

Bruce Hamilton, Chairman
Jessie H. Roberson
Joyce L. Connery

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Washington, DC 20004-2901



October 11, 2019

The Honorable James Richard Perry
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Secretary Perry:

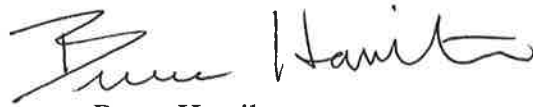
We have received NNSA's response dated August 9, 2019, concerning Board access to all phases of the nuclear explosive safety study process. We respectfully disagree with the justification offered for continued exclusion of our staff from NES study deliberations. NNSA's response notes deliberations as collaborative efforts where participants consider all sides of identified issues, requiring free and open communication. Our staff's observation of this interaction provides them with an understanding of the bases of the safety decisions being taken.

The Board's enabling statute, 42 U.S.C §2286a(a), states, "The mission of the Board shall be to provide independent analysis, advice, and recommendations to the Secretary of Energy to inform the Secretary, in the role of the Secretary as operator and regulator of the defense nuclear facilities of the Department of Energy, in providing adequate protection of public health and safety at such defense nuclear facilities." The Board has concluded that independent analysis is not possible if our staff only has access to the reiterations of others' characterization of activities; as previously noted, these reiterations are insufficient substitutes for independent observation of NES study group deliberations.

Our legislation also states in §2286c(a), "The Secretary of Energy shall fully cooperate with the Board and provide the Board with ready access to such facilities, personnel, and information *as the Board considers necessary* to carry out its responsibilities..." (emphasis added). The Board concludes that access to NES deliberations is necessary to evaluate the safety of nuclear explosive operations.

Pursuant to our enabling legislation, we have directed our staff to attend all phases of the NES study process. Should you wish to prohibit our access to a particular study, we respectfully request written communication to the Board.

Yours truly,

A handwritten signature in cursive script that reads "Bruce Hamilton". The signature is written in black ink and is positioned above the printed name.

Bruce Hamilton
Chairman

c: Ms. Lisa Gordon-Hagerty
Mr. John Evans
Mr. Joe Olencz
Mr. Gene Dodaro (GAO)