

Advance Questions for Ms. Madelyn Creedon

National Nuclear Security Administration

1. Do you believe that the National Nuclear Security Administration (NNSA) implementation plan submitted by Secretary Richardson in January is consistent with the letter and intent of Title XXXII of the National Defense Authorization Act for Fiscal Year 2000?

Please describe any legal authority that would permit the Secretary to dual hat non-NNSA employees into key NNSA positions in light of the specific restrictions included in section 3213.

Answer: I believe the January implementation plan generally conforms to the elements of Title XXXII. The plan is a first step in establishing the National Nuclear Security Administration. Clearly there is much to be done to have the NNSA fully operational. As to double-hatting, the provisions of the statute, while specifying many particulars about the relationship of NNSA personnel to those of the rest of the Department, do not include prohibiting this practice. While there is language about the relationship between employees of the Department of Energy and employees of the NNSA, I believe dual hatting was a reasonable way to allow the NNSA to begin functioning by March 1, as required. Moreover, the approximately 18 dual hatted positions, are positions that, logically, a new Administrator would want to fill. Dual hatting these positions initially, preserves the discretion of a new administrator to fill these positions with people of his choosing.

I understand the Energy Department is preparing a memorandum for the Senate and House Armed Services Committees that addresses the dual office holding element of the implementation of the NNSA.

2. Do you believe that Title XXXII gives the NNSA Administrator and the Deputy Administrator authority to hire or reorganize Defense Programs personnel without the expressed approval or participation by the DOE Office of Human Resources Management? If not, what role would the Office of Human Resources Management play in such actions?

Answer: I believe that Title XXXII and the delegations of authority made by the Secretary of March 1, 2000 to the Administrator of the NNSA would afford me, if confirmed, ample authority, in conjunction with the administrator, to make hiring and organizational decisions within Defense Programs. I would view the role of the DOE Office of Human Resources

Management as that of an asset available to me to accomplish these actions.

Security and Counterintelligence

Please describe the role you played in assessing or enhancing DOE's security and counterintelligence posture during the period in which you served as Associate Deputy Secretary of Energy?

Answer: The position of Associate Deputy Secretary was a staff position designed to assist the Deputy Secretary of Energy in carrying out his national security responsibilities. I held that position for just over a year, from October 1995 to February 1997. The bulk of my time was focused on those programs conducted by the Office of Defense Programs. During the time I was serving in the Deputy Secretary's Office, the Intelligence Office, which included counter-intelligence, and the Security Office were under the auspices of the Office of Nonproliferation and National Security.

Because of the obvious relationship to Defense Programs I was briefed on the work conducted by the Office of Nonproliferation on the W-88. Shortly after that briefing, at the Deputy Secretary's request, I began a review of the foreign visitors program as it was being implemented in the three Defense Programs laboratories. This information was provided to the Deputy Secretary.

Also at the Deputy Secretary's request, I chaired a working group for the National Security Cluster to review and address a report issued by the Office of Security Evaluations on the physical security of various DOE sites. This review was completed shortly after I left the Department of Energy.

Skills Retention

Please describe what specific steps you would take as Deputy Administrator to retain critical skills at DOE weapons labs and production facilities.

Answer: The Chiles Commission has highlighted the importance of people to the Department of Energy. If confirmed, I would carefully review the skills required for the mission, and determine if there were adequate

personnel resources in the complex to meet the current requirements. If there were not adequate resources in place I would initiate a recruiting effort. To address the future I would similarly review the needs and prospects for the future and identify a strategy to make DOE and its facilities, both labs and plant, attractive places in which to work. A loss of critical skills that puts the Stockpile Stewardship Program at risk is simply not acceptable.

I understand DOE is currently looking at options that would help with recruiting and retaining the best, scientific, technical, engineering and managerial people possible for the complex.

Workload Requirements

1. If confirmed, what steps do you intend to take to ensure that DOE weapons programs are sized and timed to meet Department of Defense requirements?

Answer: Fundamentally, the Nuclear Weapons Council is charged with ensuring that the DOD requirements and resources and the DOE capabilities and resources are coordinated. While the Green Book is the primary program document, the Stockpile Life Extension Program (SLEP), established by DOE in 1996, provides the planning process by which weapon life extension activities are managed. This process enables the weapon design community to develop viable options to sustain the current nuclear arsenal. The SLEP ensures that stockpile lifetime extension activities are planned in detail, coordinated fully, and executed within fiscal resources. The SLEP facilitates Nuclear Weapons Complex workload planning so that weapon activities can be executed in an efficient and cost effective manner. The joint requirements working group, a DOE/DOD senior level working group under the auspices of the Weapons Council helps to ensure coordination.

2. Please describe those steps that the NNSA Deputy Administrator for Weapons Programs, the NNSA Administrator, or the Secretary of Energy could take that would assist the Department of Defense in making timely or more informed decisions regarding options available under various stockpile life extension alternatives.

Answer: It is my understanding that, as an outgrowth of the recently completed 30 day review, the Department created the Requirements Assessment and Implementation Team (RAIT) The RAIT is now working to assist DOE senior management decision-making to ensure that DOE weapons programs are sized and timed to meet DoD requirements. DOE's recommendations for the Nuclear Weapons Complex are coordinated through the Nuclear Weapons Council, and with the Council's Nuclear Weapons Requirements Working Group.

External Regulation

1. What is your view of recent Congressional proposals to place DOE weapons facilities under the regulatory control of the Nuclear Regulatory Commission?

Answer: The Department of Energy, conducted a series of pilot programs in conjunction with the Nuclear Regulatory Commission to look at the cost and benefit of regulating DOE facilities. These pilot programs raised a number of significant issues that would have to be resolved before NRC could assume regulatory authority over DOE facilities. Among the concerns identified was the issue of regulating facilities that were not originally built according to NRC specifications. The pilots did not clearly establish that the cost would provide a commensurate benefit.

Congress has mandated that certain defense facilities be regulated by the NRC. These facilities, such as the mixed oxide fuel fabrication facility, will be built according to NRC specifications. My understanding is that except where there might be a specific reason to have the NRC regulate a DOE facility, the Secretary of Energy has decided not to pursue the issue at this time, but will continue to look at the concept.

In the meantime, the Defense Nuclear Facilities Safety Board has helped DOE focus on many significant operational safety issues. While the Board is not a regulatory entity it does bring an independent review to operational safety issues.

2. Do you support such proposals?

Answer: I would support such proposals where regulation by NRC makes

sense.

3. Please describe any adverse impacts that such a move might have on operation of the DOE nuclear weapons complex.

Answer: In my view any decision to have NRC regulate a DOE facility should be made on a case by case basis. If there were any adverse impacts I would expect them to be resolved. I would not support such a move in cases that would unduly interfere with the objective of the facility.

4. Please describe any adverse impacts that such a move might have on U.S. national security interests.

Answer: I am not aware of any specific proposal to regulate any DOE weapons facilities at this time and so I am unaware of any adverse impacts.

Tritium decision

Do you believe that the Department's fiscal year 2001 request is compliant with section 3134 of the National Defense Authorization Act for Fiscal Year 2000, which requires the preliminary design for accelerator production of tritium (APT) project consistent with the Secretary's December 22, 1998 decision document, given that the Department's request reflects the suspension of preliminary design of the APT project?

Answer: Given available resources and necessary priority focus, I believe that the Department is making every effort to be compliant with section 3143 of the FY 2000 National Defense Authorization Act. In FY 2000, the APT is proceeding with development and preliminary design consistent with section 3143. The Department's FY 2001 budget submission does not have sufficient funds to support both its basic stockpile obligations and a full design and engineered backup program for a tritium production source. I understand that the Department had to prioritize available funding in favor of meeting basic stockpile obligations. The need to prioritize, and the success to date of the Commercial Light Water Reactor resulted in a reduction in funding for the accelerator as a backup capability in FY 2001. In the 2001 request, the Department has proposed to the Congress that the design of the APT not be completed. If confirmed, I will review the Department's actions regarding APT funding and the progress of the CLWR program.

Role of Plants and Labs in Defense Programs

1. If confirmed, will you ensure that DOE laboratory directors and plant managers are given equal access to you and other senior Defense Programs management?

Answer: Yes

2. Do you support the creation of a single Defense Programs management council to bring lab directors and plant managers together to discuss significant issues?

Answer: I understand that several management forums already exist and are used regularly to review and discuss significant technical and budgetary issues facing the program. These groups bring together not only the lab directors and plant managers but also senior headquarters and field officials. I understand one review group is called the Navigators which brings together senior management of the entire complex. I also understand that the as a result of the 30 Day study, DOE will establish a Defense Programs Senior Advisory Committee. If confirmed, I will look at all of the various existing or proposed advisory groups and make any changes as necessary. Participation of the plant managers is necessary. I agree that only by the labs and the plants working together will the Stockpile Stewardship program be successful.

Security Operations Funding

1. Do you support the concept of removing control of security operations resources and funding from those cognizant Program Secretarial Officers that are accountable for protecting the Department's nuclear weapons, weapons components, fissile nuclear materials, and other classified information, and instead, consolidating such resources and funding in a staff organization with no operational role in the programs of the Department?

Answer: My understanding of the DOE proposal is that security funding will be consolidated in the Office of Security in a single line item, but security implementation will remain with the programs and the field. Line

management will always be responsible for implementing security and will receive the security funds from the Office of Security. My additional understanding of the proposal is that the Office of Security will, in essence, become an advocate for security in the Department and provide a mechanism for security spending to be more visible. Security, like safety, and protection of the environment must be fully integrated into all operations. If confirmed, I will work with the Office of Security to ensure that security at DOE weapons is enhanced not diminished.

2. If confirmed as the new Deputy Administrator for Defense Programs, how would your job be affected if you controlled both the materials and information that requires protection and the resources to protect them?

Answer: My understanding is that the Deputy Administrator will be responsible for day to day implementation of the security money at weapons facilities, with active oversight from the Office of Security. The money will come from a single security line item, however, as opposed to program overhead accounts.

Five-Year Budget Plan

If confirmed, will you pledge to provide the defense committees of Congress with a future years budget plan at a level of detail comparable to that of the Department's Program Baseline System?

Answer: For many years I have supported the effort to have the DOE Office of Defense Programs develop and provide a Future Years Defense Program type document. If confirmed, I will work on such a document.

Maintenance of the Stockpile

1. If confirmed as Deputy Administrator, what specific steps will you take to ensure that the U.S. nuclear weapons stockpile is viable and functional ten, twenty, or thirty years from now?

Answer: No one today can ensure the viability of the stockpile ten, twenty or thirty years from now. If confirmed, I will work to ensure that plant and laboratory personnel have the tools necessary to predict when problems might occur, to recognize problems when they do occur, and to fix or prevent any such problems on a timely basis. I believe that to be

successful the program must be pro-active. The process of maintaining the stockpile is continuous, with the annual review process providing a hard look at the safety and reliability of the stockpile. I believe the campaign concept developed by DOE in conjunction with Stockpile Life Extension Program is the right approach to predict, identify, and address any problems in the stockpile as they arise.

2. Even though the Laboratory Directors do not foresee any need to return to underground nuclear testing at this time, would you recommend to the NNSA Administrator and the Secretary of Energy that U.S. conduct an underground nuclear test if one of the DOE weapons lab directors recommended such an action to address a safety or surety issue?

Answer: Any decision to resume testing, would be made by the President in consultation with the Congress. Under the appropriate circumstances I would make such a recommendation.

3. Do you support the need to maintain the ability to design and field new nuclear weapons types, including a new physics package design?

Answer: There is no requirement for any new nuclear weapon. The ability to design and field new weapons types, however, is, appropriately, an integral part of the stockpile stewardship program.

4. What steps do you believe are required to ensure such a capability exists?

Answer: The DOE and the DOD, acting through the Nuclear Weapons Council, decides what are appropriate steps in certain circumstances, such as the level of readiness at the Nevada Test Site. DOE would be responsible for ensuring that the appropriate people have the appropriate skills to ensure the capability exists. DOE must ensure, for example that 1) appropriate training and mentoring programs are in place to allow new engineers, scientists, and technicians to learn from the seasoned, experienced, DOE and contractor employees; 2) information and knowledge that allows future personnel to understand past designs and tests are archived in a useful fashion; 3) real work on physics studies, surveillance findings, nuclear explosive package refurbishment, and weapon modernization activities continues; and 4) consistent with US policy, work on advanced and exploratory studies continues. Meaningful work is the only way critical skills are maintained and people are retained.

4. Do you believe that low yield nuclear testing is a useful tool in ensuring the safety and surety of the U.S. stockpile?

Answer: Theoretically some level of low yield testing could be useful, in some circumstances. I believe that the US, however, cannot look at that issue in a vacuum and but must also look at the comparative usefulness of low level testing to others. Only then can a determination be made that low yield testing is useful or not . Today, low yield testing is not necessary to maintain the safety and reliability of the stockpile.

Comprehensive Test Ban Treaty

1. Do you support a Comprehensive Test Ban Treaty despite the fact that the Senate did not ratify this treaty because of concerns for the viability of our nuclear weapons?

Answer: Yes

2. Do you believe that existing U.S. weapons can be maintained indefinitely without any underground nuclear testing?

Answer: I do not know. In maintaining the stockpile we have to look at today, next week, next month and next year first. I think the stockpile stewardship program, including the annual certification process, is sound, but there is always room for improvement.

I believe there are several key things must occur, however, if the stockpile is to remain safe and reliable for the long term. The Administration and Congress must provide the resources and attention needed to sustain the program. The DOE must have the ability to recruit and then retain the next generation of scientists, engineers, and technicians and make the DOE and its facilities exciting and challenging places to work. We must fix the aging infrastructure at the DOE facilities so that the people have a safe and productive place to do the work. DOE must manage effectively the many projects that will be needed in the future. And DOE and the Department of Defense need to work together to determine the scope, pace, cost, and schedule for meeting key nuclear stockpile requirements.

3. In your opinion, what are the risks of attempting to maintain our

stockpile indefinitely without any underground nuclear tests?

Answer: While there are many risks, the biggest is that no one has ever done this before. The Office of Defense Programs has been given a unique and challenging responsibility to ensure the safety, security, and reliability of the Nation's nuclear deterrent without underground testing. While there has always been risk associated with maintaining the nuclear weapons stockpile, even with underground testing, the challenge today is bigger. Failure in this program can come in two ways, we do not recognize a problem and, thus, fail to fix it, or, we recognize a problem, and cannot fix it.

Major Challenges

1. In your view, what are the major challenges confronting the next Deputy Administrator for Defense Programs, National Nuclear Security Administration, Department of Energy?

Answer: Getting the right people, having the needed management skills in place, and having enough money to do the work.

2. If confirmed, what plans do you have for addressing these challenges?

Answer: Several studies over the past few years have identified these problems in detail. The recent 30-study highlighted approximately 15 program management issues that the Department has begun to address.

Some of the near term money issues would be resolved with approval of DOE's request for \$55 million in the President's supplemental budget request. Longer term issues associated with the National Ignition Facility and other infrastructure issues have yet to be resolved. It would also help is there were a longer term budget planning process in place. Most importantly, however, is steady consistent funding.

The Secretary of Energy has established a project management review team headed by retired General Claire Gill that will help to address some of the construction and project management issues at DOE, but much work remains in this area.

The President's Foreign Intelligence Advisory Board Report and the earlier 120 Day Study highlighted organizational concerns. Creation of the NNSA

is an outgrowth of those reports but there is much to do within the four corners of the NNSA to deal with these organizational issues. An element of the organization issues is the need for improved cooperation among the DOE elements and between DOE and DOD.

Most Serious Problems

1. What do you consider to be the most serious problems in the performance of the functions of Deputy Administrator for Defense Programs, National Nuclear Security Administration, Department of Energy?

Answer: I would like to focus on four near term problems that have potentially significant long term consequences for Defense Programs. Title XXXII of the National Defense Authorization Act for Fiscal Year 2000, which created the NNSA, makes no mention of a flag/general officer or any other military members assigned to the NNSA, Office of Defense Programs. All of my predecessors have had the benefit of a flag/general officer's advice and council, as well as the benefit a number of more junior officers. A flag/general officer will be critical in the years ahead as DOE and DoD work together to ensure that DOE weapons programs are sized and timed to meet DoD requirements. This problem can only be solved by the Congress.

A series of accidents at Y-12, and the recent accident at Los Alamos involving Pu 238, are disturbing and require direct management attention. The stockpile stewardship program must be conducted safely. Similarly, there is recently discovered evidence of contaminated ground water at the Pantex Plant that also must be addressed. The stockpile stewardship program cannot afford to repeat the environmental mistakes of the past.

While Los Alamos has produced four development pits there are a number of important technical milestones that the program must meet if it is to deliver certified W-88 pits to replace those destroyed during routine annual surveillance testing.

The National Ignition Facility will continue to require careful management attention, as well as additional funds, in the coming months as the DOE gets this important national security program back on track.

2. What management actions and time lines would you establish to address these problems?

Answer: If confirmed, I will work closely with all the senior NNSA officials, the lab directors, the plant managers, the DOE field and area offices, the DOE leadership, the DOD, and the Congress to help Defense Programs and the new NNSA be successful. The national security responsibilities entrusted to the NNSA are simply too important to do otherwise.

Qualifications

If confirmed, you will be entering this important position at a time of concern about force levels and readiness of our forces.

What background and experience do you have that you believe qualifies you for this position?

Answer: I have been involved with the DOE Defense Programs, in some capacity, for almost all of my 19 year government career. Moreover, I am committed to making the program a success and the Defense Programs a rewarding place to work.

Do you believe that there are any steps that you need to take to enhance your expertise to perform the duties of the Deputy Administrator for Defense Programs, National Nuclear Security Administration, Department of Energy?

Answer: Yes. I plan to consult the expertise of others as often as necessary. This includes my predecessors at the Department of Energy and the technical experts at the labs and the plants. In addition, I plan to enlist, where and as appropriate, the assistance of the expertise of the private sector.

Congressional Oversight

In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Answer: Yes

Do you agree, when asked, to give your personal views, even if those views differ from the Administration in power?

Answer: Yes

Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Deputy Administrator for Defense Programs, National Nuclear Security Administration, Department of Energy?

Answer: Yes

Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Answer: Yes