Patricia L. Lee

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
Washington, DC 20004-2901

July 24, 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 Defense Nuclear Facilities Safety Board (Board) writes to advise you of a development that affects the Board's ability to fulfill our statutory oversight responsibilities and challenges our shared responsibility and commitment to ensure protection of Department of Energy (DOE) information.

In creating the Board, the Senate Armed Services Committee stated that, "the Board must have a primary mission to identify the nature and consequences of any significant potential threats to public health and safety, to elevate such issues to the highest levels of authority, and **to inform the public**."[1] Consistent with this direction from Congress and the requirements in the Atomic Energy Act of 1954, the Board posts all of its safety oversight work products unless the information is otherwise protected from disclosure by law.

DOE's Departmental Representative to the Board and other Department officials have recently informed the Board's staff that DOE will no longer review draft Board documents for Controlled Unclassified Information (CUI) and other bases for public release protection, stating that such decisions are those of the Board. This posture limits future reviews to Unclassified Controlled Nuclear Information (UCNI) and classified information and undermines the Department's responsibility in protection of otherwise sensitive information. Moreover, it represents a departure from long-standing processes memorialized in the 2022 Supplementary Agreement to the Congressionally-directed[2] Memorandum of Understanding (MOU). DOE's sensitivity review of Board drafts prior to public disclosure has been effective at protecting DOE information throughout the Board's history. This cooperation has enabled the Board to publicly release its safety oversight products including, Board correspondence to DOE and Congress, technical reports, resident inspector weekly reports, and cognizant engineer monthly reports, in a timely manner consistent with our statutory mission.

[1] *See* S. Rept. 110-232 (1987).

[2] The House Report 116-449 accompanying the FY2021 Energy and Water Development and Related Agencies Appropriations Bill, and the Senate Report 116-236 accompanying the National Defense Authorization Act for Fiscal Year 2021, directed DOE and the Board to develop and sign a MOU to govern interface.

Several draft Board documents are currently awaiting such review, resulting in delays that have drawn attention from public and governmental stakeholders. The Board's Acting General Counsel has requested engagement with DOE and National Nuclear Security Administration General Counsels to identify a path forward. The Board respectfully requests your assistance and support in directing prompt senior-level discussions to restore effective, mutually agreeable processes that protect sensitive DOE information while enabling the Board to meet its transparency and oversight obligations under the Atomic Energy Act of 1954.

The Board and its staff are prepared to meet at your earliest convenience. We value our cooperative relationship with the Department and remain committed to working together to advance nuclear safety at defense nuclear facilities.

Mr. Kyle Johnson, Chief of Staff, kyle.johnson@dnfsb.gov or 202-701-8964, is the point of contact for meeting coordination.

Sincerely,

Patricia L. Lee

Dr. Patricia L. Lee
Board Member

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

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: DOE Information Reviews

Doc Control#: 2026-100-039

The Board acted on the above document on 2026-07-24 10:53:04. The document was Approved.

The votes were recorded as:

NAME	APRVD	DISAPRVD	ABSTAIN	DATE
Patricia Lee	X			2026-07-24 10:53:03

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.

Shelby Qualls
Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Patricia Lee

SUBJECT: DOE Information Reviews

Doc Control#: 2026-100-039

DATE: 2026-07-24 10:53:03

VOTE: Yes

Member voted by email.

Patricia Lee