

**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Washington, DC 20004-2901



June 27, 2017

From: Daniel J. Santos, Board Member

To: Sean Sullivan, Acting Chairman
Bruce Hamilton, Acting Vice Chairman
Jessie Roberson, Board Member
Joyce Connery, Board Member
James Biggins, General Counsel

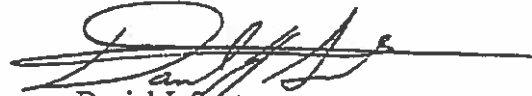
Subject: Memo from Acting Chairman Sullivan dated June 12, 2017 on draft Defense Nuclear Facilities Safety Board reform plan

The subject memo asked for an informal review of a high level draft of a Defense Nuclear Facilities Safety Board (DNFSB) reform plan developed by and to be sent by the Acting Chairman to the Office of Management and Budget (OMB) in response to Executive Order 13781 of March 13, 2017 (Comprehensive Plan for Reorganizing the Executive Branch) and OMB Memorandum M-17-22 of April 12, 2017 (Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce). This proposed reform plan was developed without engaging the Board in a manner consistent with the Board's enabling statute. The justification provided by the Acting Chairman was that Executive Order 13781 "...instructs agency heads to submit a plan...", and therefore, the Acting Chairman considers that the Executive Order only solicits his personal opinion. Therefore, the draft reform plan does not reflect the collective opinion of the Board and does not reflect my opinion or support. I lack confidence that the input I am providing will receive due consideration by the full Board (given the lack of formality in this process) or by the Acting Chairman (given how previous input I have provided in other matters was addressed).

I consider that the primary proposal in the draft plan is flawed and that aspects of the secondary proposal contradict the primary proposal and are inconsistent with the guidance received from OMB as implementation over time could lead to greater inefficiencies, duplication of efforts, less accountability, and overall unnecessary agency growth. While there are some aspects of the second proposal that are worth exploring and further discussing as a Board, I strongly recommend to the Acting Chairman and the Board that given the small size, mission, and structure of the DNFSB that we seek a waiver to Executive Order 13781. This is not a new practice given that the Acting Chairman has already solicited other waivers to Executive Order 13777 of February 24, 2017 "Enforcing the Regulatory Reform Agenda", and to Presidential Memorandum of January 23, 2017 "Hiring Freeze." It is my understanding that prior to sharing the plan with the Board Members, the Acting Chairman had already informed OMB that the DNFSB will not be soliciting a waiver for Executive Order 13781. I strongly recommend that we change this position.

I do support internal reform and have formally communicated, following Board processes, several actionable improvement initiatives to the Board in multiple occasions. While the Board has acted on some, additional work remains. I look forward to continue working with all my fellow Board Members in these endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel J. Santos", written over a horizontal line.

Daniel J. Santos
Board Member