

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 United States Code § 2286c(b)(2)(B)(i), the enclosed report identifies each request for access to information that the Defense Nuclear Facilities Safety Board submitted to the Secretary of Energy in written form during the six-month period ending June 30, 2020, and that the Secretary denied. During the last six months, the Board has experienced a number of delays in access to information, but the only outright denial is documented in the enclosed report.

Delays in access to information impact the Board's ability to perform timely field oversight activities and remain a concern. The Board continues to seek a meeting with the Secretary of Energy to discuss methods to improve the effectiveness of our interface with the Department of Energy.

Yours truly,

Bruce Hamilton
Chairman

Enclosure

c: The Honorable Dan Brouillette

Report to Congress – DNFSB Access to Information

As required by 42 United States Code (USC) § 2286c(b)(2)(B)(i), this report identifies each request for access to information that the Defense Nuclear Facilities Safety Board (Board) submitted to the Secretary of Energy in written form during the six-month period ending June 30, 2020, and that the Secretary denied. 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, and October 11, 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 of NES study groups. Access to deliberations allows the Board to observe the 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. Despite these written requests, NNSA prohibited our Pantex resident inspector from observing the deliberation phase of a NES change evaluation on April 13, 2020.

The Board wrote the Secretary again on April 16, 2020, to reaffirm that it requires access to all phases of the NES evaluation process. On April 23, 2020, the NNSA Administrator replied to the Board’s October 11, 2019, letter to the Secretary stating that NNSA would allow access as a “trial” subject to several conditions, but explicitly reserved the right for chairs of NES study groups to deny access to deliberations if they see fit to do so. The Board issued a final reply to the Secretary on June 3, 2020, affirming Board oversight of all phases of NES evaluations consistent with 42 USC § 2286c(a).

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Access Denial Congressional Report

Doc Control#: 2020-100-0048

The Board acted on the above document on 06/26/2020. 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"/>	06/25/2020
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/26/2020
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/25/2020

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: Access Denial Congressional Report

Doc Control#: 2020-100-0048

DATE: 06/25/2020

VOTE: Approved

COMMENTS:

None

Bruce Hamilton

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson

SUBJECT: Access Denial Congressional Report

Doc Control#: 2020-100-0048

DATE: 06/26/2020

VOTE: Approved

Member voted by email.

COMMENTS:

None

Jessie H. Roberson

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

SUBJECT: Access Denial Congressional Report

Doc Control#: 2020-100-0048

DATE: 06/25/2020

VOTE: Approved

COMMENTS:

None

Joyce L. Connery