

1 I think it is going to make the organization safer.

2 But even the best plan doesn't always get
3 implemented correctly. So I want to assure the Board
4 that we are going to monitor the progress. And we are
5 prepared to, if we discover problems, to adjust our
6 approach.

7 Because we are after effectiveness, we are
8 after efficiency, we are after mission, but we are
9 also after safety.

10 Thank you for your attention, I would be
11 glad to deal with any further questions.

12 CHAIRMAN CONWAY: We may have some
13 additional questions that I may send to you in writing
14 to make the record complete.

15 AMBASSADOR BROOKS: Thank you.

16 CHAIRMAN CONWAY: Well, thank you for your
17 time here this morning. And if we have some other
18 questions we will extend them to you, and we will
19 include them in the record, then. Thank you very
20 much, and good luck, too.

21 AMBASSADOR BROOKS: I'm actually, if it is
22 okay, going to stay and listen to --

23 CHAIRMAN CONWAY: Oh, good, thank you.
24 Do you want anybody else with you?

25 MR. CARD: No, it is just me, me and the

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1 Board.

2 (Laughter.)

3 MR. CARD: Anyway, I want to thank you for
4 the opportunity to think about these things, as Linton
5 said, I think this has been beneficial to everybody to
6 think through this.

7 I want to welcome back Jack [Crawford] and
8 Joe [DiNunno], also. So I remember our first meeting
9 in July 1995. And I also want to thank, here, the DOE
10 team that we have here, who are doing a great job, and
11 are committed to safety.

12 So the way I like to approach this, is
13 actually, Dr. Matthews and I had a conversation about
14 a month ago. He said, what is your management plan
15 and strategy? And thinking about oversight I really
16 think it is important to understand the context in
17 which that is occurring, because I think different
18 oversight models are appropriate for different
19 contexts.

20 So I thought I would take you through
21 that. Why don't you give me a target time? Do you
22 want to stay on schedule? I will shoot for that; I
23 will depend on the team effort here.

24 CHAIRMAN CONWAY: No. We are happy to
25 have you here, and we have all day.

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1 MR. CARD: Okay.

2 (Laughter.)

3 MR. CARD: So we will march through, so I
4 put together some slides to kind of describe where we
5 are, and then we can, of course, dialogue throughout
6 that.

7 CHAIRMAN CONWAY: We even can come back
8 tomorrow, if you want.

9 MR. CARD: I know you guys are familiar
10 with this, but some may not be, I want to paint a
11 historical context, because I have prepared these
12 slides in the context, also, of the Columbia report,
13 and tried to analyze what were people worried about
14 losing or gaining at NASA over time, what were they
15 trying to get to, where were they from.

16 And DOE, in the area that I'm involved in,
17 and this is all the ESE [Energy, Science and
18 Environment], the focus doesn't frankly have a lot to
19 be proud of. In the '80s, it had trouble admitting
20 there was an issue. The reason the Board is here is
21 because of that, I believe.

22 And in the '90s, it acknowledged there was
23 an issue but really had trouble figuring out what to
24 do about it. And the Board was, of course, a key
25 driver in trying to help DOE get on with it, and that

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1 is where I entered the scene, shortly after [Board
2 Recommendation] 94-1, which to me was a landmark
3 recommendation by the Board.

4 This Secretary and President -- I remember
5 the first time I met Secretary Abraham, very shortly
6 after he was confirmed -- expressed deep impatience
7 with the schedule that was presented to him for the
8 cleanup program and said that that wasn't acceptable,
9 and we were to do something about it.

10 And I think we have achieved spectacular
11 progress towards public and worker risk reduction,
12 while achieving record safety results, and while
13 engaged in some of the world's most hazardous work.
14 And that is not hubris, because we know there is lots
15 more to be done than we've already done.

16 But I just wanted to reflect, a minute, on
17 the fact we've dug out of a very deep hole, we are
18 making great progress, we have more to do.

19 In addition to the direct program, the
20 administration has also demonstrated its ability to
21 make tough decisions, to open ways of receiving sites.
22 You know, if those don't get made we can't do
23 anything, we don't have the sites either. So Yucca
24 Mountain was selected; we are marching toward a 2004
25 license application.

1 I might point out that is two years
2 earlier than the contractor estimated was possible
3 just two years ago. Savannah River has become a
4 processing center, MOX [Mixed Oxide] has been fully
5 funded under this Administration, WIPP [Waste
6 Isolation Pilot Plant] continues to achieve record
7 through-put, safely. And all low level waste
8 repositories remained open.

9 Obviously this has safety and risk
10 reduction benefits that far transcend just DOE's
11 operations, but help the public at large. Examples of
12 progress in the EM [Environmental Management] program
13 is we are on track to reduce the clean-up date from
14 2070 to 2035. My personal goal is 2025, hopefully we
15 will get there.

16 We have a dramatic improvement in the time
17 weighted risk reduction for public and workers. We
18 are on track to reduce the budget by well over \$50
19 billion from a baseline that was impossible to
20 achieve.

21 The result is more than \$1 billion a year,
22 depending on how you spread the \$50 billion. But
23 there is a lot of money there that can be used for
24 other risk reduction activities.

25 We will complete stabilization packaging

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1 of all plutonium metal and oxides and residues by mid-
2 2005. We will complete spent fuel removal from eight
3 of ten basins, including all of West Valley, by the
4 end of '04.

5 I know many of you know this, so I'm
6 going to kind of click through this. But bottom line
7 is there is some major accomplishments afoot. In
8 addition, throughout the rest of DOE, there is great
9 things happening.

10 So we talked about in RW [Radioactive
11 Waste], we are committed to waste receipt in 2010, and
12 shaving 20 percent from cost, and more than a decade
13 from the completion of initial consolidation of the
14 material that is both defense material and civilian
15 material.

16 FE [Fossil Energy] is engaged in the
17 FutureGen project, which is going to bring state of
18 the art power from coal without carbon emissions.
19 EERE [Energy Efficiency and Renewable Energy], of
20 course, has the President's initiative on hydrogen.
21 I'm going to talk about that in a safety context in a
22 minute.

23 And nuclear energy, we are on the
24 threshold of a new generation IV reactor in Idaho, and
25 possibly a new generation III order. We've just

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1 formed the Office of Electricity Transmission
2 Distribution, providing us important technology and
3 policy tools and is, of course, immersed in the
4 blackout investigation, which has profound safety
5 implications for the general public.

6 Science, who is in the middle of an
7 emerging renaissance in the physical sciences, with
8 just tremendously exciting things that will result in
9 breakthroughs in disease diagnosis, treatment and
10 environmental protection.

11 While this has been going, you see some
12 impressive safety trends. Now, there is always things
13 to worry about in safety; I don't want to belittle
14 that. But you see DOE corporate-wide -- these are
15 corporate-wide figures -- has crossed last year below
16 the 2.0 and 1.0 threshold on lost work days.

17 My industrial experience suggests that you
18 are in the control zone when that happens. And you
19 can see we are heading at a good pace, so far, and
20 this continues to 1.0 and 0.5, which is achieving best
21 in class status.

22 EM, where you might sense the biggest
23 problem, actually has the steeper decline. In fact,
24 EM has, of the major programs, the lowest rates in all
25 of DOE, and is driving the average down, with a 35

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1 percent reduction in incident rate since the beginning
2 of accelerated cleanup.

3 We look for other indicators; Type A and
4 B incident rate has declined. And while I don't know
5 this for a fact, my sense is that, also, the severity
6 for initiating the accidents has reduced, meaning that
7 we are declaring Type A and B investigations at less
8 serious events than we were before. I'm having that
9 looked at.

10 You see, in the past, we were actually
11 dealing with real fatalities. Thank goodness we
12 haven't had any of those recently.

13 While all this additional work has been
14 taking place, the total occupational exposure has
15 maintained as stable. In addition, we are looking for
16 what has happened that we didn't plan on, and
17 unplanned doses appear to be maintaining a declining
18 trend.

19 So what is our plan, and how did we get
20 here? And, basically, how we got here is how we plan
21 on going forward. The foundation of this is the
22 President's agenda, the EM talked about review, and
23 the Reyes Safety Systems review that I initiated
24 shortly after I took office.

25 Our strategy, and I'm going to go through

1 slide by slide, is to bring ISM to Headquarters,
2 leverage our outsource business model, create a site
3 or program vision for excellence, clear roles, and
4 responsibilities, requirements for --

5 CHAIRMAN CONWAY: Can I interrupt?

6 MR. CARD: Yes.

7 CHAIRMAN CONWAY: What do you mean bring
8 ISM to DOE Headquarters; what does that mean?

9 MR. CARD: Well, okay, I will go there.
10 If you think about it, the Department's emphasis on
11 ISM, at least my experience when I was a contractor,
12 was that that was something the contractor was
13 supposed to do.

14 The Department --

15 CHAIRMAN CONWAY: We pushed this with DOE
16 also, the DOE --

17 MR. CARD: I'm certain you did. But let
18 me just tell you what was happening. DOE was not
19 practicing ISM in its business operations. It was
20 spending a lot of time observing whether the
21 contractor was up to ISM or not, but was not doing it
22 internally.

23 So if you look at just "define the scope
24 of work," what did we want to get done? It is
25 unbelievable how little DOE understood what it wanted

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1 to get done. In fact, we are just now unraveling what
2 we want to get done.

3 "Analyze the hazards:" if you don't know
4 what you want to get done, you have a pretty big
5 trouble analyzing the hazards. Just integrating the
6 Yucca Mountain program and the EM program has been
7 revealing about how little was understood between
8 those programs which, actually, have the highest co-
9 dependency of any two programs in the Department.

10 So we have, and I'm going to walk through,
11 we have established a number of processes at the
12 senior executive level in DOE, to try to practice ISM
13 at DOE Headquarters so that we would survive an ISM
14 validation, just like we ask our field offices to.

15 Do you want to follow-up on that, more,
16 Jim?

17 MR. McCONNELL: I understand that there is
18 an understandable intent to let the contractors decide
19 how to do your work, and that is part of what you
20 attribute your success to. And the "what," of ISM, is
21 fairly well defined, and has been fairly well defined
22 for quite some time.

23 You are telling me that you are trying to
24 get into the "how" to do ISM. Can you talk for a
25 minute on your initiative to sort of pull back to not

1 being so specific with your contractors, and how that
2 relates to your improved implementation of ISM at the
3 Headquarters level?

4 MR. CARD: Well, they are connected. I'm
5 not sure as directly as you might be implying. It is
6 kind of two separate subjects. First of all is how do
7 I, and the Assistant Secretaries, employ those ISM
8 principles and core functions, in their personal
9 decision making.

10 The employment of those has caused me to
11 conclude that we need a different approach with our
12 contractors. So that is the connection between the
13 two.

14 MR. McCONNELL: You are not identifying
15 the hazards of your own work, the hazards you are
16 concerned about are the hazards of --

17 MR. CARD: Well, actually, I personally
18 do, desks and chairs are dangerous (Laughter.). But,
19 no, what I'm talking about here is identifying, for
20 example, let me give you an example of this.

21 I'm going to go, again, back to the RW
22 program. The RW program, when I arrived, had a
23 science culture with no end date and no budget
24 constraints because it wasn't expected to end. We
25 said we are going to make this decision.

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1 And we are going to make this decision,
2 what is the next step after that. Well, we are going
3 to do a license application and design, right? The
4 Board has expressed a great deal of appropriate
5 interest in quality assurance at the vitrification
6 plant, Hanford.

7 We had a worse problem at RW because all
8 of a sudden they had to go from an unconstrained life
9 into an NRC [Nuclear Regulatory Commission] regulated
10 constrained life where quality assurance is
11 everything. And we had to think through changing that
12 culture.

13 We had to put the system and the
14 contractor on notice that there was a different game
15 afoot, once we made this decision, than they had been
16 used to before. Otherwise we would still be unwinding
17 from huge quality assurance problems. As it is, it is
18 still the number one issue in that project.

19 So that is how we look at, just one
20 example of how we look at the effect on that wheel
21 will do. There wasn't an imagination in the RW
22 program that we were going to be into design for
23 constructing a nuclear facility at this stage.

24 And we saw a hazard there. Does that help
25 you understand how I use that wheel in my decision

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1 making? When we are going to accelerate the work we
2 have to think through how is that going to induce new
3 hazards in the system, that we are going to put
4 pressure on the system to deliver more for less than
5 they are used to.

6 That is what I'm talking about, it is not
7 a hazard in the context of being on top of a ladder or
8 dealing with a live electrical circuit. But it is in
9 what we are going to put our system that we are
10 responsible through. It is thinking about the
11 aggregate top level hazards of that process.

12 Since I'm here, I will just keep moving
13 forward, because we will just go through them all
14 again. So I want to reiterate something that Deputy
15 Secretary McSlarrow said: when we say safety, we mean
16 safety safeguards, environment, shipping, quality
17 assurance. All have the use of the same management
18 process.

19 And we are moving, we are looking at
20 moving to what I call just integrated management,
21 because we are looking at using the ISM model and
22 combining that to what we learned in the project
23 management system, to look at how can we use this
24 system for an overall management approach in the
25 Department.

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1 Risk reduction and mission accomplishment
2 are integral to safety performance. I think the Board
3 helped us see that. The safest work is that which is
4 eliminated while still achieving the same mission
5 objective. There is no risk in that work, and we've
6 done a huge amount of that.

7 And we have a new emphasis, outside the
8 Board's purview, but benefiting from the Board's
9 earlier work, nonetheless. If we look at our hydrogen
10 program and say, boy, safety is really important
11 there, because if there is an incident in the hydrogen
12 program, it could be problematic for the acceptance of
13 the technology.

14 And so we have developed a rather
15 sophisticated and impressive safety program for
16 managing contract research and development, product
17 development, in that program.

18 Leveraging DOE's outsourcing business
19 model, we should be the fastest organization in the
20 entire federal government, because we outsource
21 virtually everything. As it turns out, though, we
22 have successfully gained the disadvantages of both
23 systems by federalizing the contractor workforce.

24 We are on a path to reconstruct and
25 enforce contractor accountability for the behavior and

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1 performance of their workforce, which we think will
2 create a safer, more productive environment.

3 We are increasing contractor turnover
4 where the performance expectations aren't being met.
5 The key issue in ISM is establishing a vision for each
6 site program: where do you want to go, what is
7 possible?

8 This is underway at all sites; some are
9 more mature than others. It provides a master
10 framework for project scoping. Work planning,
11 management strategy, acquisition strategy, and
12 requirements alignment. And, importantly, it provides
13 the best platform I know of for identification and
14 deletion of unnecessary work, which is the key to the
15 acceleration.

16 Let me just reiterate. Acceleration, to
17 me, is not about an individual worker moving faster.
18 They are almost always doing the best they can with
19 what they have. This is not an issue about the front
20 line worker. This is about deciding whether that work
21 needs to be done at all, and if it needs to be done,
22 what are faster, safer processes for getting it done.
23 That is the secret to acceleration.

24 The problem is that it is hard to
25 communicate, because the people here I want to move

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1 faster. And so avoiding that corner cutting that
2 wants to happen is the key issue, that is not what we
3 are about.

4 CHAIRMAN CONWAY: What we find, in our
5 experience, is that first and second line supervision.
6 I can hear fine things from top management of
7 contractors, but then when I get to that first and
8 second line supervision, all they know is they are
9 supposed to do things faster, and cut -- and that is
10 where the corners start getting cut, because of what
11 they think they are hearing from the bosses, the upper
12 bosses.

13 MR. CARD: I agree with you: that is the
14 linchpin of the whole thing.

15 CHAIRMAN CONWAY: Exactly.

16 MR. CARD: It is very difficult to deal
17 with. One of the keys, of course, is when there is an
18 event, is the enforcement process needs to look at the
19 management chain first.

20 CHAIRMAN CONWAY: That is why I like the
21 Facility Reps that represent DOE down -- that
22 individual, he, or she, is down at the working level,
23 and that is where DOE can ascertain whether or not the
24 first and line supervision have gotten the message.

25 MR. CARD: I think the Facility Reps play

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1 a valuable role. However, I think it is very
2 important that we clarify what that role is. In my
3 experience, and I know that we are improving on this,
4 the Facility Reps were confused whether they were
5 playing a contract management role, whether they were
6 playing a safety role, or whether -- and within those
7 roles -- whether they were entitled to professional
8 judgment about what was important.

9 I think we need to be clear where are we
10 watching for safety and where are we watching for
11 contract, and that line needs to be brighter than it
12 is now.

13 CHAIRMAN CONWAY: That can be made clear.

14 MR. CARD: Yes, it can. Roles and
15 responsibilities. We've had overlapping
16 responsibilities caused, in part, by confusion over
17 the role of the of the Facility Rep.

18 And as the Board knows better than
19 anybody, when you have confused roles and
20 responsibilities, you have conditions that aren't
21 favorable to safety.

22 Example: we just spent three or four
23 months of senior executive time deciding who is the
24 project manager. I think we have decided, hopefully
25 once and for all, that DOE is not the project manager.

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1 That title belongs to the contractor.

2 DOE is a project developer and investor.
3 We hire contractors to manage our projects. We manage
4 the contract and not the contractor. My view is every
5 intervention, by DOE, with the contractor is the
6 result of a failure.

7 If the contractor had been selected right,
8 and if we had the perfect contract, they should be,
9 essentially, on autopilot. I'm not suggesting for a
10 minute that we are going to treat it that way. But
11 what we weren't doing is we were looking at too much
12 day-to-day minutia management with the contractor
13 without saying, "Wait a minute. Why am I having to do
14 all these interventions? Is there a structural
15 problem with the way I'm handling this situation? Do
16 we need a new contractor, a new contract, or both?"

17 And we are about building respect for line
18 management chain of command within DOE. Requirements:
19 our system tended to treat all requirements and
20 information equally, making what was truly first
21 order. It was about generating data, rather than
22 information.

23 It created redundant, irrelevant,
24 sometimes conflicting requirements, and also
25 distracted from the priority tasks. And I just want

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1 to say that I fully support the work, and while there
2 is details to be worked out, that Glenn Podonsky has
3 graciously agreed to lead in the program, to take what
4 I viewed was a rice bowl oversight order, and
5 transform it into the way DOE needs to do oversight.
6 And that is what we want to get done.

7 We have been, and continued to gauge the
8 programs for streamlining and simplification to bring
9 clarity and focus to our requirements set. I think
10 this is vitally important.

11 Work planning and budgeting:
12 discontinuities in work flow I think are a safety
13 problem. I think we have significantly increased the
14 predictability of what DOE is going to want to do from
15 one month or one year to the next. We now have a five
16 year budgeting cycle that has led to substantial
17 improvements in this.

18 It has enabled us to, as I explained
19 earlier, to better identify the hazards at the
20 executive level that we may need to confront. We have
21 implemented change control for scope adjustments, to
22 increase predictability, and we are incorporating D&D
23 [Deactivation and Decommissioning] planning into
24 facility design, to try to think through the whole
25 life cycle of our systems.

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1 Oversight can have a number of different
2 connotations. Let me tell you how I engage in
3 personal oversight. I have been to every site except
4 Ames Laboratory. Quarterly, I have quarterly safety
5 reviews with my Assistant Secretaries, safety, and
6 safety and oversight team.

7 I hold quarterly top ten reviews; it is
8 actually top twenty on the most important and
9 difficult projects. And we have a system for real-
10 time reporting of events and key issues.

11 I think the importance though, is when an
12 event comes up. And for example [at] a facility the
13 other day, we had an event: it was a financial
14 reporting problem.

15 So you would say, well, that is not a
16 safety problem, that is for the auditors to deal with,
17 the financial people. But, to me, an event like that
18 signifies that the executive management of that
19 facility lost touch with part of their organization.

20 And the generic implication of that, then,
21 is where else are they in or out of touch with that?
22 So to me that becomes instantly a safety concern. How
23 do I know that it was only the financial people they
24 weren't paying any attention to, and not the safety
25 people?

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1 So we go back in and we look at that
2 facility, and we look at that management team, to
3 validate whether we believe that that was an isolated
4 event, or it is a generic management event.

5 So I'm trying to bring the event
6 management at DOE into a programmatic context, rather
7 than a one-up context. I kind of summarized that.

8 We have spent a fair amount of time, Kyle
9 and Frank Blake led this effort [with] the Secretary
10 of clarifying Headquarters roles and responsibilities.
11 I can say there is still work to be done.

12 What has happened is the acceleration the
13 EM program has illuminated an issue that hadn't been
14 dealt with before: that DOE has a number of
15 liabilities that haven't been recognized yet that
16 aren't in the EM program.

17 And, secondly, when EM is gone, what do
18 these other functions do? And so we are working
19 through that. Additionally I want to just point out
20 that EM is also a mixture of what I call very active
21 and changing decommissioning work, and ongoing
22 operations work. And we are trying, step by step, to
23 separate those functions.

24 I just want to -- we've discussed this
25 with the Board before, but national security was made

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1 DOE's mission in 2001, remains so today, and I just
2 put that up there for the record, that we know where
3 we fit in, in this program.

4 So what is left? A lot is left. We know,
5 from DOE and commercial benchmarks, that we can do a
6 lot more, both in safety and productivity. We have
7 seen these problems before, in the commercial power
8 business, in Naval Reactors, and elsewhere.

9 We know we can improve in all the areas
10 described above, in our management initiatives. We
11 know there is substantial improvement left in
12 contractor management capability and capacity. We
13 haven't seen the uptick that we are hoping for, yet.

14 We are concerned that Columbia-type issues
15 don't arrive, undetected, through the back door. Are
16 our systems in place to understand how we are doing
17 out there? That is probably the focus of your meeting
18 here, as well.

19 I have listed a number of our key safety
20 concerns, as we accelerate work, that is obviously an
21 issue. Overconfidence is always a problem in the
22 nuclear industry. It is usually followed by poor
23 performance.

24 In fact, I may correct that. Usually poor
25 performance is already happening, it is usually

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1 followed by the discovery of poor performance, which
2 happens later, as in the Columbia report.

3 Near misses continue to be worrying.
4 Indicators of systemic deficiencies that I just talked
5 about. Shipping quality assurance presents a huge
6 vulnerability for us in continuing our mission.

7 Workers: we are going to have thousands of
8 workers are going to come off the payrolls over the
9 next five years; we have to manage that transition.
10 Quality assurance systems: we are weak in quality
11 assurance right now.

12 We need improved quality assurance for new
13 construction, as well. We need improved indicators
14 for leading indicators of safety, and our employee
15 concerns program is having --

16 CHAIRMAN CONWAY: Let me ask you this,
17 then, in all of these concerns, which I would agree
18 with you, including the previous chart, indicated the
19 need improvement in the contractor management.
20 Therefore, I suggest, that these would all indicate to
21 me it is premature for DOE to back off from its work
22 of trying to assure how the work is done, and not just
23 what is accomplished.

24 Do you follow what I'm saying?

25 MR. CARD: I think so, but it is not clear

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1 to me that we are backing off.

2 CHAIRMAN CONWAY: Well, the message has
3 gone out in the field, and the impressions are being
4 given, rightly or wrongly, that the contractor is
5 going to have more responsibility and that DOE will
6 stay away from the day-to-day activities.

7 And then what the performance indicators,
8 after the job is done, and then it will -- monies will
9 be taken away from the individual, if they have too
10 many accidents, or fail to meet the criteria that is
11 set for the contractor.

12 We have seen so many examples, and I would
13 like to put it in the record at this time, where the
14 DOE oversight was responsible for catching safety
15 problems that the contractor had missed, including
16 quality assurance.

17 So, say, with all of the indications that
18 you have here, and I would agree with them, the
19 concerns we have, that it would suggest that this is
20 no time for DOE to back off on its oversight of how
21 the job is being done.

22 MR. CARD: Well, let me respond to that in
23 two ways. First is I completely understand and accept
24 your concern; it is a valid one. But I view it a bit
25 differently.

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1 I don't view us as backing off of, on
2 knowing what is going on. I view us as backing off on
3 day-to-day instructions to the contractor. I think
4 you will find that our enforcement of issues with the
5 contractor is as active as it has ever been.

6 But what I don't think helps with safety,
7 and frankly is part of the problem that we are digging
8 out of, is to have a bunch of DOE people thinking that
9 they are managing the contractor out there in the
10 field. That is not what we are about.

11 CHAIRMAN CONWAY: Okay, but that is
12 management's job, then, to get that clarified.

13 MR. CARD: Absolutely.

14 CHAIRMAN CONWAY: But don't you agree with
15 me that it is important, with all of these concerns we
16 still have, that DOE has the responsibility to
17 continue to have oversight to the point where you can
18 pick up where there are these failures on the part of
19 the contractor, and there have been so many of them.

20 I'm going to put the record, at this
21 point, the number of times your people, in some cases
22 our people, have picked up failures, particularly in
23 quality assurance, and in procedures.

24 MR. CARD: Yes, and I think, clearly, our
25 intent is to not diminish our ability to discover,

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1 appropriately, things that we need to about what the
2 contractor is up to.

3 And, I don't know, do you want to
4 elaborate on that, at all? John, my view is that we
5 are not about backing off and understanding what the
6 contractor is up to, and stepping in when we need to.
7 What we are trying to do is filter the messages to the
8 contractor more strategically.

9 CHAIRMAN CONWAY: Jessie?

10 MS. ROBERSON: Thank you, sir. Actually
11 I would make two comments. One, you know, five years
12 ago, being a field manager in the field, I have to say
13 I think that list is shorter than the challenges I had
14 at that time, so I do think we are improving.

15 But, second, I would reiterate what Under
16 Secretary Card said. In fact, I believe we are
17 becoming more effective, not backing off. But I do
18 think it is important to make sure that our federal
19 oversight people have the opportunity to ensure they
20 are carrying out their duties in an objective way.

21 If our federal folks are looking down the
22 same pipeline that the contractor is, they are both
23 going to miss things. And so I worry more about the
24 things that we haven't identified, and I think that
25 that is the necessary, drives for a necessary change

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1 in the way we do carry out our oversight duties.

2 VICE CHAIRMAN EGGENBERGER: This concept
3 of managing the contract, and not managing the
4 contractor, I don't know what that means. And here is
5 why I don't know. It's that when the Board and its
6 staff goes out to the field and asks questions, and
7 interacts with your field people, and the contractor
8 people, we always hear that we are now managing the
9 contract.

10 And when one asks what does that mean?
11 The answers are all over the place. So I think I know
12 what that means. However, the activity that I find
13 lacking is an activity similar to what the Board does.

14 And what we are talking about here is
15 oversight. We find lots of things [from our oversight
16 activity]. We have a very small staff, and we attempt
17 to direct them toward the high energy and high risk
18 items.

19 Our objective is to find nothing, nothing
20 wrong, that is correct.

21 (Laughter.)

22 VICE CHAIRMAN EGGENBERGER: Thank you, Mr.
23 Chairman. So I know that we don't manage the
24 contract, and we don't manage the contractor, we look
25 at things. And I don't see that strong activity that

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1 we bring to the table necessarily always being brought
2 to the table by the Department.

3 And I look at it not only from a safety
4 point of view, but from a point of view of success,
5 because we all want success. And, especially, in the
6 environmental management area, we have some very, very
7 high ticket items on the order of \$10 to \$12 billion,
8 in my estimate.

9 And those things require an awful lot of
10 getting your elbows dirty, and finding out what is
11 going on, and what are the details of what's going on.
12 And I don't see that type of activity, the real nitty-
13 gritty.

14 It [DOE's activity] is more of a high end
15 [look], and we hear things like performance indices,
16 and things like that. And I have no idea what a
17 performance index is in a design and construct
18 project, from a safety point of view.

19 So on the subject of oversight, I think it
20 is important to understand, in extreme detail, what is
21 going on in a particular activity. And I think that
22 would be very helpful to you.

23 And, again, as I said with the previous
24 panel, is it is very important to have a line
25 organization where we can follow the line right down

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1 to the nitty-gritty work, and that we have a strong
2 headquarters engineering organization. That is my
3 view.

4 MR. CARD: Can I respond to that?

5 VICE CHAIRMAN EGGENBERGER: Yes, sir.

6 MR. CARD: A couple of points. First of
7 all, I think, we don't have an oversight system that
8 I'm ready to be proud of yet. It hasn't existed
9 before, either. So we didn't lose it, we just haven't
10 got there yet.

11 And I'm not anxious to move backwards in
12 that process, either. Let me specifically address the
13 situation at the vitrification plant that you alluded
14 to. That design was being managed through oversight
15 when I was last connected to it.

16 So instead of having the oversight
17 checking for problems, the oversight, through their
18 questions, was directing the work of the design. That
19 is the issue with the Fac Reps that I just talked
20 about. We have to make it clear when are people doing
21 oversight, and when are they steering the project.

22 And it is a very difficult thing, and
23 people have personal interests and desires, and you
24 have to overcome those. I haven't been down in the
25 details of the plant recently to know, for sure; my

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1 sense is that we are getting better at that, of
2 looking.

3 Now, there is still things, unfortunately
4 you are finding, or recognizing, if not finding before
5 we do. Bless you for that, and hopefully we will get
6 to the point where that doesn't happen anymore. But
7 we are not perfect there, we have to work at it, and
8 I think this is a very difficult situation when you
9 look at DOE's culture, is how do we get these
10 responsibilities divided up in our staff, where it is
11 clear what is going on.

12 I don't view this, at all, as related to
13 numbers. As I mentioned before in the Board, the
14 challenge I gave my staff at Rocky Flats was the first
15 day we invite 200 overseers to bring me more
16 interesting information than your representative at
17 the site, your one representative. And it never
18 happened while I was there, so we hired him into DOE.

19 VICE CHAIRMAN EGGENBERGER: But is he
20 doing a good job?

21 MR. CARD: He is.

22 CHAIRMAN CONWAY: You are nodding up and
23 down, right Jessie?

24 MS. ROBERSON: Yes.

25 MR. CARD: So in times I think the numbers

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1 we've applied to this have actually been
2 counterproductive, because they go too far in the
3 weeds, and they miss the real --

4 CHAIRMAN CONWAY: We always agree with
5 you, because numbers by themselves can be worse.

6 MR. CARD: So let me just reiterate. Our
7 intent is not to pull out, it's to clarify. I
8 recognize it is subject to a lot of misreading as it
9 travels through the chain-of-command. I'm actually
10 thrilled that when you go out there you are hearing
11 the words, "Manage the contract, not the contractor,"
12 even if they don't know what it means, because we are
13 getting somewhere.

14 VICE CHAIRMAN EGGENBERGER: May I suggest,
15 the definition of a Facility Rep was written down in
16 1989, and you might want to review that, because it is
17 very succinct, and I think it is very useful.

18 DR. MATTHEWS: I have a question. I'm
19 trying to reconcile the two testimonies I just heard,
20 and they are very different from my point of view, and
21 we are starting with an apparent change in policy on
22 oversight.

23 Ambassador Brooks told us how he is going
24 to change the roles and responsibilities of the Site
25 Managers and expect more line assessment by the

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1 contractors.

2 Your testimony is very different. You
3 talked about successes that you've had in the past.
4 Notwithstanding those I don't understand, from what
5 you said, what if any changes you are making as a
6 result of this.

7 Is it continuity of what you are doing?
8 Are you going to make changes on how the sites, other
9 than manage the contract, and tell them what, not how?
10 I'm not sure what changes you are making as a result
11 of this.

12 MR. CARD: Okay, sure. First of all, let
13 me just suggest that there is a lot less difference
14 between what NNSA and I are up to than appears from
15 these slides, or from what has happened in history, to
16 what is happening now.

17 In fact, if you look at how we are
18 managing our science organization, I think you will
19 see very strong parallels to what Ambassador Brooks
20 has told you he wants to do at NNSA, and maybe as much
21 to do with laboratories and the ongoing nature of that
22 mission, as it is any other difference you see between
23 the EM program and that.

24 So I just, again, want to clarify that I
25 don't think we are going in different tracks. I think

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1 it is more the presentations that you have seen, the
2 philosophy is very much the same.

3 In terms of where we would go, let me just
4 make sure I understand the back part of your question.
5 You commented on you heard different presentations --

6 DR. MATTHEWS: Well, I didn't hear what,
7 if any, changes you are going to make.

8 MR. CARD: Okay, thank you.

9 DR. MATTHEWS: That they are specific.

10 MR. CARD: I don't see, this is where we
11 are going right now. So the slides of the general
12 principles would not have changed, really, since I
13 first prepared them a few months after I arrived at
14 the Department of Energy, and there is nothing that I
15 have seen that would cause me to change the direction
16 at this point in time.

17 I think we have a lot of work to do. We
18 have a lot of contracts that haven't been fully
19 reconfigured for what we want to get done, we have a
20 lot of people we haven't trained, we have assessment
21 systems that we haven't developed.

22 So there is a whole infrastructure, around
23 this, to implement what I have talked about, fully,
24 and to address these issues, that is yet to be done.
25 So I don't want to represent that we are that much

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1 further done than NNSA is.

2 It just happens that because we have a
3 number of different parts to my organization, we have
4 been able to move out at different speeds, and we have
5 been able to get the reorganizations done at different
6 paces, because we haven't had to tie up into one
7 single thing for the entire ES&E program.

8 DR. MATTHEWS: So, for example, NNSA has
9 made what I think is a fairly profound statement that
10 the Site Managers are the risk acceptance officials in
11 NNSA. Is that true with your Site Managers?

12 MR. CARD: Well, I don't like the words
13 risk assessment, risk acceptance. I know the process
14 goes on. Let me just say this, we have line
15 management accountability for safety. I think that is
16 what Ambassador Brooks is reinforcing as well.

17 That happens in different ways in
18 different organizations. Again, in our Science
19 organization they have an organization, much like NNSA
20 is proposing to do, where they have the equivalent of
21 the Dr. Beckners, [who] are not the Site Managers.
22 That happens in an operations organization that
23 reports directly to Dr. Orbach.

24 And that has worked pretty well in that
25 circumstance. There is always things that can be done

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1 to improve on it. So I don't -- again, I don't see a
2 big departure there, either between us, or between
3 where we have been the last two years, and where we
4 are trying to go.

5 DR. MATTHEWS: Where I don't want the
6 Department to go is in different ways, that confuses
7 the sites, and the laboratories who work for both of
8 you, which can result in the workers having a
9 different approach.

10 And so I just want to caution you that
11 consistency, which wasn't obvious to me, is, I think,
12 important at the implementation level. That is really
13 where I'm going with this.

14 MR. CARD: One thing that we know for sure
15 is common in both organizations is a contractor
16 general manager, whatever they are called, absolutely
17 is accountable for all safety on that site, as is the
18 head of contracting authority for each organization.

19 Which for us will be, and I think
20 Ambassador Brooks said, will be the Site Office
21 managers. Our science program converts to a different
22 organizational model as well, and then it flows
23 through, and science context, or the operations
24 office, and then to Dr. Orbach, the Director of
25 Science, and then to me.

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1 It is relatively more simple in the EM
2 organization, but having a clear unambiguous line of
3 accountability, and responsibility for safety, is very
4 important.

5 CHAIRMAN CONWAY: If I may pick up, you
6 mentioned the Vitrification Plant. And some of the
7 problems we have run into, and which the Board here
8 has been very active in trying to -- under the law we
9 are responsible for reviewing the design, the
10 construction, and eventual operation of that facility,
11 from the point of view of safety.

12 It is imperative for us, if we are going
13 to do our job, which is mandated, that we observe at
14 the earliest dates the actual design, and then the
15 construction. And we were observing when we saw
16 problems in the construction, and the quality
17 assurance.

18 Now, if we follow just what the
19 performance is you would have to wait until the plant
20 is constructed, and then you would find all the
21 problems then, presumably, that evolved during the
22 construction, including even the original design.

23 So it seems to me with having the main
24 responsibility of DOE being the one responsible, that
25 your people should be heavily involved in following

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1 that construction, and finding those problems, before
2 the construction continues.

3 And this is what bothers me in that case,
4 there. It is a multibillion dollar project in that it
5 is essential, it seems to me, that DOE be very active,
6 extremely active, at the construction field, in
7 bringing in experts to help you with that.

8 And I don't think, if it hadn't been for,
9 I believe, if it hadn't been for the Board's pushing
10 in this area, I don't think it would have been done.
11 And that concerns me.

12 MR. CARD: I don't disagree with the
13 importance. Assistant Secretary Roberson, do you want
14 to respond to that?

15 MS. ROBERSON: Well, yes, I will take that
16 opportunity. Obviously I have had a whole host of
17 opportunities to discuss this with the Board.

18 CHAIRMAN CONWAY: Yes.

19 MS. ROBERSON: And I actually do think we
20 have been responsive. I think what we inherited was
21 a fairly convoluted situation. And although we may
22 disagree on the pace of our actions, I actually think
23 that we have tried to be responsive to the issues that
24 the Board has raised.

25 CHAIRMAN CONWAY: Oh, absolutely. But,

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1 see, I would prefer that your people are quartered --

2 MS. ROBERSON: Me too.

3 CHAIRMAN CONWAY: -- instead of Board
4 Members. We have two Site Representatives, and only
5 one of which is following this, the other is following
6 another matter, which also has us concerned, and that
7 is on the basins.

8 And also, here again, we find our Site Rep
9 is the one that is picking up problems that should
10 have been picked up, first off that the contractor
11 never should have omitted. And having done so, that
12 the DOE personnel should have picked it up, and not
13 our Site Rep.

14 So that is what bothers me. And that is
15 why, to me, it is imperative that the field, your
16 field representatives understand that they have
17 responsibility down at the deck plates, that they have
18 to be out there, and it is not just managing the
19 contract. They actually have to be out there in the
20 field and assume the responsibility that DOE, I
21 believe under the Atomic Energy Act, has the
22 responsibility for, and that is the safety, and
23 assuring that the Government is getting what it has
24 contracted for.

25 MS. ROBERSON: I agree with your point,

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1 exactly. And I would say Mr. Chairman, though, that
2 movement that you described is moving away from the
3 way that we have managed projects like that in the
4 past.

5 This organization did not have a strong
6 engineering organization. That is something that we
7 are developing, that we are forming. And so whether
8 it is this year, or it would have been five years past
9 that we are going to have that capability. So it is
10 not a sign of a change in our contract velocity, it
11 simply wasn't built in, and we have to build it in.

12 CHAIRMAN CONWAY: Okay. But that is what,
13 I think, the message that has to go out to the field.

14 MS. ROBERSON: Absolutely.

15 CHAIRMAN CONWAY: And to your field
16 representatives, that you are holding them responsible
17 to do this, and not to sit in their office and just
18 "manage the contract" and wait until the job is
19 completed, and then determine whether or not they are
20 going to pay the fee, or would penalize the contractor
21 for failure to do the job properly.

22 DR. MATTHEWS: One last question. You
23 talked about your concern of potential for corner
24 cutting, I think they are the words you used, because
25 of the misinterpretation of accelerated clean-up, and

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1 we have the same concern, and I think we have seen
2 some examples that look like that.

3 How are you assuring yourself that that
4 isn't happening? We've talked a lot to Ms. Roberson
5 about that issue. But I was curious, how are you --
6 because that is a potential for some accidents to
7 occur.

8 MR. CARD: Unfortunately I don't think
9 there is any way to assure that it isn't happening.
10 The question is, how do you minimize it and become as
11 aware of it as you can.

12 DR. MATTHEWS: I agree.

13 MR. CARD: A lot of it is being accessible
14 and listening for feedback of misinterpretations of
15 what you had in mind with this. And that is why I'm
16 constantly harping, and I'm sure it is still
17 misinterpreted on, this isn't about speeding up the
18 worker, this is about giving them work to do and
19 eliminating the work that they don't need to get done.

20 But for myself, personally, I think I'm
21 looking at, I have faith and confidence in our event
22 reporting system. It is possible that is being
23 compromised. But I know, from my personal site
24 experience, that a good thing about DOE culture is
25 that event reporting tends to be pretty sacrosanct.

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1 You have bargaining units, workers, you
2 have a whole bunch of people that are coming together
3 to try to make sure that events aren't happening that
4 aren't getting reported on.

5 I'm deeply in touch with that event
6 reporting, and I can use that. Admittedly that is
7 less leading than I would like as talking to the
8 workers. You know, if I had time to each day,
9 somehow, as in the recent movie "Oh God," or whatever
10 it was, I could listen to all 100,000 of them every
11 day, that would be perfect.

12 But I think through that event reporting
13 system we are getting some idea of where there may be
14 systemic breakdowns, and we also spend a lot of time
15 at the Assistant Secretary level talking about
16 management connectivity. Are things happening at
17 places that surprise people? And where they are, that
18 is a problem.

19 And we also have certain sites, which will
20 remain nameless here, who have acknowledged cultural
21 problems, and we spend more time with them. In fact
22 we have a Site Manager in, in the next week or two, to
23 talk with Dr. Orbach and I, because it has
24 distinguished itself in having undesirable things go
25 on there that signal deeper problems.

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1 So that is how we are dealing with it now.
2 I wish there was a better way, and I look forward, if
3 someone discovers one, to implementing it.

4 DR. MATTHEWS: Well, I'm glad you are
5 watching the event reports, that is a good way to do
6 it.

7 CHAIRMAN CONWAY: I think you had two more
8 that --

9 MR. CARD: Actually, we pretty well
10 covered them. We want to do more of the same, better.
11 And I think a lot of good things have happened, but we
12 have more left. And I just wanted to also point out
13 something I didn't before.

14 While we do need more technical expertise
15 in DOE, I continue to be amazed by the capability,
16 creativity of our people, when we turn them loose from
17 the system that they were captured in.

18 We have fantastic people at the Department
19 who are getting this done. And every time we discover
20 a new one, it is a thrill, and they are out there.
21 This isn't a problem about the people employed by DOE,
22 or the contractors. This is a problem about unwinding
23 the system to let them do their job.

24 Thank you.

25 CHAIRMAN CONWAY: We thank you for the

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1 time you have given us, Jessie, and Bob Card, thank
2 you very much. And, again, we might have some
3 additional questions that we will submit to you, for
4 the record.

5 And now Mr. Glenn Podonsky, Director,
6 Office of Independent Oversight and Performance
7 Assurance. Glenn? For the record, would you identify
8 your associates?

9 MR. PODONSKY: Yes, Mr. Chairman. Mr. Tom
10 Staker and Dr. Pat Worthington. We came prepared with
11 our own tents.

12 Thank you, Mr. Chairman, and Members of
13 the Board for inviting us to testify today. Our
14 Office of Independent Oversight, was established by
15 the Secretary of Energy, as the independent evaluation
16 element of the Department's integrated oversight
17 system.

18 We are responsible for overseeing
19 environment safety and health, safeguards and
20 security, cyber security, and emergency management.
21 I will focus our testimony today on the safety
22 oversight role.

23 I would like to submit my written
24 testimony for the record.

25 CHAIRMAN CONWAY: Fine.

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