

## APPENDIX 4

### REQUEST FOR BOARD ACTION BY A BOARD MEMBER

Requester: Joyce L. Connery January 17, 2023

#### **Brief description of Requested Action:**

Approve sending attached report to Congress (including Exhibits A and B). Note that Joe Olencz (Dep Rep) has been copied per EDO.

Attachments \_3\_

Summarize any time sensitive considerations:

Requestor signature On File January 17, 2023

Assistant Executive secretary On File January 17, 2023

Joyce L. Connery, Chair  
Thomas A. Summers, Vice Chair  
Jessie H. Roberson

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Washington, DC 20004-2901



To the Congress of the United States:

42 United States Code § 2286c(b)(2)(B)(i) requires the Defense Nuclear Facilities Safety Board (Board) to identify each request for access to information that the Board submitted to the Secretary of Energy in written form during the six-month period ending December 31, 2021, and which the Secretary denied. During this reporting period, while the Secretary has not denied the Board any information it has requested, the Board is reporting that there has been a pattern of delayed National Nuclear Security Administration (NNSA) responses to classified Board information requests and reporting requirements.

Delayed responses to classified Board information requests are summarized below. The Board has not yet received responses to these requests.

- Request made on 10/27/22 with requested delivery date of 11/18/22 for the most recent Los Alamos National Laboratory (LANL) Nuclear Material Inventory Assessment and the most recent LANL site nuclear materials management plan.
- Request made on 10/27/22 with requested delivery date of 11/18/22 for classified documents produced between 2019 and 2022 about a safety study conducted by an integrated group in NNSA led by NNSA's Office of Counterterrorism and Counterproliferation.

Regarding delayed responses to reporting requirements, the Board sent a letter to the Secretary of Energy on October 20, 2022, discussing four responses to reporting requirements that had been significantly delayed (enclosed as Exhibit A). The Board has now received all but one of those responses, which was again communicated in a letter to the Secretary of Energy on December 19, 2022 (enclosed as Exhibit B). The response that is still missing is detailed in the bullet below.

- **NNSA report on analysis performed by LANL of Board Technical Report 44, *Los Alamos National Laboratory Plutonium Facility Leak Path Factor Methodology* (responding to Board letter dated August 11, 2022).** NNSA's response, dated November 8, 2022, did not provide the Board the requested analysis consistent with the Memorandum of Understanding (MOU) between the Department of Energy (DOE) and the Board. The MOU requires that responses to reporting requirements established by the Board should be delivered to the Board, so that they may be posted to the Board's and DOE's websites for the benefit of the public.

While the Secretary, Deputy Secretary, and other Department of Energy officials have been willing to meet and discuss the challenges mentioned in this letter, we are notifying you of these incidents as they may have an impact on the safety of defense nuclear facilities and our ability to do our mission in a prompt and thorough manner.

Respectfully submitted,

Joyce L. Connery  
Chair

Thomas A. Summers  
Vice Chair

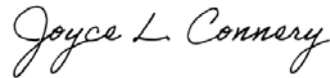
Jessie H. Roberson  
Member

Enclosures

c: The Honorable Jennifer M. Granholm  
Mr. Joe Olencz

While the Secretary, Deputy Secretary, and other Department of Energy officials have been willing to meet and discuss the challenges mentioned in this letter, we are notifying you of these incidents as they may have an impact on the safety of defense nuclear facilities and our ability to do our mission in a prompt and thorough manner.

Respectfully submitted,



Joyce L. Connery  
Chair



Thomas A. Summers  
Vice Chair



Jessie H. Roberson  
Member

Enclosures

c: The Honorable Jennifer M. Granholm  
Mr. Joe Olencz

**AFFIRMATION OF BOARD VOTING RECORD**

**SUBJECT:** RFBA by Chair Connery to Approve Semiannual Report to Congress

**Doc Control#:** 2023-100-0012

The Board acted on the above document on 01/17/2023. The document was Approved.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING	COMMENT	DATE
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	01/17/2023
Thomas Summers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	01/17/2023
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	01/17/2023

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

**Shelby Qualls**

Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

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

**FROM:** Joyce L. Connery

**SUBJECT:** RFBA by Chair Connery to Approve Semiannual Report to Congress

**Doc Control#:** 2023-100-0012

**DATE:** 01/17/2023

**VOTE:** Approved

**COMMENTS:**

None

**Joyce L. Connery**

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Thomas Summers

**SUBJECT:** RFBA by Chair Connery to Approve Semiannual Report to Congress

**Doc Control#:** 2023-100-0012

**DATE:** 01/17/2023

**VOTE:** Approved

**COMMENTS:**

None

**Thomas Summers**

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Jessie H. Roberson

**SUBJECT:** RFBA by Chair Connery to Approve Semiannual Report to Congress

**Doc Control#:** 2023-100-0012

**DATE:** 01/17/2023

**VOTE:** Approved

**Member voted by email.**

**COMMENTS:**

None

**Jessie H. Roberson**