

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

**DEFENSE NUCLEAR FACILITIES  
SAFETY BOARD**

Washington, DC 20004-2901



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,

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.

## RECORDS CONCURRENCE FORM

<b>NUMBER</b>	FY2020-100-017	<b>SUBJECT</b>	Report to Congress—Information Denied
<b>ASSOCIATE TECHNICAL DIRECTOR CONCURRENCE &amp; DATE</b>			
<b>DNFSB STRATEGIC ACTION PLAN REFERENCE</b>			

TECHNICAL CONCURRENCE	
<b>TECHNICAL EDITOR</b>	<b>TECHNICAL DIRECTOR</b>
<b>NAME: T. FABIAN</b>	<b>NAME: C. J. ROSCETTI</b>
INITIALS: TF	INITIALS:
DATE:	DATE:

GENERAL MANAGER CONCURRENCE
<b>GENERAL MANAGER</b>
<b>NAME: G. SKLAR</b>
INITIALS:
DATE:

LEGAL CONCURRENCE
<b>ACTING GENERAL COUNSEL</b>
<b>NAME: J. GILMAN</b>
INITIALS:
DATE:

DEPUTY TECHNICAL DIRECTOR
<b>NAME: K. HERRERA</b>
INITIALS:
DATE:

BOARD BRIEFING BRIEF TO BOARD MEMBERS
<b>NAME: C. J. ROSCETTI</b>
INITIALS:
DATE:

CLASSIFICATION CHECK		
DNFSB SECURITY OFFICE KIM KNIGHT		
DOCUMENT #1	DOCUMENT #2	DOCUMENT #3
DNFSB CONTROL NUMBER	DNFSB CONTROL NUMBER	DNFSB CONTROL NUMBER
DATE CLEARED BY DOE	DATE CLEARED BY DOE	DATE CLEARED BY DOE
INITIALS	INITIALS	INITIALS
DATE	DATE	DATE

<b>BOARD MEMBERS (5), W/ ENCLOSURE</b>
<b>OGC, W/ ENCLOSURE</b>
<b>OGM, W/ ENCLOSURE</b>
<b>OTD, W/ ENCLOSURE</b>
<b>RESIDENT INSPECTORS, W/ ENCLOSURE (EMAIL)</b>
<b>ARCHIVES/CHRON.,(2), W/ ENCLOSURE</b>
<b>LOG KEEPER, W/ ENCLOSURE</b>

<b>TRANSFER FILE NAME</b>	H:\Home\TransferOTD\CONGRESSIONAL REPORTS\Report to Congress - Information Denied.docx
<b>SECRETARY/AUTHOR</b>	Vines/Davis
<b>RELEASED FOR DISTRIBUTION ON</b>	

**TECHNICAL STAFF CONCURRENCE/RECORD NOTE PAGE**

**SUBJECT:** Report to Congress—Information Denied  
**AUTHOR:** Davis **REPORT:** Congressional  
**AFFECTED SITES:** Pantex, SRS & LANL

<u>Contributor(s):</u>	<u>Date Received:</u>	<u>Concurrence Signature/Date:</u>

<u>Project Leader(s)/Cognizant Engineer(s):</u>	<u>Date Received:</u>	<u>Concurrence Signature/Date:</u>

<u>Group Leader(s):</u>	<u>Date Received:</u>	<u>Concurrence Signature/Date:</u>
Davis, T. (Acting)		

<u>Outside Expert(s):</u>	<u>Date Received:</u>	<u>Concurrence Signature/Date:</u>

<b>Document Number:</b>	ISSUE PAPER.DOCX	<b>Report File:</b>	Vines, D.
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**STAFF RECORD NOTES**

	<u>1st Edit Date</u>	<u>Return Date</u>	<u>2nd Edit Date</u>	<u>Return Date</u>
1. To Technical Editor:	2.3.2020, Thecla Fabian			
2. Submitted for classification review on:		1/6/2020 SB#		(Date/Number)
3. DOE classification review completed on:				(Date)
4. Author agrees that document is ready for the Board:				(Initials/Date)
5. Copies provided to the Board members:				(Date)

**Record Note:**

**DNFSB STRATEGIC PLAN REFERENCE NUMBER**

<b>AUTHOR'S LAST NAME</b>	R.T. Davis	<b>SECRETARY'S LAST NAME</b>	Vines	<b>DATE</b>	1/6/20
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<b>FILE NAME</b>	H:\Home\TransferOTD\CONGRESSIONAL REPORTS\Report to Congress - Information Denied.docx
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**AFFIRMATION OF BOARD VOTING RECORD**

**SUBJECT:** Report to Congress - DNFSB Access to Information Denials

**Doc Control#:** 2020-100-0017

The Board acted on the above document on 02/10/2020. The document was Approved.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING	COMMENT	DATE
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	02/07/2020
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	02/10/2020
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	02/10/2020

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.

*Nicholas Moore*

Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Bruce Hamilton

**SUBJECT:** Report to Congress - DNFSB Access to Information Denials

**Doc Control#:** 2020-100-0017

**DATE:** 02/07/2020

**VOTE:** Approved

**COMMENTS:**

None

*Bruce Hamilton*

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**  
**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:**      **Jessie H. Roberson**


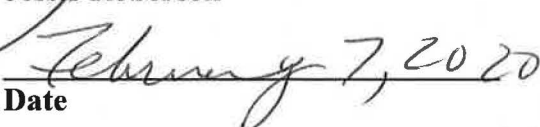
**SUBJECT:**   **Report to Congress - DNFSB Access to Information Denials.docx**

**Doc Control#2020-100-017**

**Approved**   X                        **Disapproved**                             **Abstain**       

**Recusal – Not Participating**       

**COMMENTS:**      **Below**             **Attached**             **None**   X  

  
**Jessie Roberson**  
  
**Date**

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Joyce L. Connery

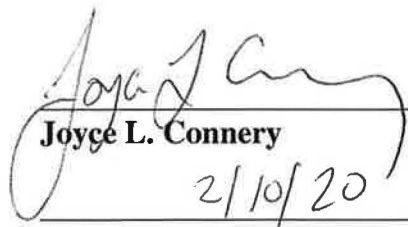
**SUBJECT:** Report to Congress - DNFSB Access to Information Denials.docx

**Doc Control#2020-100-017**

**Approved** X                      **Disapproved** \_\_\_\_\_                      **Abstain** \_\_\_\_\_

**Recusal – Not Participating** \_\_\_\_\_

**COMMENTS:**      **Below** \_\_\_\_\_      **Attached** \_\_\_\_\_      **None** X

  
\_\_\_\_\_  
**Joyce L. Connery**  
2/10/20  
\_\_\_\_\_  
**Date**