The Honorable Ernest J. Moniz  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585-1000

Dear Secretary Moniz:

The Defense Nuclear Facilities Safety Board (Board) is concerned about the Department of Energy’s (DOE) cancelation of DOE Policy 226.1B, Department of Energy Oversight Policy. DOE originally issued Policy 226.1 and Order 226.1, Implementation of Department of Energy Oversight Policy, as Commitments 4A and 4B respectively of the Secretary’s Implementation Plan for Board Recommendation 2004-1, Oversight of Complex, High-Hazard Nuclear Operations.

The DOE Implementation Plan for Board Recommendation 2004-1 outlined eight principles of effective oversight and based DOE’s oversight model on the following tiers to ensure DOE’s inherently governmental responsibility to protect public health and safety: contractor assurance systems; DOE field office oversight; DOE headquarters line management oversight; and independent federal oversight. Policy 226.2, Policy for Federal Oversight and Contractor Assurance Systems, issued on August 9, 2016, does not emphasize any of the eight principles or distinguish among the three tiers of federal oversight.

Pursuant to 42 U.S.C. § 2286b(d), the Board requests a briefing within 30 days that explains: 1) DOE’s plans to implement Policy 226.2, including the means by which DOE will verify that its contractors develop and maintain highly effective contractor assurance systems at defense nuclear facilities; and 2) any planned changes in DOE’s approach to safety oversight of complex, high-hazard defense nuclear facility operations.

Sincerely,

Joyce L. Connery  
Chairman

c: Mr. Joe Olencz