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## U.S., RUSSIAN OFFICIALS TRADE INF TREATY VIOLATION ACCUSATIONS

- Air Force On Track For GBSB Milestone A Decision This Year
- GOP Candidates Back MOX Project
- GAO Denies Boeing Protest Of Air Force LRSB Contract Award To Northrop Grumman
- NNSA Chief Lauds Life Extension Program, Nonproliferation Progress
- Huntington Ingalls' Earnings Down Slightly in Quarter, Up For 2015
- NNSA Establishes Program for Commercial LEU-Based Medical Isotope Production
- DOE IG Audit Questions \$167K Cost Incurred by B&W Pantex
- DOE Reimbursing Contractors for Questionable Legal Costs
- DOE Oak Ridge Office Management in Flux

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## U.S., Russian Officials Trade INF Treaty Violation Accusations

**Alissa Tabirian**

U.S. and Russian officials on Wednesday renewed claims that their governments had violated the Intermediate-Range Nuclear Forces (INF) Treaty and sparred over the consequences of aggressive rhetoric toward one another. Jon Wolfsthal, senior director for arms control and nonproliferation at the National Security Council, said at the ExchangeMonitor Nuclear Deterrence Summit that the U.S. seeks a resolution regarding Russia's violation of the INF Treaty.

The 1987 INF Treaty required the U.S. and then-Soviet Union to eliminate ground-launched ballistic and cruise missiles with ranges of 500 to 5,500 kilometers. In 2014, the Department of State determined that Russia violated a core tenet of the treaty not to produce or flight test an intermediate-range ground-launched cruise missile, and has said it will consider economic and military responses. While the State Department has not elaborated on details of the violation, analysts have said the allegation might be based on a flight test of an RS-26 ballistic missile or R-511 cruise missile.

Sergey Kislyak, Russia's ambassador to the United States, denied the charge, saying allegations of noncompliance are "black" and have not been explained properly by U.S. officials. Kislyak said Russia would like the United States to come back into compliance of the treaty, but Wolfsthal scoffed at the notion that there had been a U.S. breach in the first place. Russia has claimed that U.S. target missile tests for global missile defense and armed drone production violate the treaty.

Wolfsthal called the treaty violation claim a "false allegation" for which "if there is a sincere concern on the part of our Russian counterparts to . . . discuss these [issues] again then we are ready and prepared to do that, but only as part of a two-way discussion." He added that "Russian security that will suffer more as a result of violating this treaty" and that it would be "politically challenging" to execute a follow-on agreement to the New START nuclear arms control accord while Moscow is breaching an older treaty.

"I take exception to the notion that we are violating INF Treaty," Kislyak responded. He said the "veiled threats that Russian security is going to suffer" demonstrate that the U.S. position toward the bilateral relationship is not based on a willingness to build cooperation.

The relationship between the two nations has deteriorated in recent years, prompted in part by Russia's incursion into Crimea. Along with the phasing out of the Cooperative Threat Reduction program that engaged the U.S. with Russia for nuclear material security initiatives since the early 1990s, officials on both sides are now question the future of bilateral nuclear arms reduction and nonproliferation efforts. These concerns have been compounded by Russia's decision not to participate in the upcoming Nuclear Security Summit.

Kislyak encouraged greater investment in understanding Russia, affirming that his nation will not allow itself to be "pushed around." He said U.S. language that highlights "detering Russia, containing Russia, introduction of financial sanctions in order to undermine [Russian] economy, isolating Russia," has been damaging to the relationship. "How do you think all of this is seen from Moscow?"

Wolfsthal countered that the Obama administration has been "very well restrained in terms of talking about what we see in Russian behavior, in part because we do not want to feed into this action-reaction cycle that we feel undermines our own security and that leaves Russia in a less secure place which can lead to even further provocations." He called the U.S. rhetoric "rather mild and diplomatic," and that "if anything, the volume has been relatively low."

Kislyak disagreed. "For us, the level is very high," he said, especially when discussing the threat Russia poses to the U.S. and its allies. Kislyak called it "mind-boggling" that the U.S. does not acknowledge that Russia is not planning aggressive actions toward its neighbors. "Everything that happened – Georgia, Ukraine – was forced on us . . . with your support," he said, referring to Russia's war with Georgia over separatist South Caucasus territories and the more recent conflict with Ukraine that further divided the U.S. and Russia.

On the issue of strategic cooperation, Wolfsthal said that despite the "overwhelming pessimism that pervades some of the discussions here," strategic nuclear arms control has consistently survived fluctuations in the two nations' strategic relationship. He closed by offering to "sit down with the full interagency teams on our side and your side, and let's have those discussions." Wolfsthal's comment was based on Kislyak's statements hinting that Moscow might be willing to ease its position if the United States take steps on matters, such as rolling back its European missile defense, that it lists as prerequisites for further negotiations. Kislyak, however, then told Wolfsthal that Russia's policy has not changed.

# Air Force On Track For GBSD Milestone A Decision This Year

## Exchange Monitor

**Pat Host**

*Defense Daily*

2/19/2016

The Air Force is on track for a Milestone A decision this year in its Ground Based Strategic Deterrence (GBSD) program, according to a key officer.

Air Force Deputy Chief of Staff for Strategic Deterrence and Nuclear Integration Lt. Gen. Jack Weinstein said Thursday the Defense Department fiscal year 2017 budget request includes \$6.5 billion for nuclear deterrence. He said the budget also forecasts requesting \$38 billion over the next five years to sustain and modernize the nuclear force. Weinstein said this includes \$1.2 billion over next five years for nuclear command, control and communications (NC3) modernization to ensure command and control (C2) systems are protected against cyber attacks.

A Milestone A decision is a key point in the development of a DoD weapon system. Its purpose is to make a recommendation or seek approval to enter the technology maturation and risk reduction (TMRR) phase. A Milestone A decision will include a review of acquisition strategy, business approach, program risks, should cost management, affordability analysis, cost estimate and proposed affordability goals, among others.

A major defense acquisition program many not receive Milestone A approval until the milestone decision authority certifies that the program: fulfills and approved initial capabilities document, is being executed by an entity with a relevant core competency, an analysis of alternatives has been performed, an initial lifecycle cost estimate has been submitted and the level resources required to develop and procure the program is consistent with the priority level assigned.

The Air Force, Weinstein said, requested funding to upgrade the B-2's secure communications capability and the B-52's radar. Weinstein said upgrading the B-52's radar would ensure the aircraft benefits from commonality and would completely integrate it with the joint force. Weinstein's remarks came at *Defense Daily* sister publication ExchangeMonitor's Nuclear Deterrence Summit in Arlington, Va.

GBSD will design, develop, produce, and deploy a replacement for the current Minuteman III ICBM weapon system, according to budget documents. GBSD is scoped to deliver a fully integrated weapon system beginning around FY '28. Major GBSD activities include: flight system, weapon system command and control, launch systems, and weapon system integration. The Air Force requested \$114 million for GBSD this fiscal year and anticipates requesting \$3.2 billion between FY '18 and FY '21.

The Air Force will competitively award two contracts in FY '17 for the TMRR phase of the program. The objectives of TMRR for GBSD are: deliver a modular, integrated weapon system preliminary design and mature technology and demonstrate performance of subsystem capabilities through prototyping, modeling, and simulation. The TMRR phase will include a system requirements review and a system functional review, and will culminate in a system preliminary design review (PDR), another key milestone in a weapon system's development. PDR is slated for May 2019.

The anticipated period of performance for the TMRR contracts will be from fiscal years 2017-2020. After Milestone B approval, slated for June 2020, an engineering and manufacturing development (EMD) contract will be competitively awarded in FY '20.

## GOP Candidates Back MOX Project

### Staff Reports

Three Republican presidential candidates advocated for construction funding for the Savannah River Site's Mixed Oxide Fuel Fabrication Facility (MFFF) during campaign stops this week in Aiken, S.C. – a town less than 20 miles from the site. President Barack Obama's 2017 budget request calls for shuttering the MFFF and the entire MOX project, the nation's current pathway to meet an agreement with Russia that calls for each nation to dispose of 34 metric tons of weapon-usable plutonium.

Two of the three candidates, former Florida Gov. Jeb Bush and Senator Marco Rubio (Fla.), have been endorsed by South Carolina Republicans who are also MOX advocates. U.S. Sen. Lindsey Graham endorsed Bush in January and U.S. Sen. Tim Scott endorsed Rubio earlier this month. Retired neurosurgeon Ben Carson also spoke fondly of the MFFF, which congressional advocates say is 70 percent complete based on how much construction is left to complete. Naysayers, including Department of Energy personnel, have said the facility is closer to 40 percent complete because of the cost it will take finish construction.

During a Tuesday evening campaign stop at a GOP forum in Aiken, Bush said the cost overruns at the project, which DOE officials have projected to be three times the original \$17 billion cost estimate, are due to lack of oversight by Obama and Congress. Despite the growing costs, Bush said MOX should continue. "[Stopping MOX] would be a violation of the agreement with Russia. Of course we should continue unless there's an alternative that is seriously and thoroughly better."

The Department of Energy believes it has found a worthy alternative in the downblending method. While the MOX method would convert the plutonium into commercial nuclear fuel, the downblending approach would use inhibitor materials to dilute the stockpiles at SRS and ship the final solution to the Waste Isolation Pilot Plant (WIPP) near Carlsbad, N.M. The plant, which primarily receives transuranic waste, was shut down in February 2014 after two unrelated safety incidents. Graham, Scott, and fellow South Carolina Republican U.S. Rep. Joe Wilson have said multiple times WIPP does not meet the qualifications to store 34 tons of diluted plutonium; several evaluations conducted by DOE state that adjustments would have to be made at the WIPP to store the plutonium.

Carson also attended the Tuesday night forum and also blamed Obama for the rising costs of the MOX project. Cost estimates include a June projection from Energy Secretary Ernest Moniz that it would cost \$1 billion a year to adequately fund MOX, compared to about \$400 million annually for downblending. "I think that somebody is not paying attention because there's no way that your cost should balloon by that much, so somebody doesn't know what they're doing," Carson said. "Already billions of dollars have been invested in taxpayers' money and there certainly needs to be a way of dealing with the plutonium, and at the same time if you can create fuel rods for reactors that's a win-win situation, so the concept is a good concept." During a forum on Wednesday, Rubio also endorsed completion of the MOX program, stating that if elected, he would fully fund the project.

The candidates' support of the MOX project was criticized by anti-MOX watchdogs, including SRS Watch Director Tom Clements. "I think they were pandering to people who may vote because of the MOX status. But they didn't present a path forward for the project so their support is really rhetorical and not based on any in-depth analysis," Clements said.

Obama's budget would appropriate \$285 million toward the plutonium disposition program. The proposal calls for \$270 million to begin shutting down the MFFF and another \$15 million to begin analyzing plans to switch to the downblending method. In the outer years, the proposal puts the MFFF on schedule to completely shut down by 2021. The proposal seeks \$221 million each year over a four-year span, or \$884 million, to shutter the facility.

## **GAO Denies Boeing Protest Of Air Force LRSB Contract Award To Northrop Grumman**

### **Exchange Monitor**

**Pat Host**

*Defense Daily*

2/19/2016

The Government Accountability Office (GAO) on Tuesday denied Boeing's protest of the Air Force's Long Range Strike Bomber (LRSB) award to Northrop Grumman.

Ralph White, managing associate general counsel for procurement law at GAO, said in a statement that GAO found no basis to sustain or uphold the protest after reviewing Boeing's challenges to the selection decision. White said in denying Boeing's protest, GAO concluded that the technical evaluation, and the evaluation of costs, was reasonable, consistent with the terms of the solicitation and in accordance with procurement laws and regulations.

GAO's decision is the only information it will reveal as the details of Boeing's challenges, and GAO's decision resolving them, are classified and covered by the terms of a protective order issued by GAO for the protest. GAO's decision must also undergo a security classification review by the Air Force and is not available for public release, the office said.

Air Force spokesman Maj. Robert Leese said the service's stop work order would be lifted Tuesday and that Northrop Grumman would immediately resume performance of the LRSB contract. If dissatisfied with GAO's decision, Boeing's next step would be to pursue the case in the U.S. Court of Federal Claims.

Asked if Boeing was considering performing legal action following Tuesday's decision, Boeing spokesman Todd Blecher said in a statement that the company will carefully review the GAO's decision and decide upon its next steps with regard to the protest in the coming days. Boeing, he said, continues to believe that its offering represents the best solution for the Air Force, and the nation, and believes the government's selection process was fundamentally and irreparably flawed.

The Air Force last year awarded Northrop Grumman, instead of the Boeing-Lockheed Martin team, a cost-reimbursement contract for engineering and manufacturing development (EMD) and early production of LRSB. GAO said Boeing argued the Air Force's evaluation was fundamentally flawed with respect to the assessment of the offeror's proposed costs and the technical evaluation of Northrop Grumman's proposal.

The Air Force requested nearly \$1.4 billion for LRSB in its fiscal year 2017 budget request released last week. The service expects to request nearly \$12 billion for LRSB through FY '21, but this could turn out to be substantially less than the Air Force anticipated in its FY '16 request, in which the service expected to request nearly \$14 billion for fiscal years 2016 through 2020. Including the \$736 million enacted for FY '16, the Air Force expects to spend nearly \$10 billion on LRSB through FY '20.

GAO said the current contract for LRSB is comprised of two parts: the EMD phase and the subsequent options for the production of the first 21 aircraft. GAO said the EMD phase has an estimated value of \$21 billion in 2010 dollars, as previously announced by the Air Force. The Air Force has not provided a public figure for the production cost of the first 21 planes and that the total cost of the contract is classified. GAO said the Air Force has explained that the fixed price production award supports the average unit cost of \$511 million per aircraft, stated in 2010 dollars with a production purchase of 100 aircraft. The service expects to procure between 80 and 100 aircraft.

Analyst Byron Callan of Capital Alpha Partners (CAP) said Tuesday in a note to investors that the GAO's decision was not surprising and that CAP had previously assigned an 85 percent probability of Northrop Grumman retaining the program. Pentagon spokesman Peter Cook said Tuesday that DoD was confident in the Air Force's original decision and it thinks GAO's decision reflects that confidence.

## **NNSA Chief Lauds Life Extension Program, Nonproliferation Progress**

### **Alissa Tabirian**

National Nuclear Security Administration (NNSA) Administrator Frank Klotz on Wednesday lauded the Obama administration's progress in modernizing the nation's nuclear warheads and conducting nonproliferation activities worldwide.

Speaking at the ExchangeMonitor Nuclear Deterrence Summit about the NNSA's \$12.9 billion budget request for fiscal 2017, Klotz noted that the proposal includes \$222.9 million to complete production of the W76-1 warhead by fiscal 2019; \$616.1 million to deliver the first production unit of the B61-12 bomb by March 2020; \$281.1 million to deliver the first production unit of the W88 ALT 370 warhead by December 2019; and \$220.3 million to deliver the first production unit of the W80-4 warhead modification by fiscal 2025.

"All of our life-extension programs are on schedule, they're on budget," Klotz said, adding that the programs' success depends upon "consistent and predictable funding."

Klotz highlighted the NNSA's fiscal 2017 \$299.2 million request to add 25 full-time-equivalent personnel to its workforce to manage the increased scope of programmatic work, primarily in life-extension and major construction programs. The workforce increase to 1,715 employees, he said, would accommodate the focus on life-extension program management and maintain skills as the workforce ages. "You want to have some period of overlap so that those of us who are departing the scene have the time to train and mentor those who are following . . . so that there is no interruption in our activity," Klotz said.

Klotz cited the Obama administration's "extraordinarily successful and productive" work to reduce the threat of nuclear terrorism and proliferation since President Barack Obama's April 2009 speech in Prague. The administration's progress in reducing and securing special nuclear material stockpiles, eliminating highly enriched uranium stocks, incorporating

various countries into the Nuclear Security Summit process, and reducing global dependence on highly enriched uranium in research reactors, is work that must continue in the next administration, Klotz said.

"In the future, as more and more countries turn towards civil nuclear power as a means of meeting energy needs as well as clean energy goals . . . there's going to be a whole new class of countries that are going to need to be assisted in dealing with issues of safety and security of materials," Klotz said. "I think there's an awful lot of work for the U.S. government, through the NNSA and the Department of Energy, to assist in that process."

## Huntington Ingalls' Earnings Down Slightly in Quarter, Up For 2015

### Chris Schneidmiller

Defense contractor Huntington Ingalls on Thursday reported a slight drop in year-over-year net earnings for its latest quarter but a significant spike in full-year income.

Fourth-quarter net income dropped from \$52 million in fourth-quarter 2014 to \$50 million in the three-month period ending 2015. Conversely, net income rose from \$338 million for all of 2014 to \$404 million last year.

Fourth-quarter revenue fell 1.1 percent year over year to \$1.9 billion. Meanwhile, revenue jumped 0.9 percent from all of 2014 to \$7 billion last year.

Diluted earnings per share of \$1.06 in the fourth quarter was up by a penny from the same quarter of 2014. The full-year figure jumped from \$6.86 in 2014 to \$8.36 last year.

The shipbuilding giant is the parent company of nuclear operations and environmental services provider Stoller Newport News Nuclear (SN3), one of the partners in Savannah River Nuclear Solutions, the management and operations contractor for the Department of Energy's Savannah River Site.

SN3 also provides environmental services across the DOE complex, including partnering to provide disposal operations at the Hanford Site's Environmental Restoration Disposal Facility, a massive landfill containing radioactive and other waste from cleanup at the DOE site; waste management and landfill work at the Idaho National Laboratory's Advanced Mixed Waste Treatment Project and the Idaho CERCLA Disposal Facility; and environmental programs support at the Nevada National Security Site.

SN3 is included within Huntington Ingalls' Newport News Shipbuilding segment, company spokeswoman Jerri Dickeski said. However, earnings numbers are not broken out for SN3.

Overall, Newport News Shipbuilding year-over-year operating income was up for both the fourth quarter and year – from \$116 million to \$120 million for the quarter, and \$415 million to \$422 million for the full 12-month period.

## NNSA Establishes Program for Commercial LEU-Based Medical Isotope Production

### Alissa Tabirian

The National Nuclear Security Administration (NNSA) in January established a uranium lease and take-back (ULTB) program for the commercial production of medical isotope molybdenum-99 (Mo-99) using low-enriched uranium (LEU). The goal, the NNSA said this week, is to give commercial producers of the isotope access to Department of Energy (DOE) LEU from its excess uranium inventory for Mo-99 production in the U.S., while avoiding the use of highly enriched uranium that is vulnerable to proliferation. Supply agreements negotiated through the program would make the LEU available to Mo-99 producers, who would then arrange for the transport of the LEU to their facilities.

The DOE will also be responsible for the spent nuclear fuel and radioactive waste created from LEU irradiation, processing, or purification through take-back contracts, the agency said. It noted that the NNSA is supporting four Mo-99 production projects with up to \$25 million given for each, and that the ULTB program is managed by both the NNSA's Material Management and Minimization and the Department of Energy's Environmental Management programs.

Mo-99's radioactive decay product is used in the majority of medical nuclear diagnostic imaging procedures, around

50,000 procedures in the U.S. every day, the NNSA said. Anne Harrington, the agency's deputy administration for defense nuclear nonproliferation, said in a statement that the ULTB program "will provide services needed to make new, commercial sources of Mo-99 in the United States available for patients in a way that is consistent with the goals outlined through the Nuclear Security Summit process and strengthens the global nuclear nonproliferation regime."

"We're in fact incrementally revolutionizing a whole industry," Harrington said Thursday at the ExchangeMonitor Nuclear Deterrence Summit. "We are moving the entire industry off an HEU base to an LEU base and that can only happen over time, but we are being successful and the result will be a permanent reduction in risk related to having highly enriched uranium in civilian facilities."

## DOE IG Audit Questions \$167K Cost Incurred by B&W Pantex

### Alissa Tabirian

The Department of Energy (DOE) Inspector General's Office (IG) is questioning the allowability of over \$167,000 in costs incurred by Babcock & Wilcox Technical Services Pantex (B&W Pantex), the contractor that managed and operated the Pantex Plant from 2001 to 2014.

Of the \$966 million in costs the contractor incurred in fiscal 2013 through the end of June 2014, an internal audit questioned whether \$1.3 million was allowable – or authorized under the contract – according to an IG audit released Thursday. The IG said it resolved \$1.2 million of that amount and is questioning the remaining \$167,327.

This amount includes \$115,870 in "certification payments made without adequate documentation, erroneous payment of certification pay, unauthorized contract commitments, and subcontract payments made outside subcontract terms and conditions," \$28,668 in payments that were made outside subcontract terms, and \$22,789 in the coordination of medical benefits, the IG said.

The IG also found that B&W Pantex did not initiate an external assessment of its internal audit process as required at least once every five years, with the most recent external assessment taking place in 2009. The IG noted an internal audit concluded the assessment was unnecessary because of the transition in 2014 that consolidated the Pantex and Y-12 National Security Complex contracts under contractor Consolidated Nuclear Security.

The IG suggested an external assessment be conducted by the end of 2018 and recommended that the National Nuclear Security Administration Production Office determine the allowability of the \$167,327 and recover any amount deemed unallowable under the contract. NNSA management agreed and said it would resolve the questioned costs by around the end of March 2016.

## DOE Reimbursing Contractors for Questionable Legal Costs

### Alissa Tabirian

The Department of Energy (DOE) has been reimbursing its contractors for settlement and law firm costs without consistently verifying that the payments are allowable, according to an Inspector General's Office (IG) audit [report](#) released earlier this month. The report found that from fiscal 2009 through fiscal 2013, DOE reimbursed contractors over \$84 million in legal costs. In 2009 the IG found that some reimbursements involved questionable legal costs and that the department made settlement payments to the contractors without conducting post-settlement reviews to verify allegations of contractor management misconduct.

These reviews are required to determine cost allowability and to "ensure the actions surrounding a settlement did not stem from misconduct on the part of the contractor," the IG said, noting that DOE continues to authorize settlement payments without necessarily conducting the required reviews. Moreover, the IG's latest review found that 78 percent of 46 settlements worth over \$62 million offered no documented evidence of a settlement review. Some of those cases involved allegations of discrimination by the contractor and "involved acknowledged improper conduct on the part of the contractor," the IG found. It noted that costs are allowable only when in compliance with the terms of the contract, and that the DOE's contracts prohibit discrimination against contractor personnel. These types of cases may not have qualified for reimbursement had the DOE conducted a review.

The IG said post-settlement reviews are necessary and beneficial, noting that it identified 10 cases in which conducting

them saved DOE over \$1 million in settlement costs. Without these reviews, the DOE might misuse public funds by “reimbursing contractors for settlement and legal costs that resulted from misconduct on the part of the contractor,” the IG said. The audit recommended that DOE develop procedures for conducting settlement reviews and document cost allowability decisions before reimbursing settlement costs. DOE management agreed to develop those procedures, the report said.

## DOE Oak Ridge Office Management in Flux

### Staff Reports

At least three executive positions – including the top two – are up for grabs at the Department of Energy’s Oak Ridge Office in an unusually unsteady management situation.

The situation was created by losses at the top of the organization, including the death a year ago of Manager Larry Kelly and then the departure of his deputy and successor, Kevin Hall, several months later.

DOE’s Oak Ridge Office has become a hybrid of sorts, holding responsibility for the 33,000-acre federal reservation apart from the DOE research and production plants, operating the Integrated Services Center, and coordination and communication with the other DOE offices in town – Science, Environmental Management, and the National Nuclear Security Administration’s Production Office.

Don Thress, the Oak Ridge Office’s chief legal counsel, is currently the acting manager for ORO.

According to John Shewairy, the assistant manager for administration and former public affairs chief who is currently acting as the deputy manager, Thress will serve as acting manager until the position is filled through the competitive process.

“The selection of the permanent ORO manager rests with the Office of the Deputy Director of Field Operations for the Office of Science. The selection process is ongoing,” Shewairy said via email in response to questions.

As for the deputy position that he currently holds, Shewairy said it will be filled through a competitive process with the “permanent ORO manager making the selection.”

Meanwhile, Shewairy said the role of role of assistant manager for safety and technical services is currently vacant. “However, the competitive process for filling that position is underway, with the advertisement of that position closing Feb. 22,” he said. “There are no other key management position vacancies at ORO.”

An exception of sorts is that Wendy Bryan is currently serving as chief counsel because Thress is the acting manager.

Other leadership positions that are filled at ORO include: chief financial officer, Marcie Bischak; assistant manager for procurement and contracts, Jeff Burgan; and assistant manager for safeguards, security, emergency management, Pauline Douglas.

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