

**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Washington, DC 20004-2901



April 22, 2026

The Honorable Chris Wright
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Secretary Wright:

The lapse in appropriations for fiscal year 2026 caused the Department of Energy (DOE), for the first time in recent history, to furlough the majority of its federal workforce within the National Nuclear Security Administration (NNSA). During this lapse, NNSA's contractors continued to perform nuclear operations important to national security. The Defense Nuclear Facilities Safety Board (Board) continued its independent nuclear safety oversight of these operations and observed items that merit DOE and NNSA attention.

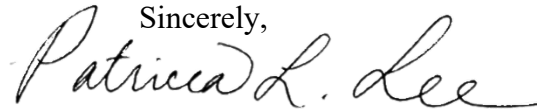
Each NNSA field office¹ determined which positions would be excepted², and the nature of the duties each of those excepted positions would perform. This included the excepted duties for NNSA's facility representatives, positions crucial for ensuring contractors perform mission work safely, thereby protecting life and property. Six of seven field offices eventually excepted facility representative positions to perform certain duties; however, the nature of excepted work did not necessarily correlate to the type and amount of work NNSA's contractors performed. This resulted in a situation where some NNSA contractors continued to perform significant mission work with little day-to-day oversight (i.e., direct observation of nuclear operations) from facility representatives or other federal personnel. Federal nuclear safety oversight and field presence—commensurate with the tempo of mission work—are hallmarks to safe nuclear operations and are especially important during the uncertainties of a lapse in appropriations.

The Board has long recognized and emphasized the importance of DOE's facility representatives, including in Board Recommendation 1992-2, *DOE's Facility Representative Program at Defense Nuclear Facilities*. The Board identifies its resident inspectors deployed at DOE's defense nuclear facilities as excepted and the Nuclear Regulatory Commission does the

¹ NNSA Los Alamos Field Office, Livermore Field Office, Nevada Field Office, Pantex Field Office, Sandia Field Office, Savannah River Field Office, and Y-12 Field Office

² Per OPM guidance for shutdown furloughs, "the term 'excepted' is used broadly to refer to employees whose work is funded through annual appropriations but who are not furloughed because they are performing tasks that, by law, are allowed to continue during a lapse in appropriations. Those tasks are referred to as 'excepted work.' Such tasks may include emergency work involving the safety of human life or the protection of property or the performance of certain other types of 'excepted work activities' as defined in DOJ and OMB guidance."

same for its resident inspectors stationed at commercial nuclear facilities. Prior to any potential future lapse in appropriations, the Board advises DOE and NNSA to ensure its excepted personnel, including facility representatives, provide adequate federal safety oversight to ensure contractor-performed ongoing mission activities are conducted safely at DOE's defense nuclear facilities.

Sincerely,


Dr. Patricia L. Lee
Board Member

- c: The Honorable Brandon Williams, Under Secretary for Nuclear Security, Administrator,
National Nuclear Security Administration
- The Honorable Timothy Walsh, Assistant Secretary for Environmental Management
- Mr. Joe Olencz, Director, Office of the Departmental Representative to the Board