

# Defense Nuclear Facilities Safety Board

Washington, DC 20004

## Policy Statement

**Date:** December 3, 2020

### Subject

Policy Statement on Access to  
Information.

### Summary

This policy establishes the  
Board's expectations of access to  
such facilities, personnel, and  
information as the Board  
considers necessary to carry out its  
mission.

*Thomas A. Summers*

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Thomas A. Summers  
Acting Chairman

## **I. Purpose/Objectives**

This policy establishes the Board's expectations of access to such facilities, personnel, and information as the Board considers necessary to carry out its mission.

## **II. Scope/Application**

The Board shall operate in a manner consistent with applicable laws and regulations in the carrying out of its mission and recognizes the Secretary of Energy's authority, under 42 U.S.C. § 2286c(b)(1), to deny access to information only to any person that has not been granted an appropriate security clearance or access authorization or does not need such access in connection with their duties. Pursuant to 42 U.S.C. § 2286c(c), the Board will not publically disclose information provided under 42 U.S.C. § 2286c if such information is otherwise protected from disclosure by law, to include deliberative process information, noting it is the responsibility of the Department of Energy to appropriately mark and identify the legal protection of any transferred information prior to transfer.

## **III. Policy**

The Board and its staff shall request such information from the Department of Energy as is necessary to carry out the Board's mission.

Upon entering into a Memorandum of Understanding (MOU) with the Department of Energy, the Board and its staff shall adhere to agreed procedures, escalation clauses, and measures pertaining to the DNFSB's access to information and revise internal policies and procedures, as necessary, to comply with the terms of the MOU.

The Board and its staff shall seek direct documentation, information, and access to carry out the mission of the Board, rather than to rely on summary information provided by the Department of Energy or its contractors.

Delays in receiving a response to an initial information or access request shall result in a Board letter to the Secretary of Energy reiterating the request.

Resident Inspectors shall have onsite access to facilities, personnel, and information (e.g., documents, databases, etc.) necessary to execute their duties while minimizing disruptions to site operations. The Resident Inspectors will communicate regularly with site liaisons—both federal and contractor—to ensure that the Resident Inspectors are apprised of activities and information pertaining to their oversight duties as well as any operational or sensitive activities.

DNFSB headquarters staff conducting oversight reviews shall submit agendas, proposed facility visits and walk downs, and on-site meeting requests ahead of their visits, and will work with the site to schedule those visits at a mutually agreed upon time.

Board Members shall, in the course of their duties, visit facilities and sites periodically, either as a full Board or individually, to observe operations, review facility conditions, and meet with Department field office and contractor managers. Appropriate notifications shall be made to the Department and to the site ahead of any Board visits.

Board Member questions taken for the record at Public Hearings shall be considered information requests.

Reporting requirements shall be established by the Board solely through Board-approved written correspondence to the Secretary, as these requirements are binding, per 42 U.S.C. § 2286b(d). It is the policy of the Board that reporting requirements will be used in instances in which the information sought by the Board may not be satisfied via a standard information request because: (a) the information sought may need to be generated through the Office of the Secretary, such as information necessitating a data call; or (b) the request requires a higher level briefing or report that would require the approval of the Secretary or explicit designee.

Pursuant to 42 U.S.C. § 2286c(b)(2), no later than January 1 and July 1 each year, the Board shall submit to the Congressional defense committees a report of any written requests made by the Board to the Secretary in writing which were denied in the preceding six-months.

#### **IV. Responsibility for Implementation**

Board Members and Executive Director of Operations.

#### **V. Monitoring and Compliance**

Executive Committee on Internal Controls should review the procedures in accordance with bylaws.

#### **VI. Status**

Approved on: December 3, 2020