

Bruce Hamilton, Chairman  
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**DEFENSE NUCLEAR FACILITIES  
SAFETY BOARD**  
Washington, DC 20004-2901



February 11, 2020

To the Congress of the United States:

As required by 42 U.S.C. § 2286c(b)(2)(B)(i), the enclosed report identifies each request for access to information submitted to the Secretary of Energy in written form during the six-month period ending December 31, 2019, and denied by the Secretary.

The Board's ability to do its work effectively relies on cooperation between the Board and the Department. In the past, the Board was kept proactively informed of the status of document generation and technical deliberations that could impact safety decisions and the assurance of safety in defense nuclear facilities. The Board continues to require the cooperation of DOE to carry out its statutory mission under 42 U.S.C. § 2286a.

During the last six months, the Board has experienced a number of delays in access to information, but the only outright denial is in the enclosed report. Delays in access to information impact the Board's ability to timely perform field oversight activities and remain a concern.

The Board has requested a meeting with the Secretary in the near future to discuss methods to improve the effectiveness of our interface with DOE, and hopefully, will re-establish our past pattern of timely receipt of documents and information pertinent to our statutory mission.

Yours truly,

A handwritten signature in black ink that reads "Bruce Hamilton".

Bruce Hamilton  
Chairman

Enclosure

c: The Honorable Dan Brouillette

## **Report to Congress – DNFSB Access to Information**

As required by 42 U.S.C. § 2286c(b)(2)(B)(i), this report identifies each request for access to information submitted to the Secretary of Energy in written form during the six-month period ending December 31, 2019, and denied by the Secretary. The Board identified one case where the Secretary denied it access to information related to nuclear explosive safety at the Pantex Plant.

### **Access to Information – Denied**

- **Pantex Safety Deliberations**—On June 12, 2019, the Board communicated to the Secretary that the Board requires access to all phases of the Nuclear Explosive Safety (NES) study process, including access to deliberations. Access to deliberations allows the Board to observe National Nuclear Security Administration’s (NNSA) evaluation and disposition of nuclear safety issues, which is an essential part of the Board’s oversight of nuclear explosive safety. The NNSA Administrator responded in a letter dated August 9, 2019, identifying that NNSA will provide the Board’s staff a briefing following the NES study group deliberations instead of access to deliberations. The Board responded to the Secretary on October 11, 2019, restating the Board’s position and informing the Secretary that “[p]ursuant to our enabling legislation, we have directed our staff to attend all phases of the NES study process.” Board access to this information remains unresolved.