

**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**
Washington, DC 20004-2901



July 10, 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 submitted to the Secretary of Energy in written form during the six-month period ending June 30, 2026, that the Secretary denied.

In the Board's last biannual [report to Congress in January 2026](#), the Board noted that the Department of Energy (DOE) had not formally denied the Board access to any information it had requested, but highlighted concerns with delayed responses to access requests. Since that time, the Board has experienced increasing access challenges, the most significant in its history, including verbal and written denials from DOE and a lack of responsiveness to access requested before and after the previous reporting period. Because of these access challenges, the Board has been unable to conduct some safety reviews, including a review of electrical testers that are relied upon to protect nuclear explosive devices from errant electrical energy at the Pantex Plant, and has not been provided access to large numbers of draft DOE safety directives and regulations that are currently being revised.

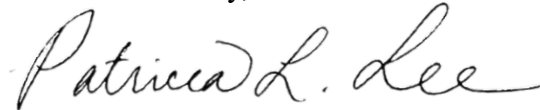
In an [April 29, 2026, letter](#) to the Secretary of Energy, the Board requested that DOE provide a path forward for addressing these challenges by May 30, 2026, including a Secretarial determination of the access denials reported in the letter. The Secretary has not responded to this reporting requirement or prior attempts to communicate on issues that challenge the Board's ability to meet its statutorily mandated oversight responsibilities.

The Board's enabling legislation requires the Secretary to fully cooperate in providing prompt and unfettered access to facilities, personnel, and information as the Board considers necessary to carry out its oversight responsibilities in support of the safe execution of DOE's vital national security and radioactive waste cleanup missions. For most of the past three decades, DOE and its contractors have provided full cooperation. In the rare instances where access requests were not fulfilled, the matter was elevated such that the Board worked directly with the Secretary towards resolution. In 2021, following a period of significant access challenges, Congress directed the Board and DOE to develop a [Memorandum of Understanding](#) (and [Supplementary Agreement](#)) to memorialize how the two agencies would work together to ensure the Board had the necessary access to fulfill its oversight mission. Many of the access challenges the Board is currently experiencing are inconsistent with the approved Memorandum of Understanding. The Board is concerned that this significant level of access denial and limitation is occurring simultaneously with a considerable increase in production at defense nuclear facilities and regulatory change.

Access requests explicitly denied by DOE during this reporting period are listed in Enclosure A. Some of the denials stem from a [March 10, 2026, memorandum](#) from DOE senior leadership with which the Board shared [concerns](#) in the [April 29, 2026, letter](#) to the Secretary. Overdue requests for access to information and the lack of response to formal deliverables identified in Enclosure B are considered to be constructively denied given the significant delay in DOE addressing these requests. To date, DOE has responded to three Board reporting requirements and none of the implementation plan commitments addressing open safety recommendations, that have come due or remain outstanding during this reporting period.

The Board will continue to monitor these matters closely and attempt to work with DOE to ensure timely access to facilities, personnel, and information necessary to fulfill the Board's statutory responsibilities. The Board is providing this information to Congress in keeping with our ongoing oversight and reporting obligations.

Sincerely,

A handwritten signature in black ink that reads "Patricia L. Lee". The signature is written in a cursive, flowing style.

Dr. Patricia L. Lee
Board Member

Enclosures

c: The Honorable Chris Wright, Secretary of Energy

ENCLOSURE A

Defense Nuclear Facilities Safety Board (Board) Access Requests Explicitly Denied by the Department of Energy (DOE)

During the current reporting period, DOE has explicitly denied eight of the Board's access requests, some of which are revocations of longstanding access to safety information provided to the Board's staff. This includes revocations of access to National Nuclear Security Administration (NNSA) safety and operations meetings and safety basis schedule updates. Access to this type of information was memorialized in the Congressionally directed [Memorandum of Understanding](#) (and [Supplementary Agreement](#)) between the two agencies and is critical to ensuring the Board's staff can help identify safety issues at the earliest moment to prevent impacts to cost or schedule further down the road.

Denials stemming from direction contained in a [March 10, 2026, memorandum](#) from senior DOE leadership concerning DOE's interface with the Board are identified below. Items 1–4 were included in the Board's [April 29, 2026, letter](#) to the Secretary of Energy, containing a reporting requirement due May 30, 2026, to which DOE has not responded. Items 5–8 were denied by DOE staff after the Board's April 29, 2026, letter.

During this reporting period (January 1, 2026, through June 30, 2026), DOE explicitly denied the Board access to the following items:

1. Access to NNSA's bimonthly safety and operations call with its sites.
 - a. **Safety rationale:** This standing call is a longstanding means for NNSA to communicate safety issues and safety-related lessons learned across its field elements. Topics addressed on this call are directly related to the Board's statutory safety oversight responsibilities.
 - b. **Status:** On January 28, 2026, NNSA denied a request to restore access after it revoked longstanding access, indicating that the call was for NNSA personnel and its contractors, only. NNSA provided written presentation materials shared during the call; however, these written materials do not contain the full details of safety-relevant content shared on the call.
2. Biweekly reports from the Assistant Manager for Environment, Safety, and Health and Assistant Manager for Operations and Engineering at the NNSA Nevada Field Office, as well as startup notification reports.
 - a. **Safety rationale:** These reports provide operational awareness of activities at the Nevada National Security Site (NNSS) that aid the Board's staff safety oversight efforts.
 - b. **Status:** On January 29, 2026, NNSA revoked longstanding access and ceased distribution without notifying the Board's staff. The Board's staff re-requested

access on March 19, 2026, and NNSA began providing the reports with “non-DNF [defense nuclear facility]” information redacted. These redactions obscure important information necessary to evaluate the safety conditions at defense nuclear facilities within the Board’s statutory jurisdiction.

3. Safety basis biweekly schedule for NNSA Nevada Field Office and its site contractor.
 - a. **Safety rationale:** These schedules provide operational awareness of activities at NNSS that inform the safety oversight by the Board’s staff.
 - b. **Status:** NNSA revoked longstanding access to these schedules without informing the Board’s staff. The Board’s staff re-requested access on March 19, 2026. NNSA provided the report dated, March 16, 2026, with “non-DNF” information redacted per the March 10, 2026, memorandum. The redactions obscure important information that impacts nuclear safety at DOE’s defense nuclear facilities.
4. Y-12 National Security Complex (Y-12) Field Office “Weekly Highlights” report.
 - a. **Safety rationale:** These reports provide operational awareness of activities at Y-12 that inform the Board’s safety oversight.
 - b. **Status:** On March 26, 2026, NNSA revoked longstanding access to these reports. NNSA stated that this was because the reports contain “information that is deliberative or pre-decisional in nature,” and removal from distribution was needed to align with the March 10, 2026, memorandum. The Board re-requested access on March 27, 2026, but was denied by NNSA on April 13, 2026.
5. Access to observe Master Asset Plan Deep Dives for NNSA sites.
 - a. **Safety rationale:** At these interactions, NNSA elements coordinate prioritization for planned infrastructure upgrades, including structures, systems, and components that perform nuclear safety functions, at sites with defense nuclear facilities.
 - b. **Status:** The Board’s staff has been observing these Deep Dive interactions since NNSA instituted them a decade ago. On May 4, 2026, the Board’s staff communicated to the NNSA Nevada Field Office its intent to attend the Master Asset Plan Deep Dive for NNSS. On May 19, 2026, the NNSA Nevada Field Office communicated that NNSA Office of Infrastructure (NA-90) leadership determined “that this meeting is not appropriate for DNFSB attendance” based on current NNSA guidance. Further, on June 2, 2026, NNSA communicated that “DNFSB will not be invited to attend” these interactions given that the “deep dives are pre-decisional and largely include non-nuclear facilities and non-defense nuclear facilities.”

6. NNSA Office of Environment, Safety, and Health subject matter expert technical reviews supporting the NNSA Cognizant Secretarial Officer (CSO) for Safety's approval memos addressing: (1) *Zone 4 Material Access Area Request for Permanent Exemption from Requirements in Title 10 Code of Federal Regulations Part 830, Subpart B, Safety Basis Requirements*; and, (2) *Material Staging Capability Request for Permanent Exemption from Requirements in Title 10 Code of Federal Regulations Part 830, Subpart B, Safety Basis Requirements*.
 - a. **Safety rationale:** These technical reviews supported the NNSA CSO for Safety's approval of requests for permanent exemptions from the foundational nuclear safety requirements in 10 CFR 830 for both the Zone 4 Material Access Area and Material Staging Capability project at Pantex. DNFSB requires this information to inform its evaluation of the adequacy of the technical basis for these exemptions, and the adequacy of the CSO approval process.
 - b. **Status:** These documents were requested by May 8, 2026. On June 2, 2026, these documents were denied, with the justification that NNSA determined that these documents were "intended strictly for internal purposes."
7. Access to observe monthly and semiannual subcritical experiments (SCE) council meetings.
 - a. **Safety rationale:** In these meetings, NNSA federal and contractor staff discuss plans for executing high-hazard defense nuclear activities. As NNSA pursues an expanding range of programmatic operations falling within the Board's statutory jurisdiction, information on the scope and hazard profile of upcoming defense nuclear activities is essential to plan and coordinate effective DNFSB nuclear safety oversight.
 - b. **Status:** On June 2, 2026, NNSA stated that following an "internal review," NNSA determined that "DNFSB will not be invited to observe these meetings."
8. SCE council program of record semiannual schedules.
 - a. **Safety rationale:** These schedules reflect the evolution of NNSA's plans for fielding and executing SCEs at defense nuclear facilities located at NNSS. Given the high-hazard nature of these defense nuclear activities, information conveyed by SCE program of record schedules is essential to plan and coordinate effective DNFSB nuclear safety oversight.
 - b. **Status:** The Board's staff consistently received these schedules until February 2025. The latest schedule (from February 2026) was requested by May 18, 2026. On June 2, 2026, NNSA stated that "the requested document contains information that extends beyond the specific mission and operational focus of the DNFSB," and therefore NNSA would not be providing the requested schedule.

ENCLOSURE B

Constructive Denials of Information by the Department of Energy (DOE)

In an [April 29, 2026, letter](#) to the Secretary of Energy, the Board expressed concerns related to access, including a lack of implementation of planned actions to address Board recommendations, missed responses to reporting requirements, and denials or delays of access requests made by the Board's staff on critical nuclear safety issues. The Board requested a report describing DOE's plans for fulfilling these access requests, but the Secretary has yet to respond. Given the significant delay in addressing these requests, and the lack of response from DOE on the matter, the Board considers the following to be constructive denials of information.

These requests for access are described below, organized in the following manner:

- Missed deliverables to address Board recommendations and reporting requirements previously communicated in the Board's [report to Congress dated January 6, 2026](#).
- Missed Board reporting requirements since the Board's January 2026 biannual report to Congress.
- Access requests made by the Board's staff that have not been explicitly denied by DOE, but are significantly overdue.

PREVIOUSLY COMMUNICATED OVERDUE DELIVERABLES TO ADDRESS BOARD RECOMMENDATIONS AND REPORTING REQUIREMENTS

During the past six months, the DOE provided one of the five items discussed in the Board's [report to Congress dated January 6, 2026](#). DOE has not responded or otherwise communicated to the Board on the following:

1. DOE's outstanding [implementation plan deliverables for the Board's Recommendation 2020-1, Nuclear Safety Requirements](#).
2. The Board's reporting requirement for a semiannual briefing on DOE's workforce changes outlined in a [letter dated July 25, 2025](#).
3. The Board's attempt to open a dialogue on the path forward to complete open reporting requirements to the Board discussed in a [letter dated August 5, 2025](#).

REPORTING REQUIREMENTS MISSED SINCE LAST BIANNUAL REPORT

DOE has missed additional Board reporting requirements without explanation since the Board's biannual [report to Congress dated January 6, 2026](#). These include:

1. **Annual report and briefing on metrics associated with nuclear criticality safety, due January 31, 2026:** In a [letter dated January 6, 2022](#), the Board established an annual reporting requirement on this unique hazard that is associated with some nuclear materials and can result in worker fatality. Nuclear criticality safety is a challenging field in which DOE has experienced performance issues in the past and often struggles to maintain sufficient expertise.
2. **Annual report and briefing regarding safety improvements at the Savannah River Tritium Enterprise, due April 4, 2026:** In a [letter dated October 4, 2023](#), the Board requested that DOE provide a report and briefing annually on the progress it has made to upgrade safety systems and complete analytical initiatives to improve the safety of co-located workers from significant tritium doses in the event the Savannah River Tritium Enterprise experienced significant accidents, like a seismically-induced fire. This letter and reporting requirement are a result of DOE rejecting the Board's Recommendation 2019-2, *Safety of the Savannah River Site Tritium Facilities*.
3. **Report and briefing responding to the Board's formal safety investigation, due April 15, 2026:** In a [letter dated October 17, 2025](#), the Board transmitted the results of its formal safety investigation, stemming from worker allegations concerning the quality assurance processes used to manufacture components that ensure the safety of nuclear explosives while they are assembled, disassembled, and refurbished at the Pantex Plant (Pantex). The Board identified 19 opportunities to improve safety and highlighted the 5 most impactful to bolstering assurance that nuclear weapon safety components are fabricated, procured, and installed in a manner commensurate with their safety function.
4. **Report and briefing responding to the Board's request for information related to ongoing efforts to revise DOE nuclear safety standards, due April 16, 2026:** In a [letter dated March 17, 2026](#), the Board provided DOE with its annual directives letter and noted that DOE was engaged in revising foundational nuclear safety regulations and directives that intersect with the Board's statutory mandate. Since ongoing DOE regulatory reform activities were proceeding in a manner counter to the Congressionally directed interagency [Memorandum of Understanding](#) and its [Supplementary Agreement](#), the Board requested vital information related to the substance of proposed regulatory revisions and the optimal means for the Board to provide timely oversight and advice.
5. **Report responding to the Board's request for DOE's plans for addressing remaining open Board reporting requirements and implementation plan deliverables, fulfilling access requests made by the Board's staff, and addressing the Board's concerns related to a DOE senior leadership memorandum, due May 30, 2026:** In a [letter dated April 29, 2026](#), the Board provided DOE with a list of overdue reporting requirements and implementation plan deliverables for safety recommendations, and expressed concerns with DOE denying access requests made by the Board's staff, including rescinding longstanding access to meetings and electronic systems. The Board also expressed concern with a [March 10, 2026, DOE senior leadership memorandum](#) that made assertions and directions inconsistent with the Atomic Energy Act, and had been

cited by DOE personnel as a basis for additional limits to existing Board access and a lack of response to new access requests.

OVERDUE ACCESS REQUESTS MADE BY THE BOARD'S STAFF

1. A request from the Board's staff to engage on its written technical review agenda regarding the fire protection strategy for the Principal Underground Laboratory for Subcritical Experimentation (PULSE).
 - a. **Safety rationale:** The Board's staff reviewed the fire protection strategy for PULSE and identified preliminary safety concerns with the strategy that it requested to discuss with NNSA federal and contractor personnel.
 - b. **Status:** As discussed in a [letter dated October 17, 2025](#), NNSA did not support an engagement on the staff's technical review agenda. As indicated in the Board's letter, this agenda has been overcome by actions taken by NNSA. However, this item is included for completeness.
2. Draft action plan for the Plutonium Pit Production Matrixed Execution Team to improve pit production.
 - a. **Safety rationale:** On August 19, 2025, the acting NNSA Administrator issued a charter memorandum outlining several areas that potentially impact nuclear safety, including reducing safety basis requirements, streamlining waste policy, and reevaluating nuclear criticality safety analyses and controls.
 - b. **Status:** This document was requested for delivery by October 24, 2025, but NNSA has not yet provided it or explicitly denied the request.
3. List of DOE regulations being considered for sunset as identified in an appointment for NNSA's bimonthly operations and safety call.
 - a. **Safety rationale:** DOE may terminate regulations that impact nuclear safety.
 - b. **Status:** This document was requested for delivery by December 18, 2025, but DOE has not yet provided it or denied the request. This request was overcome when DOE [issued a direct final rule](#) to insert sunset provisions into several of its regulations in May 2026. However, this item is included for completeness.
4. The most recent version of any draft revisions currently being considered for Title 10 Code of Federal Regulations (10 CFR) Part 835, *Occupational Radiation Protection*, including any supporting documentation or memoranda.
 - a. **Safety rationale:** This is a DOE regulation that is foundational for protecting workers from radiation hazards at defense nuclear facilities.

- b. **Status:** This document was requested for delivery by December 18, 2025, but DOE has not yet provided it or explicitly denied the request.
- 5. Secretary of Energy memorandum regarding potential revisions to 10 CFR Part 835, *Approval to Eliminate ALARA [As Low As Reasonably Achievable] from All DOE Directives and Regulations* (per EXEC-2025-013258 or similar).
 - a. **Safety rationale:** This is a DOE regulation that is foundational for protecting workers from radiation hazards at defense nuclear facilities.
 - b. **Status:** This document was requested for delivery by January 6, 2026, but DOE has not yet provided it or explicitly denied the request.
- 6. Report from the DOE Office of Enterprise Assessments developed in response to a memorandum from the Deputy Secretary of Energy requesting a special 120-day study of the plutonium pit production mission, dated August 11, 2025.
 - a. **Safety rationale:** NNSA has emphasized the need for a culture of urgency and a production-focused mindset for high-hazard operations related to plutonium pit production. The report's recommendations will inform decisions that affect the nuclear safety posture of current and future plutonium pit production mission activities.
 - b. **Status:** This document was requested for delivery by February 13, 2026. DOE has completed the report, but has not yet provided it or explicitly denied the request.
- 7. The Board's staff review assessing safety of electrical testers used in the assembly, disassembly, and refurbishment of nuclear explosives at the Pantex.
 - a. **Safety rationale:** These electrical testers are part of a credited safety management program in the Pantex safety basis. Sending errant electrical energy into a nuclear explosive device can cause significant hazards. These testers also confirm the operability of certain nuclear weapon safety components relied upon in the Pantex safety basis.
 - b. **Status:** NNSA supported two interactions with the Board's staff on January 28–29, 2026, at Pantex, and February 10, 2026, with Sandia National Laboratories. However, on March 11, 2026, NNSA stated that it was pausing its support of the review, including providing requested documents, while evaluating whether the review scope was within the Board's legal jurisdiction. NNSA has not yet provided the results of its review.

8. Electronic access to existing site databases provided previously by the NNSA Nevada Field Office, in accordance with the [Memorandum of Understanding](#) and [Supplementary Agreement](#).
 - a. **Safety rationale:** These databases provide operational awareness of activities at NNSS that inform the Board's statutory safety oversight responsibilities.
 - b. **Status:** NNSA revoked longstanding access to these databases in February 2026 without informing the Board's staff. The Board's staff re-requested access on March 11, 2026. NNSA responded that the Board's staff access request was under review, without further explanation. NNSA has not yet provided or explicitly denied this access.
9. Access to observe virtually biweekly meetings on issues affecting NNSS safety bases.
 - a. **Safety rationale:** These meetings provide operational awareness of safety-related activities at NNSS that inform independent oversight by the Board's staff.
 - b. **Status:** On March 16, 2026, NNSA revoked longstanding access to these meetings without informing the Board. The Board's staff re-requested access on March 16, 2026. NNSA has not yet responded to this access request.