



U.S. DEPARTMENT OF  
**ENERGY**

# Department of Energy's Response to Information Requested by the Defense Nuclear Facilities Safety Board

Report Period: July 1 – December 31, 2019

Report to Congress  
February 2020

United States Department of Energy  
Washington, DC 20585

## Message from the Secretary

This is the U.S. Department of Energy's (Department or DOE), including the National Nuclear Security Administration's (NNSA), biannual report to Congress addressing DOE's response to requests by the Defense Nuclear Facilities Safety Board (DNFSB or Board) for access to information during the period July 1, 2019, through December 31, 2019, that have been denied by DOE. This report is being submitted in accordance with 42 United States Code (U.S.C.) Section 2286c paragraph (b)(2), which states the following:

- (2) If the Board requests access to information under subsection (a) in written form, and the Secretary denies access to such information pursuant to paragraph (1)—
  - (A) the Secretary shall provide the Board notice of such denial in written form; and
  - (B) not later than January 1 and July 1 of each year beginning in 2020—
    - (i) the Board shall submit to the congressional defense committees a report identifying each request for access to information under subsection (a) submitted to the Secretary in written form during the preceding six-month period and denied by the Secretary; and
    - (ii) the Secretary shall submit to the congressional defense committees<sup>1</sup> a report identifying—
      - (I) each such request denied by the Secretary during that period; and
      - (II) the reason for the denial.

Pursuant to statutory requirements, this report is being provided to the following Members of Congress:

- **The Honorable James Inhofe**  
Chairman, Senate Committee on Armed Services
- **The Honorable Jack Reed**  
Ranking Member, Senate Committee on Armed Services
- **The Honorable Adam Smith**  
Chairman, House Committee on Armed Services

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<sup>1</sup> The term 'congressional defense committees' has the meaning given that term in section 101(a) of title 10, United States Code. (42 U.S.C. Section 2286c paragraph (b)(3))

- **The Honorable Mac Thornberry**  
Ranking Member, House Committee on Armed Services

If you have any questions or need additional information, please contact Ms. Melissa Burnison, Assistant Secretary for Congressional and Intergovernmental Affairs, at (202) 586-5450.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Brouillette". The signature is fluid and cursive, with the first name "Dan" being particularly prominent.

Dan Brouillette

## **Department of Energy's Response to Information Requested by the Defense Nuclear Facilities Safety Board Report Period: July 1 – December 31, 2019**

During this reporting period, the Department of Energy (Department or DOE) continues to process and respond to all Defense Nuclear Facilities Safety Board (DNFSB or Board) requests for information and access. The Department has not issued any written denial of information requested by the DNFSB.

One DNFSB access request of note during this reporting period is the DNFSB's request for access to all phases of Department of Energy/National Nuclear Security Administration's (DOE/NNSA) Nuclear Explosive Safety (NES) process. In 2019, the DNFSB staff continued to be included in the NNSA's NES deliberations. The DNFSB staff reviewed documents that formed the bases of these deliberations, received briefings by the subject matter experts attending these deliberations and the affected programs under evaluation, and observed process demonstrations/live operations as part of the NES deliberative process. On June 12, 2019, the Board made a written request to the Secretary of Energy to have member(s) of the DNFSB technical staff attend NES deliberations in lieu of out-briefs. NNSA responded on August 9, 2019, that NNSA will continue to provide the DNFSB staff a briefing following NES deliberations. NNSA also noted that NNSA management does not attend these deliberative meetings because of the concern that it would inhibit the candid exchange of views and opinions by the subject matter experts attending the NES deliberations. The DNFSB response on October 11, 2019, expressed disagreement with this position and states that the Board has directed its staff to attend the meetings over NNSA's objections. NNSA and the DNFSB are working to define a resolution of this issue.

During this reporting period, DOE/NNSA processed over 700 document requests from the DNFSB – not including responding to DNFSB correspondence, recommendations, public hearings, and routine interface activities with DNFSB staff or its Resident Inspectors. For calendar year 2019, DOE/NNSA processed over 1,400 documents requested by the DNFSB. DOE/NNSA's goal is to provide documents and information to members of the Board staff in 15 days. Nevertheless, due to work load and holidays, this goal is sometimes not achievable; however, documents are provided as timely as possible.