

Patricia L. Lee

**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Washington, DC 20004-2901



January 6, 2026

To the Congress of the United States:

In accordance with 42 United States Code § 2286c(b)(2)(B)(i), the Defense Nuclear Facilities Safety Board (Board) is required 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, 2025, and which the Secretary denied.

During this reporting period, while the Secretary has not formally denied the Board any information it has requested, the Board is reporting on several concerns with access to information associated with delayed response to reporting requirements and Board access requests related to the review of a design and construction project. The matters identified in this letter and the enclosure reflect verbal and written issues raised by the Board and its staff through multiple engagements with the Department of Energy (the Department) at working and senior levels.

The Board continues to value the professional engagement and cooperation of Department leadership, federal staff, and contractor personnel and appreciates the continuous efforts in support of the Board's independent oversight mission. As required by the Board's enabling legislation ([42 U.S.C. § 2286 et seq.](#)) prompt and unfettered access to facilities, personnel, and information is essential to carry out the agency's oversight responsibilities in support of the safe execution of vital nuclear security and radioactive waste cleanup missions.

The Board will continue to monitor these matters closely and work constructively with the Department to ensure timely access to information and facilities necessary to fulfill the Board's statutory responsibilities and provide this information to the Congress in keeping with our ongoing oversight and reporting obligations.

Sincerely,

A handwritten signature in black ink that reads "Patricia L. Lee".

Dr. Patricia L. Lee
Board Member

Enclosure

c: The Honorable Chris Wright, Secretary of Energy

Enclosure
Report to Congress – Defense Nuclear Facilities Safety Board (Board)

CONCERNS WITH ACCESS TO INFORMATION

1. **The Department of Energy (DOE) has not yet provided the deliverables to which it committed in its Implementation Plan responding to the Board's Recommendation 2020-1, *Nuclear Safety Requirements*:** This Recommendation identified that DOE's regulations, directives, and standards lacked sufficient requirements to ensure consistent and appropriate implementation necessary to provide adequate protection of the health and safety of the public and workers at defense nuclear facilities. As required by 42 U.S.C. § 2286c(f), DOE created an implementation plan¹ to address the Board's concerns regarding adequate protection.

DOE's most significant deliverable under its implementation plan is the development and issuance of a new nuclear safety order to solidify ambiguous requirements necessary for adequate protection. A broad range of nuclear safety experts representing industry, DOE, and the Board participated in drafting this order, known as DOE Order 421.1, *Nuclear Safety Basis*. The order is critical to add clarity and efficiency to DOE's processes for developing and maintaining nuclear safety basis documents that govern the safe operation of defense nuclear facilities.

In [a letter dated May 8, 2025](#), DOE informed the Board it is ***unable to provide an estimated completion date*** for three overdue deliverables until it has a better understanding of the impacts of recent and upcoming changes within the Department. These deliverables are the development and issuance of the following:

- **Revised DOE Standard 1027, *Hazard Categorization of DOE Nuclear Facilities* (originally due June 8, 2025).**
- **DOE Nuclear Safety Order 421.1** discussed above (originally due December 27, 2024).
- **DOE Standard 1104, *Review and Approval of Nuclear Facility Safety Basis and Safety Design Basis Documents* (originally due December 27, 2024).**

These three actions are predicates for further deliverables identified in the DOEs Implementation Plan. Although mechanisms exist for DOE to revise its Implementation Plan to accommodate new circumstances, changes have not been proposed to date.

2. **DOE has not responded to the Board's reporting requirement for a semiannual briefing on DOE's workforce changes:** In [a letter dated July 25, 2025](#), the Board

¹ [DOE Implementation Plan for Recommendation 2020-1](#) on the DNFSB website.

requested that DOE provide semiannual briefings outlining how it will ensure the adequacy and independence of its nuclear safety oversight at defense nuclear facilities as it proceeds with organizational and proposed regulatory changes. *The first briefing was due no later than August 25, 2025, and has not been scheduled.*

3. **DOE did not respond to the Board's staff's written technical review agenda request on the fire protection strategy for the Principal Underground Laboratory for Subcritical Experimentation (PULSE):** In [a letter dated October 17, 2025](#), the Board noted that it was unsuccessful in engaging the National Nuclear Security Administration (NNSA) at the staff level despite repeated attempts spanning five months. This technical review agenda covered concerns with NNSA leaders' potential exemption of PULSE from DOE requirements related to personnel life safety, automatic fire suppression systems, and subterranean facilities. Such an approach departs from NNSA's expert-driven alternatives analysis that concluded an exemption was not technically justifiable.

During the period in which the Board was not granted the prompt and unfettered access needed to perform this review, NNSA leadership conditionally approved the exemption, limiting the Board's ability to advise the Secretary of Energy in a timely manner as mandated under § 2286c(b)(4) pertaining to oversight of design and construction projects. The Board will continue to perform independent oversight as design, construction, and high-hazard nuclear operations progress at PULSE.

4. **DOE did not respond to attempts by the Board to open a dialogue on the path forward for completing open reporting requirements to the Board:** In [a letter dated August 5, 2025](#), the Board informed the Secretary of Energy of open reporting requirements and requested a briefing on the path forward *by September 4, 2025*. The Board subsequently conveyed a similar list of open deliverables to the Secretary of Energy in [a letter dated October 17, 2025](#). While some of the past due listed items have been closed, *DOE has not addressed others as described in this enclosure and has not responded to the reporting requirement in the August 5th letter.*
5. **DOE has not delivered a report on the reliability of the 242-A evaporator safety controls at Hanford and DOE's non-major modification safety systems process:** In [a letter dated June 12, 2025](#), the Board expressed concerns with the reliability of safety controls used to prevent an explosion involving radioactive liquid high-level waste following an earthquake. The Board requested a report and briefing to address this situation *by September 10, 2025*. DOE provided the requested briefing on September 22, 2025, and requested an extension for the report to December 9, 2025. The Board has not received the report but understands that DOE leadership is currently finalizing the deliverable. This item is included for completeness.