

**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Washington, DC 20004-2901



June 30, 2017

TO: Sean Sullivan, Acting Chairman

CC: Bruce Hamilton, Acting Vice-Chairman
Daniel Santos, Board Member
Joyce Connery, Board Member
James Biggins, General Counsel

From, Ms. Jessie Roberson, Board member

Ref: Mr. Sullivan's DNFSB Reform Proposal, cover dated June 12, 2017
(enclosure 1)

I desire that this document be included and attached to your proposed Agency Reform Plan being provided to the Office of Management and Budget (OMB) in response to OMB Memorandum M-17-22.

I want there to be no confusion in that I strongly reject your proposal that the agency should be abolished as characterized in the referenced document. The Agency's managerial and performance challenges today are people issues not mission issues and are not uniquely different than the managerial and performance challenges facing other organizations, public or private. I fear anyone other than the five Board Members themselves might assume, incorrectly, that you are speaking for the Board. I know you have committed to each of us you will make it clear in writing that you are not speaking for the Board, only yourself, but we each are responsible also to speak for ourselves.

I have openly and often communicated my view to the entire Board that the Agency was overdue for strategic reforms, including modifying its processes and investing in more operational exposure and experience of its largely new staff. The Board has hired a significant number of smart and very capable staff but maximizing that capability must be coupled with exposure to DOE's Defense

nuclear facility operations where they occur. I have been transparent in my view that this agency, as any other, should pursue organizational enhancements and restructuring across all organizational units to ensure an efficient delivery of products and services. The Board has undertaken a number of specific and unique actions during the past five years but has not yet evaluated the totality of its operations. This coupled with changes to the Board's enabling statute by Congress in that same period is why I so strongly supported conducting a public meeting earlier this year to frame the development of a new Strategic Plan for the agency. Further, there are functional inefficiencies within the Board itself – five Board Members, which must be addressed to support the health of the overall organization. However, my primary concern with the referenced document is the foundation upon which it portrays to rely to conclude the mission is no longer essential.

Each Board Member has a right to their own views about the quality of work and performance of the organization and for that matter, each other - and I value my right to do so. Congress conceived and established the Board to execute a mission they designed and modified over time. The Board's mission is codified in law, with a significant legislative record underpinning it. Congress debated, designed and created the Board for its purposes. I rely on the legislative record to seek understanding and resist displacing Congress's intent with my own logic or personal views. I have included a series of relevant references from the legislative record of the Congress as it neared completion of resolution of amendments on the legislation passed to establish the Defense Nuclear Facilities Safety Board. I have included these passages because they directly address your basis for proposing the extinction of the agency. You specified a number of justifications including: 1. The DNFSB is a relic of the cold war; 2. DOE has achieved major improvements its safety culture and established a robust regulatory structure to maintain it; 3. The DNFSB is duplicative with the DOE's internal Enterprise Assessment Office; and, 4. Given today's DOE operations and self-regulation, it is unlikely the Congress would create such an entity as the DNFSB if it did not already exist. The following passages, current DNFSB activities and communications with DOE, and DOE's own operational challenges demonstrate a continuing need for truly independent nuclear safety oversight.

Excerpts from Senate Report 100-232, 100th Congress, 1st Session
Nuclear Protections and Safety Act of 1987:

Page 3: *The following section of this report provides the background and context for understanding the problems facing the Department of Energy's defense nuclear complex and the issues that must be addressed by the Congress and the Executive Branch- now, in this legislation, as well as in the future years – for the long-term safety of the complex and the assurance of the nation's security.*

Page 8: *However one chooses to examine the record – reactor incidents, day-to-day operations, worker radiation exposure, or worker injury rates - DOE's safety record has been excellent,The facts about DOE's safety and health records are likely to surprise the casual observers. Nuclear weapons activities are not currently held in high esteem and, for many, the continued production and maintenance of our nuclear deterrent is accepted, at best, as a necessary evil. In addition, the near-disaster at Three Mile Island, the Chernobyl disaster, and countless examples of lesser accidents and incidents at commercial nuclear power facilities have greatly reduced the public confidence in the safety on nuclear facilities, whether privately owned or government-owned. Added to this, in the case of DOE is the perception that "the same people that operate the facilities are responsible for regulating the facilities" – a criticism repeated in the National Academy Study. There is some concern that the excellent safety record has induced a more complacent attitude toward safety problems at the time that the continued aging of the facilities may be making them more prone to problems.*

Page 20: *In summary, the Committee believes it is appropriate for the Board to have jurisdiction over the defense production reactors, the material processing facilities, the component manufacturing facilities, weapons assembly facilities, certain nuclear waste storage facilities, and the National Laboratories.*

Page 20: PURPOSE IN CREATING AN OVERSIGHT BOARD

The basic goals in establishing an independent safety oversight board are to assure and enhance the safety of operations of DOE's nuclear facilities and to restore public confidence that these facilities are operated without undue risk to the public health and safety. The Committee does not believe that a safety board is a panacea for all DOE safety problems, or that it can in any way absolve the Secretary or the Department's contractors of their fundamental safety responsibilities. In fact, many witnesses testified that DOE's shortcomings largely reside within the Department's line management, and that there can be no substitute for capable and committed line management.

What the Board can do is provide critical expertise, technical vigor, and a sense of vigilance within the Department at all levels. The Board should be instrumental in helping DOE to develop appropriate and operationally meaningful safety standards, and in ensuring their translation into clear and consistent requirements for DOE management and contractors. The Board should assist in further developing and broadening facility risk assessments and in measuring those risks against safety standards. With reasonable safety criteria as an objective basis for evaluation, the Board should also help the Secretary to make sound modernization decisions. Above all, the Board must have a primary mission to identify the nature and consequences of any significant potential threats to public health and safety, to elevate such issues to the highest levels of authority, and to inform the public.

The mission of the Board is still relevant today, maybe even more so. Indeed, the Board has its challenges from a managerial and performance perspective, but I believe these are people issues and not a mission issue.


 Jessie Roberson, DNFSB Board Member