

In the Matter of:

Defense Nuclear Facilities Safety Board

October 23, 2018
Closed Board Meeting

Condensed Transcript with Word Index



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4 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
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8 CLOSURE BOARD MEETING
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11 OCTOBER 23, 2018
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14 625 Indiana Avenue, NW
15 Washington, DC 20004
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1 P R O C E E D I N G S
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3 CHAIRMAN HAMILTON: Good afternoon. My name is
4 Bruce Hamilton and I am the Chairman of the Defense
5 Nuclear Facilities Safety Board. I will preside over
6 today's closed meeting. With me are my colleagues on
7 the Board, Board Member Jessie Roberson, Board Member
8 Daniel Santos and Board Member Joyce Connery. We four
9 constitute the Board.
10 Having established a quorum of Board members,
11 this closed meeting will now come to order. Mr. Joseph
12 Gilman, the Board's associate general counsel, will
13 serve as the Board's Executive Secretary for the
14 meeting.
15 This closed meeting was publicly announced on
16 September 26th, 2018, on the Board's public website. On
17 October 3, the Board, by unanimous consent, rescheduled
18 this meeting from October 9th to today. The date was
19 announced on October 4 on the Board's public website.
20 Notice for this meeting and the change of date were
21 published in the Federal Register on October 4 and
22 October 11, respectively.
23 The Board has closed the meeting to the public
24 per the provisions of the Government and the Sunshine
25 Act, as well as the Board's regulations implementing the

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1 A P P E A R A N C E S
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3 DEFENSE NUCLEAR FACILITIES SAFETY BOARD:
4 BRUCE HAMILTON, Chairman
5 JESSIE H. ROBERSON, Board Member
6 DANIEL J. SANTOS, Board Member
7 JOYCE L. CONNERY, Board Member
8 CHRISTOPHER ROSCETTI, Technical Director
9 ERIC F. FOX, ESQ., Associate General Counsel
10 JOSEPH GILMAN, ESQ., Associate General Counsel
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23 REPORTED BY:
24 Sally Jo Quade, CERT, Reporter
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1 Sunshine Act and the Board's operating procedures for
2 meetings.
3 This closed meeting concerns member
4 deliberations pertaining to the development and
5 formulation of potential Board recommendations to the
6 Secretary of Energy. The Board's compliance with
7 statutory provisions permitting closure of this meeting
8 has been stated in the Board's Federal Register notice.
9 Additional documentation related to this meeting is
10 available on our website, www.DNFSB.gov.
11 As a reminder to those who are in attendance and
12 Board employees who may later become privy to these
13 proceedings, the Board and its staff are prohibited from
14 publicly disclosing information described in draft or
15 final recommendations prior to the receipt of the final
16 recommendation by the Secretary of Energy. This
17 prohibition applies to information learned during the
18 course of this meeting, or by review of the meeting
19 transcripts, related documents, or from other sources.
20 Pursuant to the specific agenda, the Board will
21 deliberate on three potential recommendations currently
22 pending before the Board. Following the discussion on
23 each, I will summarize the outcome of the discussions
24 and the Executive Secretary will summarize any staff
25 tasking and Board votes. After an opportunity for

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1 closing comments from Board members, the meeting will
 2 adjourn.
 3 This concludes my opening remarks in my capacity
 4 as Chairman. I will now turn to the Board members for
 5 their opening remarks. Ms. Roberson?
 6 BOARD MEMBER ROBERSON: None. Thank you.
 7 CHAIRMAN HAMILTON: Thank you, Ms. Roberson.
 8 Mr. Santos?
 9 BOARD MEMBER SANTOS: No.
 10 CHAIRMAN HAMILTON: Okay. Thank you,
 11 Mr. Santos.
 12 Ms. Connery?
 13 BOARD MEMBER CONNERY: So I just have a quick
 14 opening remark, and that is for the first time in a
 15 while, we're having a closed meeting where we actually
 16 have full recommendations and not simply outlines in
 17 front of us, which I think is a great opportunity for us
 18 to exercise our deliberation muscles, because this is
 19 one of the places where we can actually do that. So for
 20 me personally, what I'm looking forward to in this
 21 meeting, in so much as we've had a chance to review some
 22 of these draft recommendations, is the opportunity to
 23 hear from other Board members where they think they
 24 might be going with Orange Folder comments so that we
 25 have an understanding of the trajectory of each of the

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1 recommendations under consideration. That would help me
 2 immensely so we don't get into a situation in which we
 3 are, you know, arguing over amendments at a later date
 4 if we can all come to consensus on the general
 5 trajectory of each of the items.
 6 I also think we should probably have a
 7 discussion globally of the fact that not only are we
 8 reviewing three actual draft recommendations, we're
 9 reviewing three recommendations, which is significant in
 10 the numbers, as we haven't actually sent a
 11 recommendation to the Department since 2015. We've had
 12 a couple of drafts that never went forward, but in the
 13 happy circumstance that we send all three draft
 14 recommendations, there may be a conversation that we
 15 should have about time and trajectory given that while
 16 we haven't overwhelmed our system, which I think is
 17 pretty amazing, I also am mindful of the fact how this
 18 will be received by the Department and we ought to at
 19 least have a strategic discussion about that. So those
 20 are my opening remarks.
 21 CHAIRMAN HAMILTON: Thank you, Ms. Connery. And
 22 Mr. Santos has another opening remark.
 23 BOARD MEMBER SANTOS: Yeah, I would like to
 24 comment. First of all, I agree with Ms. Connery, and I
 25 hope in the future we can continue to do give ourselves

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1 more time. For example, today, I received a document on
 2 the [REDACTED] one, and I had enough time to study it. I
 3 cannot say the same for the other two, which I got
 4 yesterday and today. So there's very little I can
 5 contribute other than general philosophical discussion,
 6 which I will do. Had we had more time, I think, from my
 7 perspective, absolutely we should get into the details.
 8 So unfortunately, while it's a good step forward
 9 that we have them in front of us, I just haven't had the
 10 time to review them. So for future closed meetings, we
 11 should plan better, better coordination with the tech
 12 staff, to give us at least a week in advance, not a few
 13 hours in advance. That's all.
 14 CHAIRMAN HAMILTON: Thank you, Mr. Santos.
 15 Ms. Roberson?
 16 BOARD MEMBER ROBERSON: Yes, sir. I wasn't
 17 going to make any comments, but I will say --
 18 BOARD MEMBER CONNERY: Open the flood gates.
 19 BOARD MEMBER ROBERSON: Well, no, I think to
 20 some degree, I want to be fair to the staff in that I
 21 proposed we move it to this date. And my plan was not
 22 necessarily catch all three, but to catch whatever we
 23 had. And the fact that we have them is great, but one
 24 of them wasn't actually due until the -- is today the
 25 23rd?

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1 BOARD MEMBER CONNERY: Tomorrow.
 2 BOARD MEMBER ROBERSON: Tomorrow. So I agree
 3 with you, Mr. Santos, but I didn't propose this date
 4 assuming we would have all of them. I did assume we
 5 would have two in time to review.
 6 BOARD MEMBER SANTOS: So I agree with your
 7 statement, I just want to have the flexibility to move
 8 our date so that we could have more meaningful
 9 discussions.
 10 BOARD MEMBER ROBERSON: Yes.
 11 CHAIRMAN HAMILTON: Thank you.
 12 BOARD MEMBER CONNERY: And by the way, the one
 13 on [REDACTED], so --
 14 CHAIRMAN HAMILTON: Thank you. This concludes
 15 the Board's opening remarks. [REDACTED]

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[REDACTED]

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9 CHAIRMAN HAMILTON: Ms. Roberson?
10 BOARD MEMBER ROBERSON: Yeah, I mean, I echo
11 what's already been said. I can't say it too much. I'm
12 very interested, since this is really the most we're
13 discussing the -- one of our most critical tools, I am
14 interested to see -- use it as a way of seeing if we can
15 simplify our interactions, and a lot will depend on how
16 the staff reacts.
17 I say to the technical director, if they want
18 less red in documents, let's see if we can communicate
19 at a higher level and get the products we need. So I'm
20 excited to see if we can modify our process a little
21 bit.
22 CHAIRMAN HAMILTON: All right. And I had one
23 comment, and that is, and I think we all know this, but
24 we've got three, potentially four, potentially five
25 recommendations bubbling up. We have to be mindful of

[REDACTED]

10 CHAIRMAN HAMILTON: Okay. Thank you. All
11 right. We will now move to closing comments.
12 Mr. Santos?
13 BOARD MEMBER SANTOS: I really appreciated this
14 forum. I think this is an opportunity for us to address
15 some of our challenges that we've been getting in
16 multiple reports. And I look forward to this type of
17 forum.
18 CHAIRMAN HAMILTON: Ms. Connery?
19 BOARD MEMBER CONNERY: I hope that the outcomes
20 are as good as the dialogue. I will put in the UC.
21 CHAIRMAN HAMILTON: Thank you.
22 BOARD MEMBER CONNERY: [REDACTED]

1 the bandwidth and rhythm of the staff, that we allow
2 enough time between each of them to be developed
3 properly, or else we'll end up having products that are
4 going to require even more and more comments. So we
5 need -- we need to restrain ourselves if we see a whole
6 bunch of things and give Mr. Roscetti and his team at
7 least a chance to catch their breath.
8 As a reminder, the Board and its staff are
9 prohibited from publicly disclosing information
10 described in draft or final recommendations. This
11 prohibition applies to information learned during the
12 course of this meeting, or by review of the meeting
13 transcript, related documents or from other sources.
14 The prohibition shall remain in effect until receipt of
15 a final recommendation by the Secretary of Energy or the
16 Board otherwise makes an affirmative decision to release
17 information.
18 This concludes the closed meeting. We are
19 adjourned.
20 (Whereupon, at 3:55 p.m., the closed meeting was
21 adjourned.)
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1 CERTIFICATE OF TRANSCRIPTIONIST

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I, Sally Jo Quade, CERT, do hereby certify that the foregoing proceedings were transcribed by me via audiotape/CD/WAV file and reduced to typewriting under my supervision; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were transcribed; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

Sally Jo Quade, CERT