

1 those viewing our proceedings electronically.

2 In accordance with the Board's practice,  
3 and as stated in the Federal Register, we will welcome  
4 comments from interested members of the public at the  
5 completion of the -- at the conclusion of today's  
6 testimony.

7 This concludes my opening remarks.

8 Dr. Eggenberger?

9 VICE CHAIRMAN EGGENBERGER: Mr. Chairman,  
10 I really don't have any remarks, except I would like  
11 to say that I'm very interested in hearing the  
12 testimony today, because in my view, the Laboratories  
13 are a most important part of the weapons complex, and  
14 appropriate oversight of the Laboratories by the  
15 Department is very important.

16 Thank you, sir.

17 CHAIRMAN CONWAY: Thank you.

18 Dr. Mansfield?

19 DR. MANSFIELD: No, nothing.

20 CHAIRMAN CONWAY: All right. Dr. Bruce  
21 Matthews?

22 DR. MATTHEWS: No comments.

23 CHAIRMAN CONWAY: Very good. And with  
24 that, we are pleased now to welcome Admiral Pete Nanos  
25 and Ralph Erickson. Ralph Erickson is the Director of

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1 the Los Alamos Site Office for the Department of  
2 Energy. And as we all know, Admiral Nanos is Director  
3 of the Los Alamos National Laboratory [LANL].

4 We will turn to Mr. Ralph Erickson first.

5 MR. ERICKSON: Thank you, Mr. Chairman.  
6 With your permission, I'd like to summarize my formal  
7 testimony and give us more opportunity to get to the  
8 questions.

9 CHAIRMAN CONWAY: All right. We'll put  
10 your prepared statement in the record as if read, and  
11 we'll listen to you as you make your presentation.

12 MR. ERICKSON: Thank you, sir.

13 Mr. Chairman, members of the Defense  
14 Nuclear Facilities Safety Board, thank you for this  
15 opportunity to provide testimony on the Los Alamos  
16 Site Office's current practices for oversight and  
17 management of the Los Alamos National Laboratory.

18 I have four priorities at the Site. At  
19 least in my mind, the following are in this order:  
20 safety first, security, environmental compliance, and  
21 finally programmatic aspects and the mission of the  
22 Laboratory.

23 My responsibility as Manager is to ensure  
24 that my staff and the staff of the management and  
25 operating contractor carry out these four in

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1 accordance with the laws and orders governing the  
2 Department of Energy. To effectively accomplish this,  
3 an active partnering relationship must exist between  
4 the federal and contractor workforce.

5 In making this relationship work, an  
6 understanding of the roles and responsibilities of  
7 each of the two entities must exist. The NNSA  
8 [National Nuclear Security Administration]  
9 reengineering process of the last 18 months has  
10 produced a base concept for roles and  
11 responsibilities.

12 The federal component is responsible for  
13 the "what," and the operating contractor is  
14 responsible for the "how." I recognize this may sound  
15 oversimplified, but the reality is that this  
16 straightforward concept can be applied and understood  
17 by all levels of the individuals in both the federal  
18 and contractor organizations.

19 The concept of what and how is then  
20 applied across the broad range of activities that  
21 occur at the Site. This ranges from safety to  
22 security to QA [Quality Assurance] to business  
23 practices, and finally to the programmatic mission.  
24 This concept allows the Site Office personnel to spend  
25 the majority of their time focusing on the "what" of

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1 oversight.

2 My primary responsibility and that of my  
3 staff is oversight of the contractor's performance,  
4 whether that's budget or procurement or safety or  
5 security or environmental matters.

6 The increased staffing that has occurred  
7 at Los Alamos in the Site Office over the past 12  
8 months further enhances this increased focus on  
9 oversight by Site Office personnel.

10 I'm going to go through each of the six  
11 lines of inquiry and just give you a quick and brief  
12 summary of my testimony. Under the first line of  
13 inquiry, the primary goal of the Los Alamos Site  
14 Office is to enhance safety. My goal is to coordinate  
15 our oversight activities with the Los Alamos National  
16 Laboratory self-assessment.

17 The joint goal is for performance in  
18 health, safety, environmental business practices and  
19 programs are established and measured, through the  
20 Appendix F appraisal process which we have just  
21 completed for fiscal '03 [Fiscal Year 2003].

22 Present mechanisms to identify facility  
23 issues in a proactive manner, predict that a  
24 particular facility is headed for problems, and assess  
25 the effectiveness of corrections, are so far limited.

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1       The Los Alamos Facility Rep Program, the LANL PS  
2       [Performance Surety] Division Advisor Program, and the  
3       Enhanced PAAA [Price-Anderson Amendments Act] Program,  
4       are examples of programs that are actually increasing  
5       safety and mission effectiveness. We need to find  
6       ways to increase and improve these.

7               In the second line -- from the second line  
8       of inquiry, I'm not satisfied with our self-assessment  
9       within the Site Office. We currently lack an office-  
10       wide program to effectively assess all aspects of our  
11       mission. There are a few good examples, and I intend  
12       to bring this -- to use these to bring self-assessment  
13       to the next level within the Site Office.

14               The NNSA-wide effort to produce a common-  
15       to-all self-assessment program will provide the basic  
16       building blocks that will be implemented at the Site  
17       Office over the next year. Good self-assessment  
18       models exist within DOE today. My personal goal is to  
19       implement the best ones which have the best fit for  
20       our mission at the Site.

21               The third line of inquiry -- approximately  
22       a year ago, a managed staffing plan was completed to  
23       determine the adequate staffing of the entire Site  
24       Office based on guidance provided by Headquarters.  
25       The staffing plan identified a number of new

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1 functions, and, therefore, additional FTEs [Full-time  
2 Equivalentents] necessary to meet these.

3 Vigorous efforts were initiated to recruit  
4 qualified individuals for these positions from within  
5 NNSA. I recognize that there has been recent  
6 discussions of the FR [Facility Representative]  
7 staffing within the Site Office, and there has been a  
8 recent turnover in the FR program, primarily due to  
9 the fact that these individuals are highly trained  
10 technical personnel with field experience, and,  
11 therefore, strong candidates for other positions  
12 within the Site Office where they can contribute to  
13 the success of NNSA.

14 I have been, and continue to be, a strong  
15 supporter of the FR program and helping FRs move to  
16 the next level of responsibility.

17 The Site Office current staffing includes  
18 16 Facility Rep positions, of which fully qualified  
19 personnel fill 11. Recently, four qualified FRs moved  
20 to other technical positions within the Site Office to  
21 enhance their careers and bring greater technical  
22 knowledge and qualifications to the program and  
23 engineering positions that they took.

24 A vigorous recruiting effort for FRs is in  
25 place for the Site Office, and I expect to fill at

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1 least two of these vacant positions with qualified FRs  
2 in the next month. New guidance from Headquarters  
3 will now allow us to recruit for these and other  
4 positions outside of NNSA.

5 I fully support personnel obtaining  
6 recognized professional certificates and registration,  
7 to include the support of required recertification,  
8 and have changed the office policy to allow  
9 reimbursement for this professional certification.

10 Also, personnel are encouraged to  
11 participate in formal academic programs, and we  
12 currently have several participating in a master of  
13 science degree program.

14 I'd like to note that the technical  
15 support from the Albuquerque Service Center will  
16 continue to enhance the technical reviews at the Site  
17 Office as implemented through the service level  
18 agreements.

19 CHAIRMAN CONWAY: Mr. Erickson, could I  
20 interrupt you a second?

21 MR. ERICKSON: Certainly.

22 CHAIRMAN CONWAY: As you know, the Board  
23 has been strong supporters of the Facility Rep  
24 program. And we've also encouraged DOE to utilize the  
25 Facility Reps and give them additional training and

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1 help them move into positions of higher -- higher  
2 positions. But it requires a pipeline of people  
3 coming in and being mentored.

4 So when I -- if I heard you correctly, you  
5 are about five short of Facility Reps now.

6 MR. ERICKSON: Four short.

7 CHAIRMAN CONWAY: Four short. Are all of  
8 them qualified -- have been all qualified that are  
9 currently in the --

10 MR. ERICKSON: We had 11. We have 16  
11 total positions.

12 CHAIRMAN CONWAY: That's five short.

13 MR. ERICKSON: So we're five short. We  
14 have one that we've hired, but the person is not on  
15 duty yet because --

16 CHAIRMAN CONWAY: That's what I --

17 MR. ERICKSON: -- we haven't got the PCS  
18 [Permanent Change of Station] funds because the  
19 appropriation that was just passed a month ago allows  
20 us now to get the PCS funds to actually move that  
21 person, who is coming from another site.

22 CHAIRMAN CONWAY: Okay. We're looking for  
23 a continuation of, obviously, smooth replacements.

24 MR. ERICKSON: Right.

25 CHAIRMAN CONWAY: So you don't have these

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1           hiatuses.

2                   MR. ERICKSON:  And that is an issue, and  
3           it is a problem.  On Friday of last week, one of my  
4           individuals from my Safety Basis Authorization team  
5           came forward and said he'd like to become an FR.  And  
6           so we're in the process of moving that individual,  
7           probably in the next week to 10 days, into FR, where  
8           he'll have to become certified, certainly.

9                   But I think this kind of movement within  
10          the ranks is important, not only to the FR program  
11          itself but also to ensure that the expertise that is  
12          gained as being -- as part of being an FR is then  
13          brought to the other functions within our Site Office.

14                   I concur with what you're saying.  We are  
15          short.  A pipeline would be a nice to have thing.  We  
16          currently don't have the kind of staffing that  
17          supports that, sir.

18                   DR. MANSFIELD:  Mr. Chairman, could I  
19          follow up on that?  As I understand it, not only are  
20          you short, but some Fac Reps have been assigned to  
21          other duties -- for instance, implementing the interim  
22          work program, and things like that.  "Feet on the  
23          floor" time is what we look for, and anything that  
24          dilutes that is a significant dilution of the program  
25          we think.

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1           The ones -- the four qualified Fac Reps  
2           that moved on to other challenges, how long had they  
3           been in Fac Rep positions? Do you know?

4           MR. ERICKSON: Anywhere from six months,  
5           fully qualified, to about a year.

6           DR. MANSFIELD: And how long had that  
7           taken them to be qualified?

8           MR. ERICKSON: Some of these happened  
9           before I was there, so I'm going to -- I'm not going  
10          to be able to give you a full answer, but I'll provide  
11          that for the record. But I think it's on the order of  
12          12 months average.

13          DR. MANSFIELD: Right. It seems to me it  
14          is a significant investment for everybody to get them  
15          qualified, for them and for you. And to me it seems a  
16          shame when they leave early.

17          Have you looked at any ways of making  
18          longer term agreements, perhaps with an increase in  
19          pay when you get a qual card, and a commitment to  
20          managing their career, so that they don't feel they  
21          have to move on to other positions other than Fac Reps  
22          in order to advance their careers?

23          MR. ERICKSON: We haven't looked into that  
24          precisely. We have a program where we discuss with  
25          Facility Reps their future, future plans. But we

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1 don't have a process where we can sign an agreement  
2 which says, "You'll stay as a Facility Rep for three  
3 to five years," or something like that. That  
4 currently doesn't exist, and I'm not sure within DOE  
5 personnel policies whether that's strictly  
6 approachable. I just don't know the answer to that.

7 DR. MANSFIELD: I'll bet it is.

8 MR. ERICKSON: I know we have where if you  
9 go to school, then you sign an agreement that says  
10 you'll stay with the Department for a year or two,  
11 depending upon the length of schooling that you went  
12 to. So we do have those kinds of things. I'm not  
13 sure about in a particular position. That would limit  
14 their ability to move for personal reasons if they had  
15 a family situation or something like that.

16 So I'm just not sure how we could apply  
17 that. It's something we could look into. I'll talk  
18 to Mike Kane, who heads up the folk -- the personnel  
19 organization here at NNSA headquarters and find that  
20 out.

21 DR. MANSFIELD: Okay. Well, just to  
22 repeat my concern, you know, investing a year for --  
23 to get six months worth of assignment to an FR  
24 position, it seems to me we're missing something.

25 MR. ERICKSON: I agree with that, but I

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1 point, then, to the fact that those individuals are  
2 going into other organizations within the Site Office,  
3 which can use that training and education and  
4 experience to better advance the mission of the  
5 Office.

6 So if we were losing these to outside  
7 organizations or companies, I would certainly have  
8 more concern than I do about keeping them, if you  
9 will, within our house.

10 DR. MANSFIELD: How about making Fac Reps  
11 more untouchable when it comes to collateral  
12 assignments?

13 MR. ERICKSON: And that's important, too,  
14 and there was a strong conscious decision on my part  
15 for the individual FRs who recently have joined with  
16 the Laboratory in the integrated work plan effort. I  
17 recognize, exactly as you said, that these people  
18 would not be available for floor work.

19 But given the importance of the integrated  
20 work plan activities, given the discussions that Dr.  
21 Nanos and I had on this issue, I felt that for the  
22 short term -- and it was just a short term, a matter  
23 of less than two months, these FRs would be assigned  
24 to this group to, in fact, bring the kind of expertise  
25 and experience so that we could produce an integrated

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1 work plan change in the policy that would benefit the  
2 Laboratory.

3 Now, those people are done for the most  
4 part, and they're back on their "regular assignments"  
5 on the floor as you say. And I don't disagree with  
6 you, but that was a conscious management decision on  
7 my part in what I felt was the best interest of safety  
8 at the Los Alamos site.

9 DR. MANSFIELD: Thank you.

10 CHAIRMAN CONWAY: Why don't you proceed.

11 MR. ERICKSON: I'll scoot through the rest  
12 of this, and we can get to more questions.

13 In line of inquiry four, in order to  
14 minimize the probability that gaps in oversight  
15 develop as new approaches to contractor assurance and  
16 line oversight are implemented, the Site Officers work  
17 with the contractor in the conduct of the program  
18 reviews.

19 Efforts to base the Site Office oversight  
20 and the quality and integrity of the UC [University of  
21 California] LANL self-assessment programs continue as  
22 part of DOE 450.5. Reviews of the LANL contract  
23 assurance system documents that required -- that most  
24 required elements of the assurance system exist  
25 through, and have been implemented, although the

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1 effectiveness to date has been somewhat limited.  
2 Director Nanos will discuss this later in his  
3 testimony.

4 In regard to line of inquiry number five,  
5 having to do with the Columbia investigation, I've  
6 read the Columbia investigation report, and I am  
7 personally participating in the NNSA-wide lessons  
8 learned program being led by General Haekel.

9 Copies of the report were provided to all  
10 my senior managers and are required reading. Senior  
11 managers subsequently discussed the report with their  
12 technical staff, their SMEs [Subject Matter Experts].

13 The Laboratory, with encouragement from my office,  
14 also conducted a review and evaluation of these  
15 processes. And, again, I think Director Nanos will  
16 have more comment on that in his testimony.

17 And, finally --

18 DR. MANSFIELD: Mr. Chairman, one  
19 question. It appears appropriate to interject our  
20 questions now rather than later.

21 On the question of oversight, some  
22 activities that you do at Los Alamos are similar to  
23 activities at the plants, which we have noted profit  
24 greatly from good technical oversight from  
25 Headquarters. Some of those Los Alamos activities,

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1 for instance, are pit fabrication, the TA-55 [a LANL  
2 facility] work, the plutonium [Pu] 238 work, perhaps  
3 TA-18 [a LANL facility], things like that.

4 We have been concerned that unlike, for  
5 instance, the situation at Naval Reactors [NR] as  
6 observed upon in the -- as commented on in the  
7 Columbia report, we've observed that there are no  
8 really strong technical contact points at Headquarters  
9 to be in daily contact with you and Admiral Nanos on  
10 technical issues that need to be fixed real quick, and  
11 fixed right, and fixed carefully.

12 That Headquarters, in my opinion, as a  
13 remote observer, far less involved than SP [Navy  
14 Strategic Systems Project Office] or NR were in their  
15 work. Do you think that's healthy?

16 MR. ERICKSON: I think it's different. I  
17 know that doesn't answer your question. And I say  
18 that only because where we require specific kinds of  
19 technical expertise that currently doesn't exist at  
20 our Site, we do reach out to those individuals,  
21 whether they're in the Service Center or whether  
22 they're in Headquarters, and there are --

23 DR. MANSFIELD: That's not really what I  
24 meant.

25 MR. ERICKSON: Okay. I'm sorry.

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1 DR. MANSFIELD: I don't -- when the NR  
2 representative at the shipyard sends a pink up to --  
3 or sends a letter up to Headquarters -- part of the  
4 system of reporting -- he's not asking for advice.  
5 He's doing his job of communicating, so that a -- so  
6 that the system can be assured that everybody that  
7 needs to weigh in has weighed in.

8 My comment really is that nobody at  
9 Headquarters needs to weigh in, because they seldom  
10 have anything to offer. Is that healthy?

11 ADMIRAL NANOS: Would you like me to  
12 comment?

13 DR. MANSFIELD: Yes, I would.

14 ADMIRAL NANOS: Well, the issue with NR --  
15 and it's interesting because at the Naval Sea Systems  
16 Command I set up an NR-like system for non-nuclear  
17 shipyard quality. And the difference in the spirit is  
18 that in the NR system, or in the system that I set up  
19 at NAVSEA [Naval Sea Systems Command] -- with the help  
20 of NR, by the way -- and in my experience at SP, it  
21 was expected that the Site Reps, the Representatives,  
22 would report directly to Headquarters, to the top of  
23 the management chain, and were required to write  
24 letters and develop issues for discussion.

25 So that it was presumed that nothing was

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1 perfect, and that, therefore, if you couldn't -- if  
2 you didn't have any issues to discuss, you weren't  
3 properly doing your job. And it was this proactive  
4 nature of management -- and it was one that the top  
5 management at the -- for me at NAVSEA, for Admiral  
6 Skip Bowman at NR, for me when I was in SP, it's this  
7 attitude of management -- "If you're not trying or  
8 developing issues, you're not trying, and you're not  
9 looking" -- that created a spirit of inquiry that kept  
10 everybody on their toes. And it was the proactive  
11 central interest in that that counted.

12 That doesn't exist at all that I can find  
13 yet in the DOE culture. It certainly doesn't even  
14 exist in my own laboratory, which is a weakness.

15 MR. ERICKSON: Let me try one more on this  
16 one, see if I can do a little bit better. One of the  
17 things that we do do -- the FRs produce a quarterly  
18 report, each one, and in that quarterly report,  
19 identify -- I'm not sure how familiar you are with --  
20 but identify findings, good practices, issues that  
21 need to be resolved. That comes to me. I read that  
22 every month, provide them with comments, but it also  
23 goes to the appropriate Headquarters counterparts  
24 within Ev Beckner's organization for their review.

25 And occasionally -- I mean, I'll be blunt

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1 -- occasionally we do get some feedback from  
2 Headquarters, but it -- we don't have on, I'll say, a  
3 day-to-day kind of contact in that regard. And part  
4 of the difference there is, frankly, because  
5 Headquarters is more focused on program.

6 The Site -- myself -- we're charged with  
7 the authority and responsibility for accepting the  
8 risk of operations at the Site. We are not charged  
9 with program.

10 Somebody always told me, "You can always  
11 tell what you're responsible for. You just have to  
12 look at your performance appraisal plan." You look at  
13 my performance appraisal plan, and there's nothing in  
14 there about programmatic activities. It's all about  
15 safety, security, environmental compliance. Program  
16 doesn't enter into it.

17 So we take our view that we at the Site,  
18 the Site Office personnel, and especially in oversight  
19 and other activities, are focused on assuring that  
20 there's a safe, secure facility that can accomplish  
21 whatever mission the program people deem appropriate  
22 and assign to us, and obviously provide the funding.

23 So that's a difference that exists. I  
24 don't know whether it's right or wrong, but it's a  
25 difference. And it's certainly the one we're

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1       employing, because, as I said before, I'm responsible,  
2       I'm accountable.  If there's an issue of safety and  
3       security at the Site, they come to me.  They don't  
4       come to the program people in Washington.

5                   DR. MANSFIELD:  Well, all right, then.  Is  
6       there the kind of communication between the field and  
7       Headquarters that the Columbia Report and Admiral  
8       Nanos described, does that take place in the program  
9       area?  I mean, are there people at Headquarters that  
10      must be involved in resolution of technical issues at  
11      every step?  And are in continual contact with the  
12      Laboratory on program issues?

13                   MR. ERICKSON:  I wouldn't say at every  
14      step.  It's a second order kind of relationship.  The  
15      big decisions, whether we're doing a particular --  
16      whether we have to make a determination whether to  
17      spend money on something to do with pit certification  
18      versus W-76 [designation for a nuclear warhead]  
19      activities, that's a decision that's made by the  
20      program people in Headquarters, not one that I get  
21      involved with, other than to be perhaps aware of, but  
22      none that concern me on a specific basis.

23                   If there's an issue over whether we can  
24      conduct an experiment safely, yes, I'm very much  
25      involved with that.  So this is a different view, and,

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1 frankly, I think part of the difference in how NNSA  
2 reengineering has approached the oversight model, in  
3 the sense, again, that the Site Offices are  
4 responsible for safety, for security, less or not at  
5 all responsible for program. Headquarters, on the  
6 other hand, is where the programmatic decisions and  
7 direction come from.

8 DR. MANSFIELD: Okay. Thank you.

9 VICE CHAIRMAN EGGENBERGER: Let me help  
10 you. You, in the first part of your testimony, talked  
11 about the "what" and the "how" relative to the  
12 Headquarters and to the field organization.

13 What I'd like you to try and tell me is,  
14 what do you believe is the appropriate oversight of  
15 your operation by Headquarters? You have spoken about  
16 what things are. I'm asking you: what do you believe  
17 the appropriate oversight model or amount of oversight  
18 should be?

19 MR. ERICKSON: I think we are learning  
20 what that should be through the last 12 or 18 months  
21 of reengineering NNSA. I think it needs to provide  
22 the necessary appropriate independence. We get some  
23 of that from Glenn Podonsky's organization. We get  
24 that from -- some of that from Mr. Sohinki's  
25 organization.

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1                   We also should get some of that from  
2 internal NNSA organizations, either from a project  
3 standpoint, from Jim Mangeno as the Senior Technical  
4 Safety Advisor to the [NNSA] Administrator. We should  
5 get some of that from the Service Center, which is  
6 basically an arm of Headquarters.

7                   We recently, for instance, had a review on  
8 Quality Assurance at the Los Alamos Site Office by  
9 Dick Crowe and a number of people. It went well.  
10 They pointed some lessons learned out to us and things  
11 that we're going to attend to and apply.

12                   So I think that's the kind of oversight  
13 that is appropriate to the Site Office at this point  
14 in our, let's say, maturation of this new way of doing  
15 business within NNSA. That's not to say that over  
16 time we won't find things that need to be improved,  
17 changed, and we'll take those.

18                   I mean, we're not -- this is not cast in  
19 stone. This is a work in progress, and we're still  
20 trying to understand the best way to make it better.

21                   VICE CHAIRMAN EGGENBERGER: Well, the  
22 important thing, I would think, is whatever the  
23 oversight is now needs to be effective. And I believe  
24 you have problems in that area. Let me give you an  
25 example.

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1           We have been talking with you for more  
2 than a year about the Plutonium Recovery Line in  
3 TA-55. I just find that unbelievable, that we cannot  
4 come to some type of agreement on what should be done  
5 with respect to safety. And, hence, I conclude that  
6 you need help, because it's -- it can't be done.

7           And I would believe that a strong  
8 Headquarters organization who worries about the  
9 mission, the mission being done safely, would worry  
10 about things like that, rather than let this go on so  
11 long. So I'm not convinced, Mr. Erickson, that you  
12 have the horses to do what your -- what you have been  
13 explaining in your testimony.

14           MR. ERICKSON: Specifically on that, it's  
15 interesting in the sense that that's, of course, a  
16 Nuclear Energy [NE] program, not an NNSA program. And  
17 you're correct, we have not received much, I'll say,  
18 "help" from the Headquarters organization and NE on  
19 that directly.

20           But that's not because -- it's not because  
21 of anything in particular. I believe the Laboratory  
22 has indeed, as you said, struggled with the issue on  
23 scrap recovery. We've had continuing, and I think  
24 sometimes challenging, discussions with the Board, the  
25 Board staff, and our own Site Rep.

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1           If we would not have had the incident in  
2 TA-55 where we released some material and had uptake  
3 of two individuals back in August, I think we probably  
4 would have made better progress.

5           But when that occurred, I made the  
6 conscious decision, along with the Director, that  
7 because of the implications that that had for all the  
8 activities associated with Pu 238, we would put those  
9 things on hold until the Type B investigation report  
10 was completed, the judgments of need were identified,  
11 and then, utilizing those, how they could be applied  
12 not only to the specifics of that incident, but across  
13 the board, for all Pu 238 activities at the Site, and  
14 then, frankly, even as a result of that, even more  
15 broadly to all of the activities where we handle these  
16 kinds of materials at the Site, because that was --  
17 that investigation revealed some pretty serious  
18 concerns.

19           And so you're right, we're behind on that  
20 mission. We're not probably going to be able to  
21 support the Pluto Mission that was coming from that.  
22 I made that consciously -- decision not to be -- not  
23 to do that, because I didn't see program getting in  
24 the way of doing the right thing for safety. So --

25           VICE CHAIRMAN EGGENBERGER: See, I contend

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1 that both of these are related. And I don't see that  
2 strong connection being made by your operation. And  
3 if you had appropriate oversight, I think that a  
4 strong technical organization would find the  
5 relationship between these two incidents and may have  
6 even prevented them from happening.

7 There is a problem with being down in the  
8 forest bumping around the trees when one needs to  
9 stand back and look at things. We see this all over  
10 the Complex. And we have lost that strong, enveloping  
11 look at operations and safety, I believe.

12 Thank you.

13 CHAIRMAN CONWAY: Okay. Dr. Matthews.

14 DR. MATTHEWS: Yes. You said earlier that  
15 you are now in this risk acceptance role. We've heard  
16 that and read it in some of the documents coming out  
17 of NNSA. I wonder if you could spend a little time  
18 explaining what exactly that role means, and how in an  
19 operational sense you'll execute that, how will you  
20 quantify risk, and how you will make decisions based  
21 on risk.

22 I'm particularly interested in the context  
23 of nuclear safety, not industrial safety risk.

24 MR. ERICKSON: And I'll try to answer  
25 that. Let me start from a little bit different

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1 perspective, because it's -- the authority and  
2 responsibility that has been delegated to me is more  
3 than just nuclear safety risk. It's nuclear safety,  
4 but it's also security, it's also environmental  
5 compliance.

6 So any time we take on any activity, we  
7 have to include all of those. But to specifically go  
8 to nuclear safety, I have a very strong nuclear safety  
9 team headed up by Chris Steele and seven, I think,  
10 very qualified, intelligent, experienced people.

11 Their job is to review those documents,  
12 review the USQs [Unreviewed Safety Questions], review  
13 those nuclear safety issues that come across our plate  
14 -- to put it that way -- at the Site. I rely on their  
15 expertise, I rely on their experience and their  
16 recommendations.

17 When we are in the process of accepting a  
18 particular DSA [Documented Safety Analysis] or  
19 accepting, or giving direction to the contractor with  
20 regard to a USQ, those are discussions that, first of  
21 all, take place within that group, and then they are  
22 brought to me as informational in the sense that my  
23 responsibility is to kind of quiz them, I guess, to my  
24 own satisfaction that the risks that they've  
25 identified, or the contractor has identified, and the

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1 mitigative measures, both -- either engineered  
2 controls or administrative controls, are appropriate  
3 and reasonable and acceptable.

4 Does that answer your question? Or I'll  
5 elaborate more.

6 DR. MATTHEWS: Well, sort of. But I'll  
7 continue --

8 MR. ERICKSON: Help me out.

9 DR. MATTHEWS: -- if I can. Based on  
10 that, what I don't understand is how you quantify  
11 risk. So can you tell me what the two or three top  
12 risks are at the Los Alamos Site, the things that --  
13 in a nuclear sense, of course -- but the things that  
14 keep you awake at night.

15 MR. ERICKSON: Yes. I think certainly it  
16 centers on probably three facilities right now: CMR  
17 [Chemical and Metallurgy Research], TA-55, and TA-18,  
18 not in any particular order, but just in the ones that  
19 come to me.

20 And those three facilities, because they  
21 have the most significant material at risk, they have  
22 the most serious potential consequences of releases,  
23 and, frankly, there are facilities, at least in two of  
24 them, that are very old -- CMR and TA-18 -- and that  
25 need to be either replaced or significantly modified.

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1                    Obviously, CMR, our replacement project  
2                    which is being considered right now, would solve the  
3                    issue of the current CMR, but not for another decade  
4                    approximately. That's why I'm concerned about CMR.

5                    TA-18 -- obviously, we understand not only  
6                    the safety but the security risks associated with  
7                    that. But in the area of safety, there are  
8                    significant concerns that keep me awake at night. And  
9                    TA-55, again, because of the material involved there,  
10                    the variety of operations that occur there, those are  
11                    my top three that keep me awake at night.

12                    DR. MATTHEWS: Okay. Well, this is going  
13                    to go back to the previous --

14                    MR. ERICKSON: Sure.

15                    DR. MATTHEWS: -- conversation. Then, why  
16                    has the safety analysis report for TA-55 been  
17                    languishing, for better word, for, what, a year and a  
18                    half?

19                    MR. ERICKSON: Right.

20                    DR. MATTHEWS: Can you explain that? Is  
21                    that the resource issue that we've been talking about?

22                    MR. ERICKSON: It's a combination.  
23                    Certainly, it is part of a resource issue within our  
24                    own Site Office. Two, it's the fact that probably the  
25                    TA-55 operation is "in better shape" than the other

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1 two at this point in time. It's a newer facility.

2 But I have been, and continue to be,  
3 disturbed by the lack of progress on that. And my --

4 DR. MATTHEWS: Well, it just seems to me  
5 if that's one of your highest risks, that's something  
6 that deserves a lot of attention.

7 Let me just go a little bit further, if I  
8 may, Mr. Chairman. We had previous testimony by  
9 Captain Hicks that basically suggested some of the  
10 changes in oversight could degrade the focus on  
11 nuclear safety. You know, that our most important  
12 safety programs are really aimed at preventing and  
13 regulating a nuclear explosive incident, if you like.

14 And I'm just curious, have you read that  
15 testimony from Captain Hicks?

16 MR. ERICKSON: I was here for his oral  
17 testimony, and I've also read since then the actual  
18 testimony for -- that was submitted for the record.

19 DR. MATTHEWS: So just discuss a little  
20 bit for me, there seems to be a trend to move some of  
21 the responsibility for oversight and regulation to the  
22 Site Office. And I wonder if you could comment on the  
23 strength of nuclear explosive safety relative to the  
24 new changes in roles and responsibilities in oversight  
25 that are coming.

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1 MR. ERICKSON: Yes. I was taken by Mr.  
2 Hicks' testimony. I mean, he presents this regulatory  
3 model with three elements -- requirements,  
4 implementation, and enforcement, I believe it was.  
5 And I think he makes a good case on requirements. He  
6 talks about the DOE orders. He talks about the  
7 various 10 CFR 835 [Radiation Protection Rule], 830  
8 [Nuclear Safety Rule], etcetera, etcetera.

9 And I think I'm in pretty much full  
10 agreement with that. Where I may differ from his  
11 model is -- and it goes back to a previous discussion  
12 we had this morning -- is that implementation and  
13 enforcement.

14 I see the implementation being done at the  
15 Site, and the oversight as a part of the  
16 implementation being done at the Site, closer to where  
17 the work is actually being done on a day-to-day basis  
18 without having people coming from alternate locations,  
19 Headquarters, or anywhere else. But every single day  
20 that implementation and the oversight by the  
21 contractor and the oversight of the contractor by feds  
22 is done right there on the ground. We don't rely on  
23 people from other places.

24 The third part -- enforcement -- is a  
25 little bit interesting, because it comes from almost

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1 two places. I've talked about Podonsky's  
2 organization, and I've talked about the PAAA  
3 organization as being enforcement kinds of activities.

4 But through the Appendix F process, which  
5 is an agreement basically between the Laboratory and  
6 the Site Office as to what kinds of things are  
7 important, what kinds of things are going to be  
8 performed that year, and then the assessment that goes  
9 on -- self-assessment by the contractor as well as the  
10 assessment by the feds on the Site -- I think lend a  
11 very real time kind of approach to "enforcement" --  
12 not all enforcement, but it's an enforcement activity  
13 that there's constant back and forth during the year  
14 on how progress is being made, where shortfalls are;  
15 "Do you need to pick up the pace?", for instance, in  
16 the areas of Documented Safety Analysis, which I'm  
17 sure Director Nanos will agree has not been a strong  
18 point for the Laboratory over the last couple of  
19 years.

20 So I think that Mr. Hicks' testimony was  
21 intriguing to me. I'm not sure he has a full  
22 understanding of how it would work specifically at the  
23 Los Alamos Site Office, because, as far as I know, he  
24 hasn't been to our office in the last two years.

25 DR. MATTHEWS: Thank you.

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1 CHAIRMAN CONWAY: Dr. Mansfield, do you  
2 have another question?

3 DR. MANSFIELD: Just one more. You know,  
4 we've been -- it's not the subject -- precise subject  
5 we're going to be addressing today, but we've been  
6 concerned for years that Los Alamos is the last Site  
7 without an implementation plan for nuclear residues in  
8 94-1 [Board Recommendation 94-1, Improved Schedule for  
9 Remediation in the Defense Nuclear Facilities  
10 Complex].

11 And we -- you know, we've seen areas --  
12 directions where that program might be improved, like,  
13 for instance, changing the economic discharge limit.

14 MR. AZZARO: Excuse me. You are nodding  
15 your head, and it appears to be in agreement, but I --  
16 the Court Reporter can't pick that up. If you  
17 could --

18 MR. ERICKSON: Yes, I'm in agreement with  
19 you, sir.

20 DR. MANSFIELD: And the exposure reduction  
21 line --

22 MR. ERICKSON: Yes.

23 DR. MANSFIELD: -- for startup and things  
24 like that. Can you give us any indication when you  
25 expect to see improvements in that area?

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1 MR. ERICKSON: Well, I expect to see  
2 improvements on a daily basis. Unfortunately, we  
3 haven't had that. And I'd like to go back just for a  
4 moment to the recent -- in August -- TA-55 incident  
5 with the Pu 238, which further pointed up this issue  
6 that says, look, you know, we have this material  
7 that's just sitting around. And we ought to be doing  
8 something with it, whether it's through the economic  
9 discharge limit, or whether it's just good practice of  
10 taking material that's no longer appropriate and  
11 usable and dealing with it.

12 Part of that is a programmatic issue, and  
13 we've got to do a better job of working with the  
14 programmatic people in Washington, within NNSA, within  
15 NE, within who -- whichever organization happens to  
16 "own" that material.

17 I'll say it again for the record. You are  
18 absolutely right. We've done less than a stellar job.

19 We've done a poor job in that implementation plan.  
20 We don't have an implementation plan. There are a  
21 number of reasons, and we've had some of these  
22 discussions before. I'm not satisfied and -- I'm not  
23 satisfied.

24 DR. MANSFIELD: My last question, Mr.  
25 Chairman. Previously NNSA has conducted integrated

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1 safety management verifications in the field that  
2 focused on the operations office. Now that you don't  
3 have an operations office, how is NNSA Headquarters  
4 going to conduct their ISM [Integrated Safety  
5 Management] verifications?

6 MR. ERICKSON: Actually, we're doing that  
7 within the Site Office. And we do that in the  
8 traditional way of doing that verification. When we  
9 have a need for it, again, we would use resources from  
10 the Service Center or perhaps Headquarters. But I  
11 really see that as a responsibility of the individual  
12 Site Office, not one of Headquarters.

13 Again, going back to the model I'm using  
14 that Headquarters is really focused on the program  
15 kinds of decisions, and the Site Offices are  
16 responsible for the activities, including ISM at the  
17 individual Site.

18 CHAIRMAN CONWAY: Okay. You talk of  
19 utilizing the personnel from the Albuquerque Service  
20 Center to make up on the shortfall of some of your  
21 technical needs. These are people who are full-time  
22 feds, are they not?

23 MR. ERICKSON: Yes.

24 CHAIRMAN CONWAY: Yes. They are Q-cleared  
25 [a DOE security clearance].

1 MR. ERICKSON: Yes.

2 CHAIRMAN CONWAY: What is the problem --  
3 administrative problem -- when they come to help you  
4 that they must be under escort when you're being --  
5 when they're trying to work with your people?

6 MR. ERICKSON: I'm not --

7 CHAIRMAN CONWAY: I'd suggest you look  
8 into it. Our Site Representatives tell us that they  
9 don't have unescorted access in your facility, and  
10 that they require -- the Facility Reps have to drop  
11 their job and take them around and escort them. It  
12 seems to me there is something wrong administratively.  
13 I'd look into that.

14 MR. ERICKSON: I will --

15 CHAIRMAN CONWAY: Do you read our reports?

16 MR. ERICKSON: I will look into that.

17 CHAIRMAN CONWAY: Do you read our Site Rep  
18 reports?

19 MR. ERICKSON: Absolutely.

20 CHAIRMAN CONWAY: Okay. Okay. Kent, did  
21 you have any questions you'd like to ask?

22 MR. FORTENBERRY: Yes, I did. One of the  
23 reasons for this series of hearings has been  
24 questioning the -- what appears to be a reduction in  
25 oversight, clear reduction in oversight from

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1 Headquarters and more reliance on the Field Office.

2 And if I can summarize your written  
3 testimony, Ralph -- and you can take exception to this  
4 if you would like -- but what I heard was that the  
5 Site contractor performance assessment or Performance  
6 Assurance System is not mature and needs improving.

7 MR. ERICKSON: Agree.

8 MR. FORTENBERRY: You are looking toward  
9 establishing a good self-assessment program for the  
10 Site Office.

11 MR. ERICKSON: Agree.

12 MR. FORTENBERRY: And you need people, you  
13 need Facility Reps, you need subject matter experts.  
14 Your Contractor Assurance System, the contractor  
15 system, has shown limited effectiveness.

16 MR. ERICKSON: Agree.

17 MR. FORTENBERRY: The Site Office  
18 corrective action tracking is not satisfactory, and  
19 you're looking to --

20 MR. ERICKSON: Agree.

21 MR. FORTENBERRY: -- improve that. That's  
22 sort of my summary. So my conclusion from that is  
23 that we clearly are -- are right in being very  
24 concerned about an idea of saying we're going to just  
25 turn oversight over pretty much completely to the

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1 Field Office, and Headquarters will worry about the  
2 program, and the Field Office will do the oversight.  
3 Any reaction to that conclusion?

4 MR. ERICKSON: I would react to the  
5 conclusion from the sense that it's a challenge we  
6 face. We have an opportunity, I believe, to take out  
7 many of the questionable value-added layers of  
8 organization that existed before the NNSA  
9 reengineering, and get to an organization that can  
10 become more effective, more efficient, in oversight by  
11 focusing that oversight at the pointy end of the  
12 spear, so to speak, right where the work is going on  
13 on a day-to-day basis.

14 That we can take ourselves out of the  
15 programmatic kinds of decisions and say, look, I'm  
16 responsible, and my people are responsible at that  
17 Site, on a day-to-day basis -- morning, noon, and  
18 night -- for all aspects of operational safety and  
19 security and environmental compliance.

20 We don't come there once a week, or we  
21 don't come there once a month and do a review. We're  
22 there every day doing our job, doing reviews,  
23 interacting with the contractor.

24 That's a different model; I agree with  
25 you. But it's a model that I don't believe has had a

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1 full chance yet to be successful.

2 MR. FORTENBERRY: Yes. And I kind of  
3 wanted to point out there is certainly discussion  
4 about the model, and which one is appropriate, and  
5 whether you can rely fully on the Field Office, or  
6 whether you need different types of oversight.

7 But I just wanted to make the point that  
8 regardless, even if you decide -- or, you know,  
9 there's a decision about the model, there are still  
10 some problems at the Field Office in terms of being  
11 ready to implement either one, either model. I just  
12 wanted to point that out.

13 MR. ERICKSON: We still face those  
14 challenges, I agree.

15 MR. FORTENBERRY: Yes. I wanted to ask a  
16 little bit about the Federal Technical Capability  
17 Program, implemented in large part through the Federal  
18 Technical Capability Panel. The November quarterly  
19 report from this year points out that -- it basically  
20 reports progress on meeting the goal of qualified  
21 federal folks of 20 Sites' locations. Eight of those  
22 Sites did not -- have not met that goal, and this goal  
23 has been around for many years.

24 MR. ERICKSON: Yes.

25 MR. FORTENBERRY: Seven of those eight

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1 Sites are NNSA Sites.

2 MR. ERICKSON: Yes.

3 MR. FORTENBERRY: And one of them, of  
4 course, is Los Alamos.

5 MR. ERICKSON: Yes.

6 MR. FORTENBERRY: And what I've also  
7 observed is a lack of participation by NNSA in  
8 general, but LANL specifically, in the Federal  
9 Technical Capability Panel work, the lack of  
10 attendance.

11 And so it begs the question again, if the  
12 field elements have taken on this responsibility, and  
13 now have to decide what capabilities they need, they  
14 have to implement, again, it looks like there is --  
15 they are not quite ready to take on those  
16 responsibilities in terms of focusing on the key  
17 elements of making that successful technical  
18 capability and competence.

19 Any comments on that?

20 MR. ERICKSON: Yes. I don't disagree with  
21 the facts and figures that you've put forward. The  
22 only mitigating circumstance I'll try to lay out for  
23 you is the fact that, because of the changes that are  
24 going on over the last 12 months, we've had people  
25 moving from one kind of activity to another, out of

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1 program into oversight kinds of activities.

2 And so because their jobs and  
3 responsibilities have changed, we need to reevaluate  
4 how they fit into the Federal Technical Capabilities  
5 Program. Are we behind on that? Yes. Is it a  
6 criticism that's well founded? I agree.

7 MR. FORTENBERRY: Well, just one more  
8 quick comment, and that is there was some discussion  
9 about the TA-55 SAR [Safety Analysis Report], the  
10 Safety Authorization Basis Team, and inadequate  
11 resources in terms of your having to pick what -- for  
12 example, what SARs are more important to you.

13 And I'll point out that there was -- the  
14 current SAR that's unapproved has some very specific  
15 controls in terms of packaging of Pu 238 that may  
16 have, in fact, prevented your uptake.

17 So, but I wanted to ask about what I  
18 understand to be the lack of any assistance from the  
19 Service Center and the lack of any assistance from  
20 Headquarters for reviewing these SARs. In other  
21 words, you have this backlog. There's a lot of work  
22 to be done. You don't have enough resources at the  
23 Site.

24 And apparently, there are not people  
25 available or qualified to provide you any assistance.

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1 Well, you've got the Service Center out there, and  
2 they come and do help you when you need it, and what  
3 not. But I don't see that in action in areas that are  
4 very vitally important.

5 MR. ERICKSON: Let me go back to one thing  
6 you said about the recent uptake. In fact, the  
7 requirements for how those cans were to be taped was  
8 not how they were taped. The way they are shown in  
9 the draft SAR is the correct way, with cross tape, not  
10 circular tape. So, unfortunately, that would have not  
11 necessarily prevented this incident, because they were  
12 taped incorrectly.

13 But to get to your point, I have not had  
14 an instant yet -- instance yet where I have asked for  
15 support, either from Headquarters or from the Service  
16 Center, where that support has not been forthcoming by  
17 appropriately qualified technical people.

18 MR. FORTENBERRY: So you have not  
19 attempted to get any help in the -- with reviewing  
20 SARs that have languished for a long period of time?

21 MR. ERICKSON: I haven't asked for that  
22 kind of support because of the specificity that those  
23 SARs have and the fact that you really need to have a  
24 more day-to-day understanding of the activities at the  
25 Site to really be helpful in that area, in my opinion.

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1 CHAIRMAN CONWAY: Dr. Eggenberger?

2 VICE CHAIRMAN EGGENBERGER: You made  
3 reference in response to one of Mr. Fortenberry's  
4 questions about these tiers of oversight that have  
5 been eliminated now. Could you tell me specifically  
6 which tiers have been eliminated?

7 MR. ERICKSON: Starting with the  
8 Albuquerque Operations Office, and the fact that that  
9 organization ceased to exist approximately a year ago,  
10 is probably the biggest bureaucratic level, tier,  
11 however you'd like to term it. The fact that I have  
12 responsibility and authority in my office for the  
13 activities at the Site is -- and not having to go to  
14 Albuquerque to request permission or whatever, has  
15 made a tremendous difference at the Site.

16 And, again, the remodeling if you will of  
17 NNSA so that the Site has responsibility for risk  
18 acceptance and oversight and the programmatic  
19 activities are then dealt with by the Headquarters  
20 individuals.

21 VICE CHAIRMAN EGGENBERGER: What other  
22 tiers have been eliminated?

23 MR. ERICKSON: Well, that's the primary  
24 tier, but you've got to remember that the Albuquerque  
25 Operations Office was itself made up of a number of

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1 sub-tiers. So you might have to go through two or  
2 three parts of that organization before you could get  
3 an answer to a particular question or a decision.

4 So I would say two or three tiers have  
5 been eliminated because of the removal of the  
6 Albuquerque Operations Office.

7 VICE CHAIRMAN EGGENBERGER: Any tiers at  
8 Headquarters?

9 MR. ERICKSON: I would say no.

10 VICE CHAIRMAN EGGENBERGER: Okay. But  
11 now, you do have a tier still existing if you desire  
12 to use the Albuquerque Service Center, is that  
13 correct?

14 MR. ERICKSON: I don't see that, I guess,  
15 as a tier. I see that as a Service Center. They  
16 provide service. They provide individual expertise,  
17 federal for the most part, but they also have some  
18 very valuable non-federal people under contract that  
19 we also can utilize.

20 VICE CHAIRMAN EGGENBERGER: I see. Thank  
21 you.

22 MR. ERICKSON: Okay.

23 CHAIRMAN CONWAY: Admiral Nanos, we will  
24 turn to you now.

25 ADMIRAL NANOS: Okay. Mr. Chairman,

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