this one? Because I'm not
18 sure.

19 >> SANTOS: It's easy. I think when it comes to Order 140.1, I think we are completing this
20 recommendation. That is my recommendation to all of you. If any of you disagree, just let me
21 know. I think we are doing what we need to do to publicly engage with Congress, the
22 Department, and other stakeholders.

23 >> HAMILTON: Okay. So what I heard you say was that we should close this
24 recommendation.

25 >> SANTOS: No. There's one element that I took for action. It's that I'm going to take the
26 lead to work with legal for any potential legislative proposals regarding the outcomes of lessons
27 -- things we learned from the experience of 140.1 that might necessitate some changes to our
28 statute. But that I'll take the lead for.

29 >> HAMILTON: So you've said that we completed the recommendation as it's written. But

1 you're going to -- you're kind of adding your own sub-recommendation that's implied here.
2 >> SANTOS: Yes.
3 >> HAMILTON: That you're going to take the lead with. Did you capture that?
4 >> Yes, sir.
5 >> SANTOS: And then I went further from 140 to issues where I think we need to work with
6 the staff, have additional discussions, the need for additional guidance. How to best
7 communicate that guidance. Whether it's through the Chain of Command. Through additional
8 meetings. Because there have been some issues that have created some changes in the
9 behavior of us and the staff when it comes to some of these issues of interpretation of statute
10 and jurisdiction. And I just gave some examples.
11 And for that one we can table that aspect, which is -- I created that sub-sub-
12 recommendation. And if we want to table that, that's fine. Whether we want to roll it into part
13 of strategic plan, messaging to the staff, I'm okay with that. I just don't want to lose the fact
14 that some of these issues have been at the core. Some of the challenges that have been
15 highlighted. And I don't want to let that be lost. Make sense?
16 >> HAMILTON: Got it. Okay. We're out of time on this topic. We're scheduled for another
17 break. I'm going to ask you, do we need one or do we want to plow right into Recommendation
18 No. 4.
19 >> ROBERSON: I don't need one. Other Board Members?
20 >> HAMILTON: Okay. So we will go ahead and proceed with Recommendation No. 4 led by
21 Ms. Roberson.
22 >> ROBERSON: Okay. Recommendation No. 4, foster deliberation and teamwork. And let
23 me say at the outset, as with all of you, I didn't just read the narrative under the
24 recommendation. I took in the totality of the report. Because it has examples for all
25 recommendations sprinkled throughout. And so if you hear me say something, kind of like now
26 you say well I don't see that in here, cue me up, I'll show you where it's at in the report. Being
27 the good engineer I am.
28 So I dissected Recommendation 4 into four pieces. The first piece is more genuine
29 liberations. The second piece is reforming the notational vote process. The third piece is team

1 building. And the final piece is the accountability of Board Members to strive in our daily
2 activities to demonstrate more collegiality through internal changes by Board Members.

3 So those are the four major elements of that recommendation I saw. And what I want to
4 do is just start at the easiest one and go to the hard one.

5 So the first one is the NAPA report makes a compelling case for more genuine
6 deliberations. They said it. We know it's true. 101s don't work. The communication isn't
7 consistent. We get -- we lose the sharing of the personal views. And so what I wanted to do was
8 just to throw out and let each Board Member express their own views. Because to me more
9 genuine deliberations means more public meetings like this. That's what it means.

10 And we should discuss if those public meetings are just about our business processes, do
11 we want to have routine public meetings to deliberate over proposed communication to DOE?
12 Do we want to have meetings that include invitations to DOE or contractors or others to speak
13 to us on specific topics? Those to me are the sub-elements of more genuine deliberation.

14 So I open the floor.

15 >> SANTOS: I like the idea. One of the things that we all like struggle with is some of our
16 correspondence process and the way we handle that. The famous orange folder process where
17 staff gets stuck between our different views and how we resolve that. When in some cases a
18 simple communication like this one could save weeks out of the process.

19 So I'm intrigued. I'm willing to have additional dialogue on other ways to tackle and
20 deliberate in our correspondence. Items that we want to communicate.

21 >> CONNERY: So you gave us a menu. Mr. Santos said yes. I'm going to -- okay. I thought
22 you were saying yes to all of them.

23 >> SANTOS: No. I'm just talking about the potential deliberations on proposed
24 communications to the Department.

25 >> CONNERY: Okay I think that was your second one, right?

26 >> ROBERSON: Right.

27 >> SANTOS: I'm sorry; the second one.

28 >> CONNERY: I don't think that every correspondence to the Secretary warrants a public
29 meeting and I think that that would slow down our processes immensely. I think if we get to the

1 point -- harder points that you've got later on about how to communicate prior to us doing the
2 voting process, then we can make that a much simpler way of having communications. Having
3 more public meetings, I have -- I am not shy. I have no problems talking in front of people so I
4 don't have an issue with it. Except when it doesn't yield results or if -- or if there are outcomes
5 that are decided before we walk into the room, which has happened in the past where Board
6 Members have agreed to things outside of the room and all of the Board Members were blind-
7 sided inside of the public meeting. I don't think that that's productive. In fact I think that erodes
8 trust. So I think to me the answer is it depends. I'm happy to have more public meetings. I think
9 this is a good public for a public meeting, the NAPA report, I think this is a good way of doing
10 those types of discussions.

11 I think -- I'm a big proponent of hearings just because I think it's good for us to have
12 conversations with the Department in public. But I also think that we could have more
13 conversations with the Department and stakeholders and others that aren't necessarily public.
14 And we have ways to do that without deliberating and not running afoul of the Sunshine Act.

15 I can't remember what your third --

16 >> ROBERSON: My third one was in conducting more public meetings, inviting others
17 outside of the agency to speak.

18 >> CONNERY: I think that's a good idea, as well. Again I think there's a time and a place for
19 it. It doesn't necessarily have to be a hearing to invite someone to speak. But I think if there are
20 issues that we are grappling with that are broader in scope, having outside experts to come to
21 speak to us on those issues are important. I think there are issues where we have an interest
22 that will have an impact to us down the road but we don't necessarily have jurisdiction over.
23 And we've had some conversations internally about it. I'll just throw out high-level waste. We
24 don't have jurisdictional issues with that. But we're interested in the topic so understanding
25 from those who are involved what their viewpoints are I think would be informative at least to
26 me to then understand what's going to happen along down the road should that come to
27 fruition.

28 >> ROBERSON: Thank you.

29 >> HAMILTON: I agree that we should have more public meetings like this one to the point

1 that they become almost routine and regular. A couple of themes that I'm -- that are emerging
2 here that go hand in glove with that are the ability to discuss issues and find ways to
3 compromise and get to yes without playing telephone. The challenges that we've had up until
4 now with our notational voting system that has worked contrary to that purpose.

5 The idea that we don't know each others' sentiments until after the vote, which is contrary
6 to that purpose. So all of these things kind of are emerging in this public meeting. And I think
7 that the more public meetings we have, we move the dial away from what I said at the
8 beginning, which is behaviors that bring -- that don't bring out the best in us to behaviors that
9 bring out the best in us. So that's kind of where I am on this issue.

10 >> SANTOS: Just throwing an idea out there, maybe we can try something out. Pilot a piece
11 of correspondence that might be appropriate for a public meeting. And try it outside of the
12 orange notational voting and see if that yields any results as opposed to just institutionalizing or
13 keep talking at high level.

14 >> ROBERSON: And keeping with the duty assignments, I -- and you guys tell me. I'm willing
15 to propose something that includes criteria. For instance, I agree with Ms. Connery. If we have a
16 letter and we all agree, why have a public meeting to say, hmmm, yeah, that. Where it's where
17 we have strong disagreements that it's good for all to hear each other. It's really about us being
18 able to talk.

19 So I'm willing to propose to the Board some criteria that the Board could consider before it
20 decides if it is even willing to do this.

21 >> CONNERY: Since I was the most negative on this, let me follow up. I think a criteria is
22 good. I think where we have been successful is when we discuss -- when we have closed
23 meetings to discuss CUI documentation because it is in this form. And honestly that's our
24 biggest form of communication. What I worry about is we have a public meeting on a letter of
25 advice to the Secretary. Maybe a letter that doesn't even have a reporting requirement based
26 on a document that we get from the staff with three potential safety items. And because we
27 have a public meeting, that issue then becomes outsized in terms of -- in comparison to
28 everything else it is that we do.

29 And then we might be in a situation in which the Department or the contractor hears the

1 public meeting and feels like they are being appreciated to take a particular action because the
2 Board is having a deliberation on Issue X and that issue then becomes much more important
3 than issues that we know to be more important. That's my cautionary tale if we do something
4 like that. And I think we have to be very careful about that. I believe that if we get into the habit
5 of having conversations about the general topics while we're here, even the understanding of
6 where we think the most risk is in the complex work plan activities, that type of thing in the
7 general sense and take the correspondence piece of it back and do the notational voting and
8 the deliberations and the one-on-one, I think that will color how it is that we actually do
9 business. I think it's the act of having the conversations. It's not the subject matter of the
10 conversation. So super imposing this on an orange folder process has I think a lot of downside
11 risk to it. Not the public meetings themselves. But doing it on a piece of correspondence.

12 >> ROBERSON: So unless anybody has anything else to say, that's a great intro because my
13 next topic is the orange folder process.

14 [CHUCKLES].

15 >> CONNERY: I Teed you up.

16 >> ROBERSON: You teed me up for that.

17 >> SANTOS: I think I started throwing that issue in, too.

18 >> ROBERSON: No, it's perfect. On that one, though, so I'm going to let that just resonate
19 for a minute but I'm probably going to come back to it. Anybody else want to say anything
20 before I move on to the second topic?

21 So I gathered up quite a few things that were said in the report about the notational voting
22 process. They recommended reforming and we have all had conversations -- we've had
23 conversation among ourselves. We know this is due.

24 They primarily recommended reforming it because it will reduce or eliminate what I call the
25 aura of the staff and being stuck between Board Members. It's a reality. It's not necessarily
26 anybody -- I'm not accusing anybody of doing it. I'm probably as guilty as anybody else. But it's a
27 reality. It's true. It does place the staff in an awkward position.

28 So there are questions. No. 1, are there steps in the correspondence process that can
29 simply be eliminated. I'm not asking you to tell me what steps. I'm just asking these questions

1 for us to think about it and how you respond to this recommendation.

2 The structured Board voting records to demonstrate a focus on the substantive opinions
3 and differences on the subject matter. I found this one very interesting. And initially when I
4 read the report the first five times, I was like, never. And then I read it again, it was like, that's
5 actually not a bad idea. It kind of means I stop focusing on my personal identity and let the
6 Board speak. This is where they recommended considering releasing summaries from the Board
7 as a collective group that could also include minority opinions but minimizing the use of voting
8 sheets, which they saw as being used for sparring comments.

9 I think there's a lot there. First of all, Board Members want to make sure that their voice is
10 heard. But I actually believe for the good of the organization this is actually a good
11 recommendation.

12 My struggle was we're not structured to implement that. Because once again, you don't
13 want to say to the staff, take all of our comments and go write a summary. Because that, again,
14 will be confused with guidance to the staff. Based on what they read.

15 So I don't think we're structured to do that. But I think that this is a recommendation we
16 should think seriously about. And we should think about not just modifying the orange folder
17 process but the blue folder process for like RFPA's. There have been concerns by Board
18 Members that once a Board Member submits an RFPA, there's no process to comment or
19 change. I think we should look at both of these.

20 And their overriding recommendation was minimize our alliance on the notational voting
21 process. I think we can combine -- we can still do our votes as we reflect on everything we have
22 learned. But the interaction I think is what they are after. The collegiality. The commitment to
23 deliberate more genuinely on topics.

24 So comments?

25 >> HAMILTON: I do think we need to get the staff out from between us when it comes to
26 the orange folder process. Quite how to do that, it's not clear to me. But a lot of the challenges
27 we have are driven by this process. And I also do think that we need an amendment process in
28 the Board Member RFPA process. Because in an ideal world, I go around and I do bi-laterals and
29 I get the RFPA just right. And then I submit it and it gets voted up or down. But we don't live in

1 an ideal world. And there may be a case where we need to amend happy to glad and there's no
2 process for doing that. So I would support that, as well.

3 >> CONNERY: So I think a tremendous challenge with the RFPA process is not just amongst
4 ourselves, it's about how the staff interprets it and whether or not their input gets considered.
5 Sometimes they are asked for input. And it's only what are the impacts to you. And they give
6 the impacts to the work plan and not necessarily their technical or professional opinions. And I
7 don't think that that is right. We are the decision makers. But they have important input. They
8 are not a fifth or sixth depending on how you do your math Board Member but I believe their
9 opinion should be taken into account by Board Members when we do that. And I don't think
10 that that's happening right now and I think that's a source of frustration.

11 When it comes to the summary idea, I think in the Supreme Court that kind of works. But
12 with four individuals, I think that's hard. I mean, I can see myself writing a lot of minority
13 reports just based on the numbers of how folks get written and then how do you capture an
14 abstention in that scenario. That would be challenging. So I think it's something to think
15 through. But I'm not quite sure how -- I'm not quite sure how it works. I mean sometimes we
16 use our voting sheets to talk to each other. Sometimes we use our voting sheets to talk to -- to
17 communicate with the outside world about our views on a particular issue when they don't
18 align with the others.

19 And I don't quite know and I guess Ms. Roberson, you were here back in the day when we
20 didn't have -- when the votes were never transparent. Nobody ever understood -- it was a piece
21 of correspondence but those votes were never recorded or publicized. And how does that
22 work? How did that work in terms of codifying the vote for legal purposes or for Sunshine Act
23 purposes? Did she they just never codify it.

24 >> ROBERSON: Sorry; no, there were actually records but I'm not going to try to explain
25 that. I'll let legal -- if that's a question I'll let legal get into it. But I have actually gone into the
26 library before we disassembled the library and looked at some of the boxes where there were
27 actual votes in those documents. I don't think it was necessarily visible to the whole
28 organization. But the Board Members always had a say on what was said.

29 >> HAMILTON: May I interject? You made a reference to a minority opinion. This is

1 something that's been floating around in my mind for several years is that maybe we ought to
2 discuss and today is not the right time to do it but maybe we ought to discuss the idea of
3 whether we want to have particularly in big documents like recommendations, whether we
4 want to have a minority opinion as an appendix. Just something to think about. I really don't
5 want to discuss it today. But you mentioned it so I want wanted to kind of pile onto that. That is
6 something I've been thinking about, as well.

7 >> CONNERY: You mean rather than a vote sheet that -- right now that's how we use our
8 vote sheets.

9 >> HAMILTON: That's how we use our vote sheets and it's kind of catch as catch can as to
10 who reads them. It's not in the actual document. So just something to think about. I don't really
11 want to -- you mentioned it so I wanted to say that it's something I've been thinking about, too.

12 >> ROBERSON: Go ahead.

13 >> CONNERY: The challenge I have is it's almost transparency versus collegiality in this
14 scenario because you want to be as transparent as possible about where you stand but you also
15 want to be the collective over the individual. And I think that's where a lot of our challenges lie.
16 In fact I was -- the calling that fairly recently there was a vote that said we're not going to
17 publish the vote sheets on amendments. We're not going to show what the amendments are.
18 Only the final document. So that was kind of a step back from transparency. Because now
19 nobody can see who was it that made that amendment or why -- like I wouldn't vote for a final
20 document if a particular amendment passed but you can't see that because that's not
21 transparent anymore. If everything were in an open meeting, it would be all transparent. So I
22 guess I have a lot of questions for our Legal Department as to what we can and can't do.
23 Because I don't necessarily feel like we need to show everything in public. But I am cognizant of
24 the fact that minority votes want to be heard as to why think don't agree with the majority.

25 >> ROBERSON: Go ahead.

26 >> SANTOS: I want to -- looking at this and reflecting on some of your opening statements,
27 and some of the challenges with the issues of NAPA itself to look beyond our individual
28 personalities, our composition of the Board. I mean, this Board has had how many Chairmans in
29 the past four years? Five Chairmans. Different Boards. And some of the issues persist.

1 I do not underestimate how much of the challenges we're facing can be traced back to the
2 notational voting. The procedures. And they are bringing the worst in us. And I am willing to bet
3 that you put any combination of individuals four or five and you keep these same procedures
4 and they will be having very similar issues to the ones we're having right now.

5 So I think this should be a priority for us to fix this very thing right now. And if we need to
6 have two, three, four meetings on this, and keep thinking about it, I think it's time well spent. I
7 think we are onto something here with this recommendation. My observation.

8 >> ROBERSON: So -- because I'm on a schedule, I agree. I think -- I would ask every Board
9 Member to give some thought. There are a few things I would say. One is the processes we
10 have were developed to address specific issues. And it might behoove us to rip off some of the
11 band-aids and just go back to basics in how we do our work. And the other thing I would say is
12 nothing changes unless we change it.

13 So I don't have -- I guess this is going into that second bucket, Board Members need to give
14 some thought. There's a lot of meat in here. I saw this as a very big part of what NAPA was
15 proposing the Board tackle. I think there's more work to be done here. I really do. So I don't
16 think we're going to reach any conclusion. That wasn't the goal. But I think we should give some
17 thought and we should come back around to this.

18 >> HAMILTON: Is this something that you need to do something before we come back
19 around? Or is this --

20 >> ROBERSON: Well, you guys tell me if I need to do something. That's the way this works.

21 >> HAMILTON: I'm not hearing anything. I'm hearing we all need to think about it and
22 discuss it some more. That's what I've heard.

23 >> SANTOS: My only viewpoint is from my perspective we should give priority to some of
24 this. Because if we don't resolve some of these issues, whether then we want to act, oh, there's
25 a strategic plan or some of these other issues, we're going to be stuck because we haven't
26 resolved some of this. That's my view.

27 >> CONNERLY: So I don't think we have to pick one or the other. I think you can't do the
28 tactical without the strategic. This is a tactical way we do business and I think you're right. I
29 think a lot of this is traced back to when we laid these on. I would also say in the thinking about,

1 I think there are at least four different versions of the orange folder process that the staff has
2 come up with in the past two and a half years so we should just pull all of those out and look at
3 those again. But also look at some of the new ideas that you proposed. And then we'll have four
4 different ideas.

5 >> ROBERSON: I think it's true. It's after -- like I said, after reading the report the sixth time
6 -- the sixth time and saying, oh, there's something there. I think I said this to Mr. Santos,
7 sometimes something is so broke that you hate it but it's the thing you know so you continue to
8 do it. And maybe, as I said, it's just time to rip the band-aid off, get to a very basic position and
9 eliminate a lot of this buzz. But that's just my view.

10 So unless anybody else has got any other comment --

11 >> HAMILTON: Well, I'm hearing some general consensus on what you just said. The
12 question is how do we capture that for -- what bucket do we put that in? Is that assigned for
13 follow-up action or tabled to be discussed?

14 >> ROBERSON: I think it's tabled to be discussed again. I don't want to -- I think Board
15 Members need to cogitate on this for a little bit. That's what I would say.

16 >> HAMILTON: All right. I want to share Mr. Santos' sentiment that this is a high-priority
17 issue.

18 >> SANTOS: And I want to agree with Ms. Connery. I think as part of thinking if we can tap
19 more on the legal side. What are the boundaries given some of the Sunshine Act and some of
20 the other cases out there with other deliberative bodies so we don't come up with a solution
21 that then gets us into trouble.

22 >> CONNERY: I also think there's some analytics out there because honestly I think there
23 are a few buckets of votes where it becomes a challenge. I don't think it's all votes. And I don't
24 think it's -- you know, on recommendations, I put those in a separate bucket. I don't think that
25 those are votes that we -- I actually think we can keep some of that process and we want to
26 have an amendment process for that.

27 So I think that we have to think about it in terms of what specifically are we looking at.

28 A lot of the challenges come on what I call the management votes. How we do business.
29 Those votes are more contentious than the votes on the safety issues. With few exceptions in

1 which there are issues about what's the modality of what we're sending over or what's the
2 specific language.

3 So I think we are drawing a big circle around the orange folder process when I think it is
4 actually we could probably take a scalpel rather than an axe I guess is the analogy.

5 >> ROBERSON: I think it's a fair point that now I'm drawing a circle around not just what
6 comes out of the Board but the in-between effort of how it tangles up the staff. And so that's
7 kind of what they hit on. So what I'm focused on is simplifying the process which it can be and it
8 has been in past years. There were a lot of unique needs that were established that created the
9 more complex process. So I think we have to think about not just what we say at the end but all
10 of the sausage that goes on in the middle that's what I'm asking Board Members to think about.

11 I'm willing and I don't want to offer any action. I mean I'm willing to work with legal to see
12 if there's boundary conditions that the Board Members need to create, if legal has the
13 resources to do that. We'll have to see what their priorities are. Based on everything else we
14 have assigned them.

15 But I'm willing to do that to help inform this thinking process. This thought process.

16 >> HAMILTON: Okay. So this item is tabled for further discussion.

17 >> ROBERSON: I think it's tabled.

18 >> SANTOS: Just one quick observation and I'm just thinking, if we start doing a lot of more
19 public meetings, I see a lot of public meetings to be more internally driven business. And then
20 there's public meetings and hearings regarding safety throughout the complex. And making
21 sure we can effectively communicate the difference between us so the public can better judge
22 where they want to participate or not. I think it's important. Because if we become so standard,
23 everything gets treated the same, we might lose out on an opportunity to effectively
24 communicate on items of safety. So I want to make sure we don't lose our ability to effectively
25 communicate on items of safety while we do a lot of our internal recovery efforts. Make sense?

26 >> HAMILTON: Yes, it does. Okay. Ms. Roberson, anything else on your topic today? We're -
27 -

28 >> ROBERSON: I have two more subtopics. I'm not done.

29 >> HAMILTON: Okay. Well --

1 >> ROBERSON: You guys talked all my time away.

2 >> HAMILTON: Yeah, we have about -- let's take ten more --

3 >> ROBERSON: How much time?

4 >> HAMILTON: Ten more minutes.

5 >> ROBERSON: Perfect. So the third recommendation was that we --

6 >> CONNERY: I thought we were going until 4.

7 >> HAMILTON: We were going until 3:30. We didn't take a break. We've already used more

8 than 30 minutes on this topic.

9 >> ROBERSON: You guys were taking my time talking.

10 >> HAMILTON: Keep going.

11 [CHUCKLES].

12 >> ROBERSON: Team building sessions. I think yes. I don't know -- I think we should

13 continue to engage in abstract team building for that purpose. Not on our mission work. But

14 just developing better practices and communicating and working through issues. So --

15 >> SANTOS: Sign me up.

16 >> CONNERY: Just not the ropes course.

17 >> ROBERSON: Not the ropes course.

18 >> SANTOS: Escape room.

19 >> ROBERSON: Mr. Hamilton?

20 >> HAMILTON: I think that's fine. I just don't know how we approach it. That's what I'm

21 looking to your guidance for. What are you suggesting?

22 >> ROBERSON: I suggest we continue to engage a professional to just guide us through the

23 practice of communicating to each other and working through issues.

24 >> HAMILTON: Okay.

25 >> ROBERSON: Does that answer your question?

26 >> HAMILTON: Yeah. Did you have something?

27 >> SANTOS: No, I agree.

28 >> ROBERSON: The last part of it was -- I'll just read it. It's incumbent upon each and every

29 Board Member to actively strive and daily demonstrate more collegiality through internal

1 changes by Board Members. Collegiality is not unanimity. Blaming each other for a failure to
2 function as a team is unhealthy. Each and every Board Member is accountable for any failure.
3 And so I took this and I took some resources. And I know the way we are, you have to have
4 something to shoot at. So I did -- you guys owe me. I did a lot of work looking at whether you
5 call them behavior norms, code of business conduct, code of ethics, Code of Conduct, whatever
6 you want to call it. We want to hold each other for -- accountable for -- in our interactions, us
7 Board Members.

8 So I drafted something that you guys can throw up on, you can rip it apart, you can change
9 it. That I would hand out and ask Board Members to think through. Because I do think -- I called
10 it a code of business conduct. Because it isn't personal. We still have our personal identities.
11 But a code of business conduct for our mission that I would hand out to Board Members and let
12 them think about and talk -- we can talk and we can come back to it.

13 >> SANTOS: I like the behavioral norms title. It's less intimidating.

14 >> ROBERSON: Other comments on that? Not on the substance. Just on the idea.

15 >> CONNERLY: I have no issues with the idea. I think we looked at one straw man that I
16 wasn't comfortable with. But I'm happy to look at a different one.

17 >> HAMILTON: So what I think I've heard you say is you're going to give us this and let us
18 soak on it and discuss it again.

19 >> ROBERSON: Give it to you. Let you soak on it. We can have one-on-one discussions. I'm
20 happy to explain what's in here.

21 >> SANTOS: What's the elements I guess, that would be my question?

22 >> ROBERSON: I'm going to give it to you but the elements are accountability, professional
23 excellence, personal gain, equal opportunity, confidential information, collaboration and
24 cooperation. And I looked at so many that my head spins.

25 So there's no pride of authorship. I'm not going to argue over any word except norm.

26 [CHUCKLES].

27 >> ROBERSON: And I'm open to discussing it again as a group or individually.

28 >> CONNERLY: So is this going to go through the orange folder process?

29 >> ROBERSON: I'm not processing to put it in the orange folder process.

1 >> CONNERY: That was a joke.

2 >> ROBERSON: Thank you. Good to end. And that's my topic for today.

3 >> HAMILTON: Do you want to recap those points for the General Counsel to make sure he
4 got them listed correctly?

5 >> ROBERSON: Oh my God. You'll correct me.

6 >> HAMILTON: Because then I'm going to quiz him on what he heard.

7 >> ROBERSON: Okay Recommendation 4. On the first topic, I agreed to try to develop some
8 criteria for the Board Members to see. And so I will work with legal or whomever else I need
9 to to provide to the Board Members a thought piece on the first recommendation that would
10 involve some type of criteria for how we would disposition different kinds of things. That's my
11 recollection, is that how everybody else remembered it?

12 The second one we're going to look to legal to give us any boundary conditions we should
13 consider as it relates to the Sunshine Act. But this is a come-back-to-it in another meeting topic.
14 The orange -- and I would say orange and blue folder process and the notational voting record
15 itself. Those are all pieces of that one.

16 I think there was agreement to team building. And on the last one, I'm going to hand just a
17 rough proposal out that Board Members can color or throw up or talk about. And -- which
18 means I would expect we come back to this at some point.

19 >> HAMILTON: Okay. Thank you, I'm going to ask the General Counsel to go back to the
20 beginning and tell us what he has tabulated as our -- how we bucketed all of these items that
21 we discussed today. Mr. Gilman.

22 >> GILMAN: Yes, sir. I will say that I don't want to disturb your three-bucket methodology
23 but I've added somewhat of a fourth bucket.

24 >> HAMILTON: But.

25 [CHUCKLES].

26 >> GILMAN: Based on your conversation -- so I'll just go through things. With respect to
27 Recommendation 1, a sub-recommendation which had to do with contacting the White House,
28 the Board has closed that without further action. Sub-recommendation 2, with respect to
29 pursuing legislation to restrict Board Member terms, Mr. Hamilton has taken the lead on this to

1 gather information on similar legislation and come back to the Board.

2 Sub-recommendation 3 with respect to the National Academy of Science's registry on
3 potential Board Member candidates, that's tabled pending various actions, including looking at
4 other legislative proposals that may be grouped together with it and reaching out to our
5 oversight committees.

6 So moving on to Recommendation 2 -- oh --

7 >> CONNERY: There was also a piece of that about us --

8 >> HAMILTON: Use the microphone.

9 >> CONNERY: I think there was a piece in that about us actually working on a list of criteria
10 for Board Members.

11 >> GILMAN: Correct. And you'll excuse me. I've captured them at a high level. I may not
12 get every aspect of what I know the Board is going to discuss.

13 So moving onto Recommendation 2, the first portion of that, with respect to developing a
14 strategic plan, Ms. Connery has taken the lead on that. And is going to look into it and come
15 back to the Board and also look into obtaining outside contract assistance.

16 With respect to the second portion, which I have as generally relating to the climate of
17 disputes in the agency, that's tabled for further discussion.

18 The third portion, adopting best practices of a deliberative body, this is my fourth category,
19 which I have as in progress, which is a really to of tabled I guess. Ongoing.

20 The fourth section, with respect to strategy and vision of the agency, also tabled for
21 additional ongoing discussions as part of other recommendations within the NAPA report.

22 So moving on to NAPA Recommendation No. 3, this was kind of just a big recommendation
23 but we broke it into two really. The first portion relating to the way the Board is addressing
24 140.1. Again that's in process. The Board is ongoing that process.

25 The second portion of that is potential legislative proposals with respect to aspects of
26 140.1 which Mr. Santos has taken a lead on working on.

27 So moving to Recommendation 4, which we just discussed --

28 >> SANTOS: I'm sorry; there was another aspect. And it can be tied to 4 or some of the
29 previous ones, for the other topics there might be some different views like the reporting

1 requirements, some of the jurisdictional issues, figuring out a way to better deliberate on
2 those. But it could be tied to some of the other efforts.

3 >> GILMAN: Yeah. I think maybe -- as you were discussing, I kind of binned that in my mind
4 with the ongoing 140.1 discussion. That's just how I interpreted it but we can categorize it
5 however you all would like.

6 So moving on to Recommendation 4, which we just discussed, the first portion with respect
7 to the more genuine deliberations, I'm just summarizing the way you broke it down.

8 Ms. Roberson has taken the lead on that to put together some sort of proposal to bring back to
9 the Board with ideas. The second portion with respect to reforming the notational voting
10 process, that's tabled for discussions with legal in terms of boundary conditions, re: Sunshine
11 Act and other things.

12 The third portion concerning team building, again, this is ongoing or in process and the
13 Board's agreement to work on that.

14 And the fourth aspect with respect to accountability to Board Members to demonstrate
15 more collegiality, again, that's ongoing.

16 >> HAMILTON: Let's turn to closing comments. We will go around the other direction this
17 time. Ms. Connery.

18 >> CONNERY: So I just have a few closing remarks. This is the first of a series of meetings.
19 And this was designed to be about the Board. I know that there's a lot of staff that's watching
20 or will watch this going forward. And I hope that we will be able to engage them more closely in
21 some of these processes going forward.

22 I would say when it comes to communications, which I think is a big stressor, whether it's
23 communications about a vote before it happens or after the fact or whether it's
24 communications about what our vision is to this staff, I think that is one of the key challenges
25 that we have in the agency.

26 We decided to go through this recommendation by recommendation, it wouldn't
27 necessarily be the way I would do it. I don't think there's a problem with that. But I would ask
28 the other Board Members to -- when you have the chance -- go to Page 61 of the report to the
29 eight step processes for leading organizational change. I was a big fan of Dr. Cotter when I was

1 in graduate school. I'm still a big fan of his work. And I think where we have fallen down is that
2 we've crammed in a lot of changes in the past several years. Some of them have been changes
3 of our making. Some of them were changes that we could not help. And we have made those
4 changes sometimes in a vacuum. And I believe that a more effective way to make change
5 happen is to communicate it through all levels of the organization, get input from as many
6 people as you can, be bold and aspirational in what it is that you're looking to do.

7 He recommends short-term wins. I think this is a short-term win for us. But I don't want it
8 to be a short-sighted win. I don't want us to walk away from here thinking that we have
9 accomplished a lot when there's still so much to be accomplished.

10 Any time that any of us proposes an institutional change, we have to be cognizant of
11 consequences both intentional and unintentional and how they affect every person in the
12 agency. Whether or not that change affects you personally in a negative way does not mean
13 that it's not going to affect somebody sitting in OGM or somebody sitting in the tech staff in a
14 very personal and a very detrimental way and I've been very vocal about this in some of my
15 vote sheets. And I've been very vocal about this with each of you as individuals.

16 I don't believe that springing large-scale changes on to the institution, whether they are
17 changes proposed by NAPA or changes that we come up with in our sleep last night, I just don't
18 think that that is a good business model. And I don't think that it helps the mission. And that's
19 what we're all here for.

20 So I realize that's a little bit off-topic. But it's been something that has been weighing on
21 me for a number of months now. And I believe that we should all think about how we do
22 change, how we embrace it, how we communicate it, and how we galvanize the entire agency
23 to the mission of the agency. Thank you.

24 >> HAMILTON: Mr. Santos.

25 >> SANTOS: Thank you. I agree with a lot of what Ms. Connery said. This is a start. A small
26 start. But it's a start. My -- I wish we were doing this a year ago. But we are where we are. I
27 believe we need more dialogue. More communications. That's just going to be one of the best
28 solutions to all of the issues we have been facing.

29 I am concerned about managing change. I'm concerned about bandwidth. Because at the

1 end of the day, we cannot forget about ensuring public health and safety out there right now
2 under the defense nuclear complex and this is a lot to do internally. And I want to make sure
3 we can balance that. And I'm worried about bandwidth. And if we need outside help and we
4 need help, we need to recognize we can't do some of this ourselves. That we have the courage
5 to do so and ask for help as we move forward.

6 I am happy and open to continue to collaborate with all of you on all of these topics. So
7 thank you for supporting this small start.

8 >> ROBERSON: Well, thank you, all. It was fun. Let's do it again.

9 [CHUCKLES].

10 >> ROBERSON: Listen, I'm not worried about what we say when we're in a setting like this. I
11 worry about what we say when we are not. There are things I learned in the NAPA report. I said
12 in the beginning there were no new issues and there weren't. They didn't cite anything I didn't
13 know. What they were able to do is to put it into a context as to how others saw it and reacted
14 to it. And so I am -- one of the lights that went off for me is how much our actions influence the
15 behavior in the entire organization. And I think it's important for us to know that and to act in
16 accordance with that. Thank you.

17 >> HAMILTON: Thank you, Ms. Roberson. There's two ways of looking at this challenge.
18 One of them is very structured and coming from an engineering world we want to take lists and
19 we want to check them off. Which is kind of what we're trying to do. But it's messy. Because
20 about the time you think you have consensus, we decide we're going to go off a different way
21 and so forth. And that's okay. Because the softer side running in the background is that we
22 work through very complex overlapping issues that can't be put into neat little bins and
23 checked off as complete or working.

24 So while we've got this structure to get us through the report and to get us talking about
25 these issues, that's driving us to something that's much more important and that is talking.

26 And so if I look at this and say, well, we really didn't accomplish a lot here in checking off
27 the list and cleaning this thing up, that forgets that what we're really doing is something much
28 more subjective and holistic.

29 Thank you. This meeting is adjourned. And we are off the record.