In the Matter of:

Defense Nuclear Facilities Safety Board

September 17, 2018 Closed Board Meeting

Condensed Transcript with Word Index



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1		1 2	ACTING CHAIRMAN HAMILTON: Good afternoon. My
2 3		3	name its Bruce Hamilton and I am the acting Chairman of
4		4	the Defense Nuclear Facilities Safety Board. I will
5		5	preside over today's closed meeting. With me today are
6	DEFENSE NUCLEAR FACILITIES SAFETY BOARD	6	my colleagues on the board: Board member Jessie
7		7	Roberson, Board Member Daniel Santos and Board Member
8		8	Joyce Connery. We four constitute the Board.
9		9	Having established a quorum of Board members,
10	CLOSED BOARD MEETING	10	this closed meeting will now come to order. Mr. Joseph
11		11	Gilman, the Board's associate general counsel, will
12		12	serve as the Board's Executive Secretary for the
13	SEPTEMBER 17, 2018	13	meeting.
14		14	This closed meeting was publicly announced on
15		15	September 10th, 2018, on the Board's public website.
16	625 Indiana Avenue, NW	16	Notice of this meeting was published in the Federal
17	Washington, DC 20004	17	Register on September 14th. The Board has closed the
18		18	meeting to the public per the provisions of the
19		19	Government and the Sunshine Act, as well as the Board's
20		20	regulations implementing the Sunshine Act and the
21		21	Board's operating procedures for meetings.
22		22	This closed meeting concerns member
23		23	deliberations pertaining to the development and
24		24	formulation of potential Board recommendations to the
25		25	Secretary of Energy. The Board's compliance with
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1	_	1	·
1 2	A P P E A R A N C E S	1 2	statutory provisions permitting closure of this meeting
2	_	1 2 3	statutory provisions permitting closure of this meeting has been stated in the Board's Federal Register notice.
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2 3	APPEARANCES	2 3	statutory provisions permitting closure of this meeting has been stated in the Board's Federal Register notice. Additional documentation related to this meeting is
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traced to issued final recommendations.

Moving forward, I need to know what are the

Board members and staff regarding recommendations. For

expectations and roles and responsibilities for both

example, should the Board direct the staff to initiate

the recommendation process in all cases? Or should the

Board only act once the staff proposes information in

the form of recommendation? If the staff doesn't

present information in the form of a draft

5 1 Mr. Chairman. 1 recommendation, does it mean that there might be no 2 ACTING CHAIRMAN HAMILTON: Thank you, 2 issues that impact or may impact public health and 3 Ms. Roberson. 3 safety? Does the staff need to agree or implicitly 4 Mr Santos? 4 approve each recommendation for us to be successful? 5 BOARD MEMBER SANTOS: Yes, I have some opening 5 I will continue to seek clarification in these 6 6 remarks. Thank you, Mr. Chairman. areas and with line management. The effectiveness of 7 7 So I'm going to -- since calendar year 2015, as our use of the recommendation tool is directly tied to 8 you know, the Board has issued one final recommendation 8 our effectiveness as an agency. And I'm concerned that 9 titled 2015-1, Emergency Preparedness and Response. If 9 this is being eroded. 10 you may, I would like to submit for the record Exhibit 1 10 This concludes my opening remarks. 11 which I titled Number of DNFSB Final Recommendations. ACTING CHAIRMAN HAMILTON: Thank you, 11 12 And I'd like to give you a copy. Is that okay? 12 Mr. Santos. ACTING CHAIRMAN HAMILTON: Okay, please. You're 13 13 Ms. Connery? submitting Number of DNFSB Final Recommendations for the 14 14 BOARD MEMBER CONNERY: I wasn't intending on 15 15 making opening remarks, but given what Mr. Santos just BOARD MEMBER SANTOS: Yes. Accepted? said, I feel it's my obligation to state that the Board 16 16 17 ACTING CHAIRMAN HAMILTON: Yes. 17 has many tools in its tool kit in order to effect change 18 BOARD MEMBER SANTOS: Thank you. As you can see 18 in the Defense Nuclear Facilities Complex, and we use 19 19 from the charts in the year 2012, '13 and 2014, the those tools accordingly, and I think that it's the 20 Board did initial recommendations; however, this is the 20 judgment of each individual Board member as to how they 21 first time in the almost 30-year history of the Board 21 evaluate those recommendations -- those potential 22 22 that the Board has gone more than one year without recommendations, potential hearings, potential 23 issuing a final recommendation, and we are about to 23 inquiries, whatever it happens to be. 24 hit -- to hit year number three. 24 So I would like to push back a little bit on the 25 So, however, since 2015, the Board has worked on 2.5 philosophy that this has to do with process and it was 6 8 1 1 several potential recommendations, but none turning to a the process that has affected the Board's ability to 2 final recommendation. So the question is why? So I 2 issue final recommendations. I think each 3 keep asking myself that question. I have observed that 3 recommendation's history is -- can be attributed to a 4 4 through a variety of reasons, the use of the number of different things. 5 5 recommendation tool has been allowed to turn into a We've proven that we can write short 6 6 monster of almost mythical proportions, where even the recommendations and those might not go forward, we can 7 7 talk of it seems to strike fear, and this bureaucratic write long recommendations and those might go forward, 8 8 processing is many, many months in the making. we can amend recommendations and that might be the cause 9 9 And these are for issues that could impact for a recommendation to fail. I would rather see us 10 public health and safety. So this is concerning to me. 10 focus on the substantive issues of safety and spend our And I contend that it should be the opposite. I would 11 time focusing on those particular issues and then which 11 12 contend that it is through the use of the recommendation 12 of the tools that we have available to us would be the 13 13 process and issuance of recommendations that we can be most effective in effecting change within the complex 14 the most effective at achieving our mission. The 14 rather than having esoteric discussions about what the 15 history of the Board demonstrates that this is the case, 15 staff should do and what the Board should do and what 16 as most of the positive impact by this agency can be 16 the mechanisms for the processes are to get them done.

2 (Pages 5 to 8)

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But that's just my personal view.

follow-on comments to this.

work, okay?

ACTING CHAIRMAN HAMILTON: Thank you,

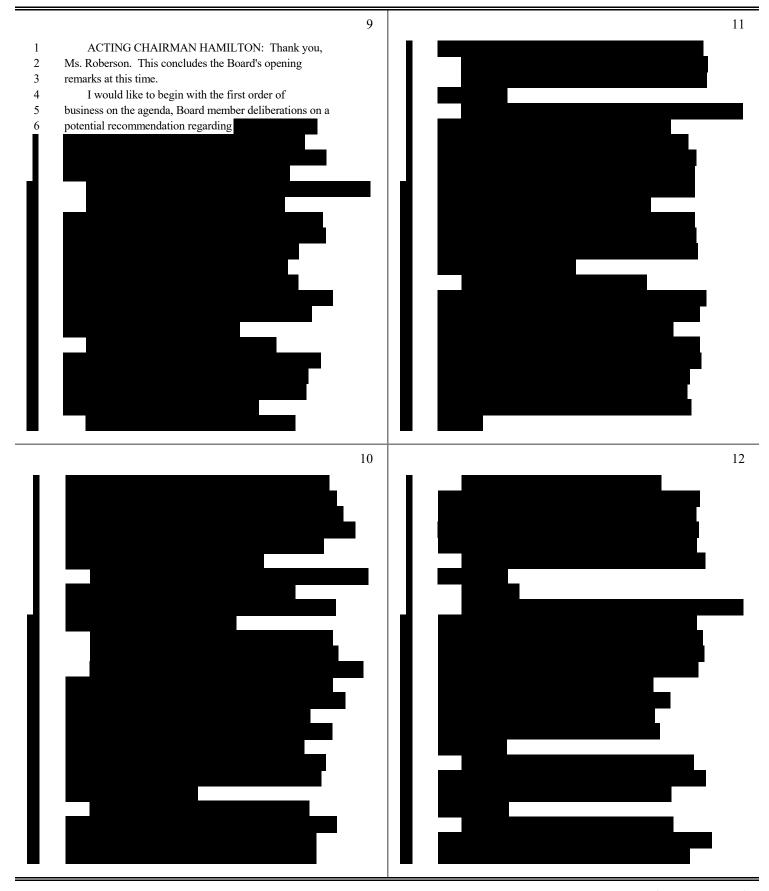
BOARD MEMBER ROBERSON: No, sir, if I start I'll

Ms. Connery. And given that Mr. Santos has teed up a

topic that wasn't planned to be deliberated, I want to

give Ms. Roberson a chance to see if she has any

never end, so I think we should get to the technical



3 (Pages 9 to 12)



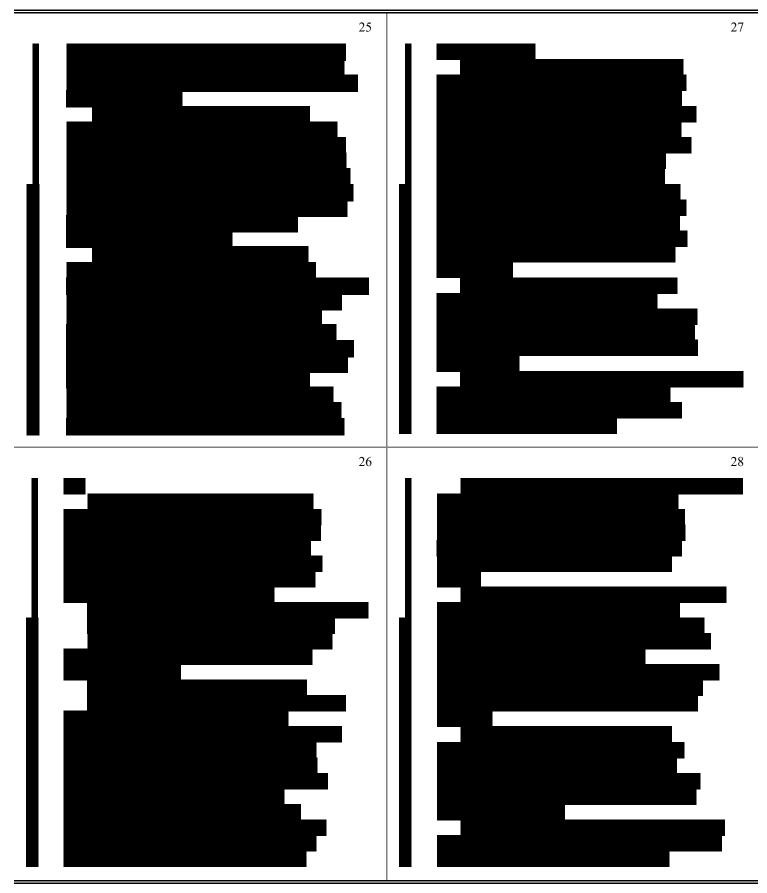
4 (Pages 13 to 16)



5 (Pages 17 to 20)



6 (Pages 21 to 24)



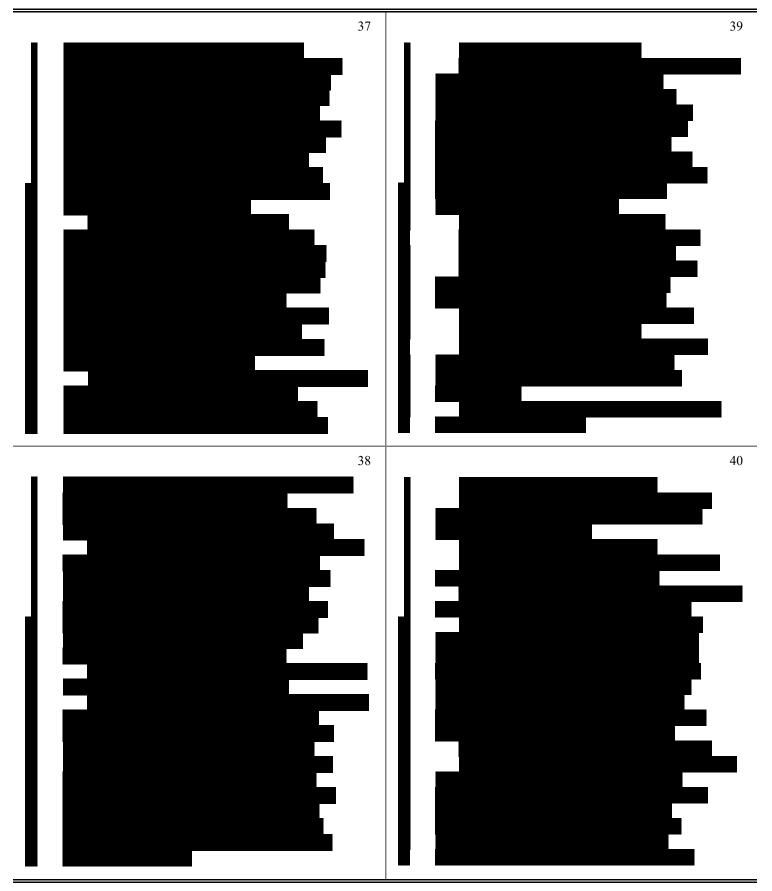
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8 (Pages 29 to 32)



9 (Pages 33 to 36)



10 (Pages 37 to 40)



11 (Pages 41 to 44)



12 (Pages 45 to 48)



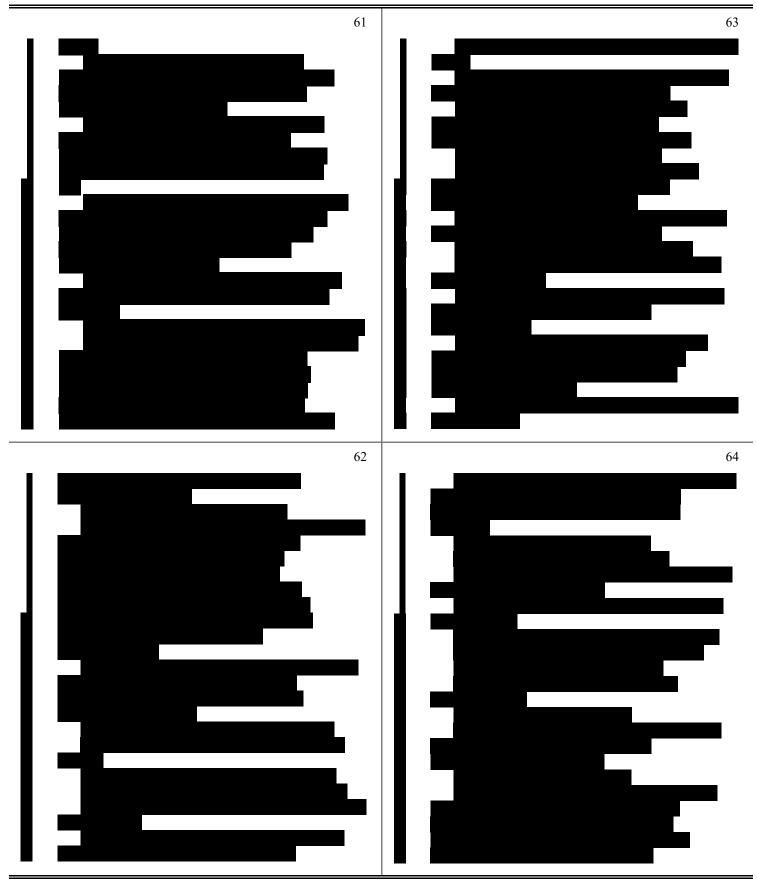
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18 (Pages 69 to 72)



19 (Pages 73 to 76)



20 (Pages 77 to 80)



21 (Pages 81 to 84)



22 (Pages 85 to 88)



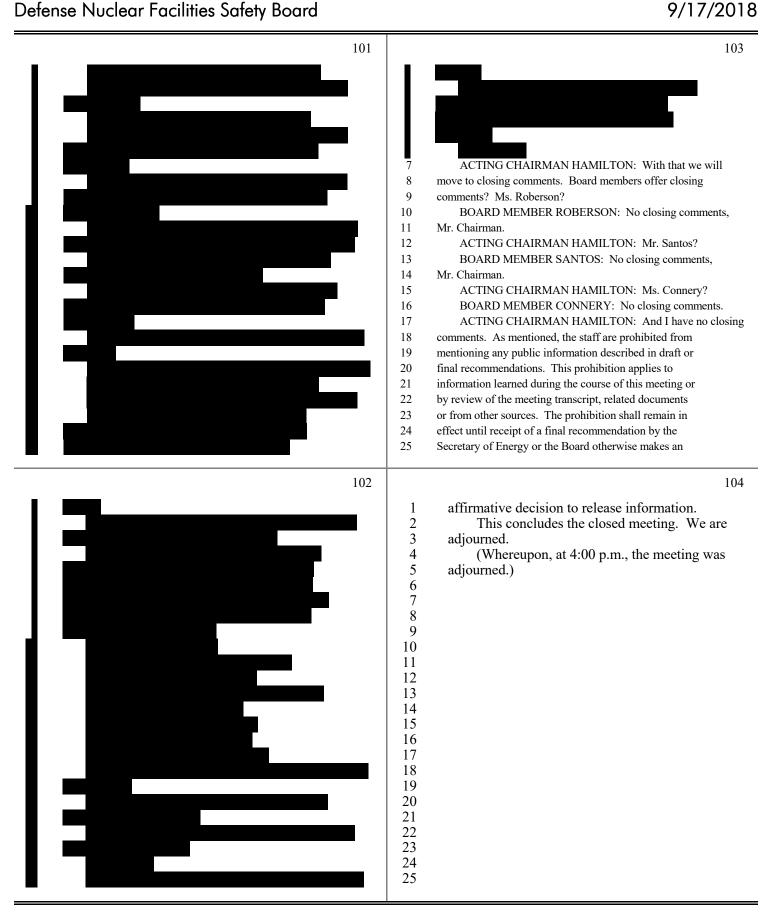
23 (Pages 89 to 92)



24 (Pages 93 to 96)



25 (Pages 97 to 100)



	105	
1 2	CERTIFICATE OF REPORTER	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	I, Sally Jo Quade, CERT, do hereby certify that the foregoing proceedings were recorded by me via stenotype 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	