

Defense Nuclear Facilities Safety Board

Washington, DC 20004

Policy Statement

Date: January 23, 2025



Subject

Policy Statement on Access to
Information

Summary

This policy establishes the Board's expectations of access to such facilities, personnel, and information as the Board considers necessary to carry out its mission under the Atomic Energy Act, as amended.

A handwritten signature in black ink, reading "Joyce L. Connery". The signature is written in a cursive style with a horizontal line underneath.

Joyce L. Connery
Chair

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
POLICY STATEMENT ON ACCESS TO INFORMATION

I. Purpose/Objectives

This policy establishes the Board's expectations of access to such facilities, personnel, and information as the Board considers necessary to carry out its mission.

II. Scope/Applicability

The Board shall operate in a manner consistent with applicable laws and regulations in carrying out its mission and recognizes the Secretary of Energy's authority, under 42 U.S.C. § 2286c(b)(1), to deny access to information only to any person that has not been granted an appropriate security clearance or access authorization or does not need such access in connection with their duties. Pursuant to 42 U.S.C. § 2286c(c), the Board will not publicly disclose information provided under 42 U.S.C. § 2286c if such information is otherwise protected from disclosure by law, to include deliberative process information, noting that it is the responsibility of the U.S. Department of Energy (DOE) to identify the legal protection of any transferred information and appropriately mark the information prior to transfer.

III. Policy

The Board and its staff shall request such information from the DOE as is necessary to carry out the Board's mission.

The Board and the DOE entered into a Memorandum of Understanding (MOU) February 17, 2022, describing the commitments each agency made to ensure a cooperative interface necessary for supporting the DNFSB nuclear safety oversight mission. The Board and the DNFSB staff shall adhere to the agreed interface provisions. This Board policy statement sets forth additional considerations for access to information necessary to carry out the DNFSB mission.

The Board and its staff shall seek direct documentation, information, and access to carry out the mission of the Board, rather than to rely on summary information provided by the DOE or its contractors.

Delays in receiving a response to an initial information or access request shall result in a Board letter to the Secretary of Energy reiterating the request.

Resident Inspectors shall have prompt and unfettered onsite access to facilities, personnel, and information (e.g., documents, databases, etc.) necessary to execute their duties while minimizing disruptions to site operations. The Resident Inspectors will communicate regularly with site liaisons – both federal and contractor – to ensure that the Resident Inspectors

are apprised of activities and information pertaining to their oversight duties as well as any operation or sensitive activities.

The DNFSB headquarters staff conducting oversight reviews shall submit agendas (whenever practicable), proposed facility visits and walk-downs, and on-site meeting requests ahead of their visits, and will work with the site to schedule those visits at a mutually agreed upon time.

Board Members shall, in the course of their duties, visit facilities and sites periodically, either as a full Board or individually, to observe operations, review facility conditions, and meet with Department field office and contractor managers. Appropriate notifications shall be made to the Department and to the site ahead of any Board Member or full Board visits.

Board Member questions during full Board site visits or questions taken for the record at Public Hearings shall be considered information requests.

Reporting requirements shall be established by the Board¹ in written correspondence to the Secretary, as these requirements are binding per 42 U.S.C. § 2286b(d). It is the policy of the Board that reporting requirements will be used in instances in which the information sought by the Board may not be satisfied via a standard information request because: 1) the information sought may need to be generated through the Office of the Secretary, such as information necessitating a data call; or 2) the request requires a higher level briefing or report that would require the approval of the Secretary or explicit designee.

Pursuant to 42 U.S.C. § 2286c(b)(2), no later than January 1 and July 1 each year, the Board shall submit to the Congressional defense committees a report of any written requests made by the Board to the Secretary in writing which were denied in the preceding six-months.

IV. Responsibility for Implementation

The Board adopts this policy to be binding upon its Members in executing the mission of the DNFSB. The Executive Director of Operations shall supervise the DNFSB staff safety oversight operations consistent with this policy statement and in accordance with Agency directives and operating procedures.

V. Monitoring and Compliance

The Chairperson shall oversee agency compliance with this Board policy and the Board shall review this policy at least every five years to ensure consistency with the Atomic Energy Act, as amended.

¹ In the event that the Board loses quorum due to a vacancy in the membership of the Board or the incapacity of a member of the Board, the Chairperson may direct the issuance of reporting requirements consistent with this policy.

VI. Status

This policy statement is effective upon adoption by the Board and shall remain in effect until revised or rescinded by the Board.