



Department of Energy
Under Secretary for Nuclear Security
Administrator, National Nuclear Security Administration
Washington, DC 20585



April 23, 2020

The Honorable Bruce Hamilton
Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, NW, Suite 700
Washington, DC 20004

Dear Chairman Hamilton:

We received your letter dated October 11, 2019, regarding Defense Nuclear Facilities Safety Board (Board) access to the deliberation portion of the Department of Energy (DOE) Nuclear Explosive Safety (NES) Study process. As we have indicated in the past, the DOE and the National Nuclear Security Administration (NNSA) are the organizations responsible under the *Atomic Energy Act* for the safety of nuclear explosive operations at the Pantex Plant (Pantex). We take that responsibility extremely seriously.

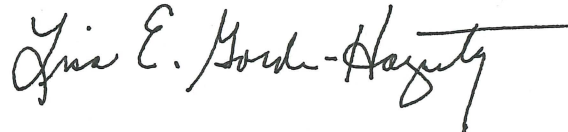
The NES Review process is a vital part of that assurance. It is an expert-based system that we employ in parallel with our 10 CFR 830 compliant safety analysis process to provide the highest possible assurance of safety at Pantex. Given the Board's oversight and advisory role, NNSA supports the Board's involvement in the process. During the deliberations phase of the process, experts with deep technical knowledge of weapon design and weapon production interact to make sure all relevant information is included and discussed. It is vital to the process that those discussions are free, open, and unconstrained, as well as properly documented. To maintain this level of exchange among these experts and avoid anything that might potentially chill the exchange, it is important that Board Staff attending these deliberations be asked to act strictly as observers. NNSA will evaluate the process to ensure the needed exchange of our experts is not hampered in any way by the Board Staff's presence. Board Staff will also be expected to adhere to the requirement in the *National Defense Authorization Act for Fiscal Year 2020* (FY 2020 NDAA), Section 3202, that the Board not publicly reveal deliberative process information.

The Board itself has highlighted the importance of free discussion and flow of information many times, such as in Recommendation 2011-1, *Safety Culture at the Waste Treatment and Immobilization Plant*. DOE has embraced a culture of safety in its approach to Integrated Safety Management. To preserve free and open deliberation and avoid potentially inhibiting open and free-flowing discussion, which is necessary to maximize safety at Pantex, we will exercise the above noted trial but reserve the right to restrict personnel outside the NES Study Group itself, including Departmental personnel,



from attending certain NES Review deliberations at the request of the NES Study Group
Chairman.

Sincerely,

A handwritten signature in black ink, reading "Lisa E. Gordon-Hagerty". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Lisa E. Gordon-Hagerty

cc: J. McConnell, NA-50
T. Wyka, NA-50
D. Sigg, NA-51
C. Verdon, NA-10
J. Evans, NA-12
J. Olencz, AU-1.1