



# **Inspector General's Assessment of the Most Serious Management and Performance Challenges Facing the Defense Nuclear Facilities Safety Board in Fiscal Year 2023**



Hanford Site, River Corridor (Source: hanford.gov)

### WHY WE DID THIS REPORT

The Reports Consolidation Act of 2000 (Public Law 106-531) requires the Office of the Inspector General (OIG) to annually update our assessment of the most serious management and performance challenges facing the Defense Nuclear Facilities Safety Board (DNFSB) and the agency's progress in addressing those challenges.

### WHAT WE FOUND

The DNFSB is an independent oversight organization within the Executive Branch created by Congress in 1988. The DNFSB is considered a critical oversight agency as it performs its mission to provide independent analysis, advice, and recommendations to the Secretary of Energy, thereby helping the Secretary ensure adequate protection of public health and safety at defense nuclear facilities in the Department of Energy (DOE). The President's Budget for fiscal year (FY) 2023 requested \$41,401,400 and 120 full-time equivalent employees (FTEs) for the DNFSB to carry out its mission. This is a 34 percent increase from the agency's FY 2022 appropriation level of \$31,000,000. The DNFSB achieved a staffing level of 103 FTEs by the end of FY 2021 and 113 as of August 31, 2022. With input from DNFSB leadership, the OIG has assessed, developed, and described the DNFSB's most serious challenges for FY 2023, noting each challenge, actions already taken by the DNFSB to address the challenge, and continuing work applicable to the challenge. The challenges are:

1. Leading a healthy and sustainable organizational culture and climate;
2. Ensuring the effective acquisition and management of mission-specific infrastructure, including cyber, physical, and personnel security, and data;
3. Continuing a systematic safety focus in the DNFSB's technical safety oversight and reviews;
4. Strengthening the DNFSB's readiness to respond to future mission-affecting disruptions; and,
5. Managing the DNFSB's efforts to elevate its visibility, credibility, and influence, and to assess and improve its relationship with the DOE and external stakeholders.

By addressing these challenges, the DNFSB can not only execute its mission more efficiently and effectively, but also achieve progress toward its strategic goals and maintain the highest level of accountability over taxpayer dollars.

## **AGENCY RESPONSE TO MANAGEMENT CHALLENGES FOR FY 2022**

During FY 2022, the DNFSB made progress in addressing its most serious management challenges for the year, as identified by the OIG. The DNFSB actions included implementing and closing out all OIG recommendations from the Audit of the DNFSB's Telework Program (DNFSB-17-A-06), Audit of the DNFSB's Compliance with the Digital Accountability and Transparency Act of 2014 (DATA Act) (DNFSB-20-A-02), and Audit of the DNFSB's Financial Statements for Fiscal Year 2020 (DNFSB-21-A-03).

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## Introduction



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### **FROM THE INSPECTOR GENERAL**

I am pleased to present our assessment of the most serious management and performance challenges facing the DNFSB in FY 2023.

The Reports Consolidation Act of 2000 requires us to annually update our assessment of the most serious management and performance challenges facing the DNFSB and the agency's progress in addressing those challenges. In this report, we provide our updated assessment in these areas.

### **ABOUT THE OFFICE OF THE INSPECTOR GENERAL**

In accordance with the 1988 Amendments to the Inspector General Act of 1978, the OIG was established on April 15, 1989, as an independent and objective unit to conduct and supervise audits and conduct investigations pertaining to the U.S. Nuclear Regulatory Commission. Pursuant to the Consolidated Appropriations Act for Fiscal Year 2014 (Public Law 113-76), the Inspector General of the U.S. Nuclear Regulatory Commission was assigned to also serve as the DNFSB's Inspector General. The purpose of the OIG's audits and investigations is to prevent and detect fraud, waste, abuse, and mismanagement, and promote economy, efficiency, and effectiveness in DNFSB programs and operations. In addition, the OIG reviews existing and proposed regulations, legislation, and directives, and provides comments, as appropriate, regarding any significant concerns. The Inspector General keeps the DNFSB Chair and Congress informed about problems, recommends corrective actions, and monitors the DNFSB's progress in implementing such actions.

### **ABOUT THE BOARD MEMBERS**

The DNFSB's full decision-making body consists of five Board members, including its Chair. As of the date of this report, however, the DNFSB has three Board members, one of whom also serves as its Chair, and two vacant positions.

On January 21, 2021, President Biden designated Ms. Joyce Connery as the DNFSB Chair. Ms. Connery has been a member of the Board since August 2015, and was reconfirmed by the Senate on July 2, 2020, for a term expiring October 18, 2024. Ms. Connery began her career at the national laboratories, first serving in Kazakhstan working on the shutdown of the BN-350 fast breeder reactor and then returning to Washington, DC, to work in the Office of International Safety in the DOE's National Nuclear Security Administration (NNSA). She has served in



several capacities at the DOE, including as the senior policy advisor to the Deputy Secretary of Energy, and two tours with the National Security Council. From February 2008 through May 2010, she worked in the areas of nonproliferation and nuclear security, and from January 2012 through July 2015, she served as Director for Nuclear Energy Policy within the Office of International Economics. Mr. Thomas A. Summers was confirmed by the Senate on July 2, 2020, for a term expiring October 18, 2025. Mr. Summers currently serves as the DNFSB Vice Chair. Prior to that, he served as the DNFSB Acting Chair from September 13, 2020, until Ms. Connery's designation. He previously served as Senior Advisor to the Deputy Administrator and as the Deputy for Research, Development, Test, and Evaluation in the Office of Defense Programs at the DOE's NNSA. He is a retired U.S. Air Force colonel with more than three decades of active duty in a variety of command, teaching, military staff, and scientific positions.

Ms. Jessie Hill Roberson was confirmed by the Senate on July 2, 2020, for a term expiring on October 18, 2023. Ms. Roberson has more than 30 years of experience in the nuclear field in both the public and private sectors. She has managed field operations at several DOE nuclear plants and has served as Assistant Secretary of Energy for the Environmental Management Program in Washington, DC, where she had leadership responsibilities including operations, safety, financial, and policy matters across the DOE's Defense Nuclear Complex. Ms. Roberson has also served in management roles at several commercial nuclear facilities with responsibilities including plant engineering, regulations/licensing and compliance, nuclear operations, public interface, and emergency management.

## **ABOUT THE DNFSB**

The DNFSB, an independent oversight organization within the Executive Branch, was created by Congress in September 1988 in response to growing concerns about the level of health and safety protection that the DOE was providing the public and workers at defense nuclear facilities. In doing so, Congress sought to provide the general public with added assurance that the DOE's defense nuclear facilities are being safely designed, constructed, operated, and decommissioned.

Under the Atomic Energy Act of 1954, and as stated in 42 U.S.C. § 2286a(a), the mission of the Board "shall be to provide independent analysis, advice,



Savannah River Site, Saltstone Disposal Unit  
(Source: srs.gov)

and recommendations to the Secretary of Energy to inform the Secretary, in the role of the Secretary as operator and regulator of the defense nuclear facilities of the DOE, in providing adequate protection of public health and safety at such defense nuclear facilities, including with respect to the health and safety of employees and contractors at such facilities.” The last clause in this mission statement was added by the National Defense Authorization Act (NDAA) for Fiscal Year 2020 (Pub. L. No. 116-92). This clause reflects Congress’ intent to ensure the Board and all stakeholders understand that the DNFSB’s mission clearly encompasses the health and safety of workers as well as the public.

In addition to evaluating the content and implementation of health and safety standards, the DNFSB reviews other requirements relating to the design, construction, operation, and decommissioning of the DOE’s defense nuclear facilities. Beyond its regulatory oversight mission, as a federal agency, the DNFSB must be a responsible steward of taxpayer dollars.

The President’s Budget for FY 2023 identified a budget of \$41,401,400 and 120 FTEs for the DNFSB to carry out its mission in FY 2023. This is a 34 percent increase from the agency’s FY 2022 appropriation level of \$31,000,000. The DNFSB achieved a staffing level of 103 FTEs by the end of FY 2021 and 113 FTEs as of August 31, 2022. The budget request notes that the increase is driven by an enhanced need for oversight of defense nuclear facilities that aligns with the DOE’s modernization efforts; necessary staffing increases to execute the Board’s mission; and, the requirement to have appropriate infrastructure and capabilities in place to support effective DNFSB operations. The DNFSB also reported it will continue to execute an aggressive staffing plan focused on hiring highly skilled engineers, scientists, and professionals to support the agency’s mission. The Board’s FY 2023 budget request also identified a need for enhanced capabilities and improvements related to cybersecurity, physical security, secure communications, information technology modernization, technical efficiencies, organizational effectiveness, and progress on diversity, equity, inclusion, and accessibility throughout the agency.

## **TECHNICAL WORK PLANNING**

The DNFSB revised its planning process for technical work to prepare for FY 2022. The DNFSB’s Office of the Technical Director (OTD) sought to identify and optimize a set of work and oversight activities that are in line with the Board’s policies, priorities, and strategic plan. In particular, the OTD aligned its planning process to support agency strategic objectives by completing timely, high-quality safety reviews that identify and analyze safety issues and best practices, and search for similar challenges complex-wide. As a result, the OTD limited the total number of planned safety reviews for FY 2022 to 91. The OTD selected these 91 safety reviews based on priority and resource constraints, and

ensured each safety oversight plan area included appropriate coverage, with the intention to focus on completing a higher percentage of planned safety reviews.

The DNFSB expected to complete a total of 41 FY 2022 planned reviews by September 30, 2022. The DNFSB cancelled 11 FY 2022 planned reviews, and added eight emergent reviews to the plan. The DNFSB expected to carry over 43 reviews from the FY 2022 plan, and add 41 new reviews to the FY 2023 technical work plan. The FY 2023 technical work plan was scheduled to be completed during September 2022, prior to the new fiscal year. The OTD noted that carry-over work and cancellations can result from several factors, including changes to DOE schedules, restraints such as travel restrictions, emergent higher priority work, and resource limitations, especially when the workload calls for certain more technically specialized staff than may be available.

### **CLOSURE OF OIG AUDIT RECOMMENDATIONS TO THE DNFSB**

As of September 2022, the DNFSB closed five remaining OIG audit recommendations from three audit reports during FY 2022. Closing a recommendation means the DNFSB has not only decided on an acceptable course of action to fulfill the intent of the recommendation, but also has documented its completion of the necessary work. Closure of the final recommendations supports closure of the associated reports, which were:

- Audit of the DNFSB's Telework Program (DNFSB-17-A-06);
- Audit of the DNFSB's Compliance with the Digital Accountability and Transparency Act of 2014 (DATA Act) (DNFSB-20-A-02); and,
- Audit of the DNFSB's Financial Statements for Fiscal Year 2020 (DNFSB-21-A-03).

Along with the work to close OIG audit recommendations, the DNFSB made some progress in its plans to strengthen the organization's ability to execute its mission. In particular, the Board has taken actions to implement recommendations from a November 2018 report of the National Academy of Public Administration (NAPA).

### **POLICY AND STRATEGY**

The Board stated in its 2022 Annual Report to Congress that it had reviewed and updated its internal policies in light of various developments over the last few years, including statutory changes such as the establishment of the Executive Director of Operations (EDO) position; interface issues with the DOE; and, the NAPA report.

The Board approved a Board Policy Statement on Recommendations, which updated a policy originally issued in 1990. This policy on the development of



recommendations to the Secretary of Energy outlines the formulation of potential recommendations, the use of closed meetings and/or nonpublic collaborative discussions for the purposes of discussing potential recommendations, the transmittal of approved draft and final recommendations, actions in the event the DOE rejects a recommendation, the evaluation of DOE implementation plans for recommendations, and the assessment for closure of recommendations.

The agency is also working to update directives consistent with Board policies and legal requirements, using the new EDO structure to evaluate, update, and reissue directives and operating procedures. These directives provide guidance necessary to the Board and staff to execute laws, regulations, executive orders, or the Board's policies.

In May 2022, the Board approved a Strategic Plan for fiscal years 2022–2026. The Strategic Plan sets goals and objectives aimed at providing the Board's "best advice to the defense nuclear complex, efficiently, effectively, and transparently." Additionally, the plan is intended to "cultivate a multitalented, dynamic staff that embodies the Board's core values, focuses on the mission, and continuously hones its skills through training and development." The Board's revised Strategic Plan sets the following strategic goals:

**Goal 1—** Provide proactive and independent safety oversight of the defense nuclear complex;

**Goal 2—** Enhance transparency of ongoing agency initiatives and state of safety within the defense nuclear complex;

**Goal 3—** Develop and maintain an outstanding workforce to achieve the agency's mission; and,

**Goal 4—** Maximize the DNFSB's performance by pursuing excellence in our agency culture and operations.

## ONGOING CHALLENGES

Several DNFSB accomplishments over the last year respond to the management and performance challenges previously identified by the OIG. However, the most serious management and performance challenges summarized in the following pages highlight critical areas that demand continued DNFSB management focus:

- Culture and climate – In spite of progress made, the OIG continues to receive feedback from DNFSB staff and management about remaining impediments in the implementation of changes to organizational functions, hiring practices, and communications;

- Working relationship with the DOE – Recently completed agreements represent important milestones in the restoration of the Board’s longstanding productive relationship with the DOE, but applying the terms of the agreements to working relationships remains ahead; and,
- The hybrid work environment – Use of information technologies to promote connectedness across a hybrid work environment will increase system complexity and potential risks to be managed.

## **DNFSB FY 2023 MANAGEMENT AND PERFORMANCE CHALLENGES**

We have assessed, developed, and described each of the DNFSB’s most serious challenges for FY 2023, noting actions already completed by the agency, and the Board’s continuing work on each challenge. The challenges are not listed in any order of priority, nor do they necessarily equate to problems; rather, they should be considered areas of continuing important focus for DNFSB management and staff.

DNFSB leadership noted its own assessment of the key challenges facing the agency in its response to the OIG’s request for input in this area. We have considered this input and independently identified the following five clear, specific, and actionable challenges that DNFSB must address in FY2023:

1. Leading a healthy and sustainable organizational culture and climate;
2. Ensuring the effective acquisition and management of mission-specific infrastructure, including cyber, physical and personnel security, and data;
3. Continuing a systematic safety focus in the DNFSB’s technical safety oversight and reviews;
4. Strengthening the DNFSB’s readiness to respond to future mission-affecting disruptions; and,
5. Managing the DNFSB’s efforts to elevate its visibility, credibility, and influence and to assess and improve its relationship with the DOE and external stakeholders.

This report presents each challenge we have identified, along with the actions taken by the DNFSB and the Board’s continuing work applicable to the challenge. By addressing these challenges, the DNFSB can not only execute its mission more efficiently and effectively, but also achieve progress toward its strategic goals and maintain the highest level of accountability over taxpayer dollars.

## Challenge 1: Leading a Healthy and Sustainable Organizational Culture and Climate

### **WHY IS THIS A SERIOUS MANAGEMENT AND PERFORMANCE CHALLENGE?**

This has been a longstanding, systemic challenge for staff and senior leadership that has adversely affected the DNFSB's ability to fulfill its mission.

### **CHALLENGE SYNOPSIS**

The DNFSB has experienced significant challenges that have affected its work culture and climate. Over several years, the DNFSB's high employee turnover, inadequate succession planning, major reorganizations, and internal communication issues were further compounded by issues involving a lack of collegiality among the Board members themselves. These challenges negatively affected trust and employee engagement throughout the agency.

Previous OIG audit work and a FY 2018 report by the NAPA identified instances where an unsupportive culture and climate had impeded the efficiency and effectiveness of DNFSB processes. Both organizations provided numerous recommendations to help address these culture and climate deficiencies, especially in the areas of hiring practices and succession planning.

While a FY 2021 OIG review of the DNFSB's Safety Culture and Climate Survey showed broad improvements in the categories of leadership, ethics, and professionalism, there is ongoing concern about employee morale, recruiting new hires, and retention. One significant area of concern has been the provision of human resources adequate to support the agency's mission. The DNFSB has made progress and must continue to effectively recruit new hires, strengthen performance management, and increase employee engagement and retention. In its most recent budget request, the DNFSB requested 120 FTEs to carry out its mission for FY 2023.

### **ONGOING ACTIONS**

The DNFSB is pursuing hiring actions to achieve staffing levels of 115 employees in FY 2022 and 120 in FY 2023.

In 2022, the DNFSB began working with a human resources contractor. Over the term of the contract, the contractor will conduct analyses, revise procedures and guidance documents, and develop the agency's first human capital strategic plan.

### **COMPLETED ACTIONS**

The DNFSB's contract partner has developed a detailed hiring process map documenting the steps to ensure merit principles and EEO reporting requirements are met in excepted service hiring.

The DNFSB has established a working group to provide input into the human capital strategic plan development.

## Challenge 2: Ensuring the Effective Acquisition and Management of Mission-Specific Infrastructure, Including Cyber, Physical, and Personnel Security, and Data

### **WHY IS THIS A SERIOUS MANAGEMENT AND PERFORMANCE CHALLENGE?**

Effective and efficient centralized administrative functions in corporate support services are needed to enable DNFSB management and staff to carry out the agency mission. Furthermore, cybersecurity threats are constantly evolving and physical security over internal infrastructure is a continuing challenge for all federal entities.

### **CHALLENGE SYNOPSIS**

The DNFSB should continue exploring ways to improve its administrative functions. Technical staff rely on DNFSB corporate support services, such as contract and human resources support, financial reporting, and information technology services, to perform mission functions effectively. These investments enable the staff to do mission-critical work more efficiently and effectively.

In parallel, the DNFSB must continue to use robust, proactive measures to protect its infrastructure—buildings, personnel, and information—from both internal and external threats. Criminals and foreign intelligence organizations pose continuous external threats, while insiders who could maliciously or unintentionally compromise the security of facilities and information systems may pose internal threats. Information security presents unique challenges because it requires balancing safeguards with the access needs of legitimate users. Cybersecurity threats are constantly evolving, and hostile actors may take advantage of current trends such as the use of hybrid and remote work options.



### **ONGOING ACTIONS**

The DNFSB continues to implement OIG recommendations from past Federal Information Security Modernization Act audit reports.

The DNFSB continues to make enhancements to its physical and cybersecurity infrastructure.

The DNFSB continues to implement up-to-date platforms, systems, and software with interoperability, where possible.

### **COMPLETED ACTIONS**

The DNFSB has defined information system user training requirements in a Security Awareness Training Policy.

The DNFSB updated its information technology Incident Response Plan.

The DNFSB finalized a Supply Chain Risk Management Strategic Plan for the agency's General Support System.

The DNFSB has prepared an information technology Risk Management Framework Handbook to support implementation of the Risk Management Framework.

## Challenge 3: Continuing a Systematic Safety Focus in the DNFSB's Technical Oversight and Reviews

### **WHY IS THIS A SERIOUS MANAGEMENT AND PERFORMANCE CHALLENGE?**

The Board's mission is to provide independent analysis, advice, and recommendations to the Secretary of Energy in providing adequate protection of public health and safety related to defense nuclear facilities. The best way to ensure adequate protection and increase public confidence in the safety of nuclear weapons facilities and waste is to maintain an independent technical oversight process.

### **CHALLENGE SYNOPSIS**

When DNFSB technical staff members evaluate safety at DOE facilities, they must analyze many unique processes and hazards. Complex operations critical to national defense include assembly and disassembly of nuclear weapons, fabrication of plutonium pits and weapon secondary assemblies, production and recycling of tritium, nuclear criticality experiments, and experiments to characterize special nuclear materials under extreme conditions.

Key technical program challenges for the Board include:

- Ensuring that operations are conducted in a manner that is accountable and transparent, directing the Board's resources toward oversight of the most significant potential safety risks in the DOE's defense nuclear complex;
- Maintaining open and effective communication with the DOE that enables problem solving through mutual understanding of safety issues that require action as well as factors that may constrain action to address safety issues;
- Ensuring that DNFSB staff at DOE facilities have well defined guidance for the oversight function;
- Ensuring that internal controls are fully understood and implemented; and,
- Continuing to attract, develop, and sustain staff that earn the respect and confidence of the public and the DOE through its expertise in nuclear safety and performance of its oversight functions.

## **ONGOING ACTIONS**

The DNFSB is updating its Board Policy Statements to include the use of a systematic and graded approach to safety oversight that incorporates Board safety priorities established through its strategic plan and performance goals.

The DNFSB will work with the DOE as the department develops its implementation plan for addressing the aging infrastructure and other safety framework issues raised in the Board's Recommendation 2020-1.

The DNFSB continues to implement its work planning process, such that the Board's resources are directed at the most significant potential safety risks in the DOE's defense nuclear complex.

## **COMPLETED ACTIONS**

The Board completed a review of the DOE's directives governing safety analyses for onsite transportation activities. A January 2022 Board letter detailed concerns with the lack of requirements or detailed guidance for developing transportation safety documents and with the inadequate level of technical analysis of the hazards and accident scenarios for onsite transportation at Los Alamos National Laboratory.

In a letter to the Secretary of Energy, the Board provided the results of a review of the documented safety analysis for Hanford's tank farms facility. The Board found that the safety analysis uses a dated methodology and lacks sufficient documentation to support its conclusions regarding safety risk to workers and the public.

## Challenge 4: Strengthening the DNFSB's Readiness to Respond to Future Mission-Affecting Disruptions

### **WHY IS THIS A SERIOUS MANAGEMENT AND PERFORMANCE CHALLENGE?**

During the COVID-19 pandemic, unprecedented actions were needed to allow the DNFSB's management and staff to continue to accomplish the agency mission and operate effectively. The lessons learned from COVID-19 are critical to the DNFSB's readiness for any future mission-affecting disruptions.

### **CHALLENGE SYNOPSIS**

On March 13, 2020, the President of the United States declared a national emergency associated with the COVID-19 outbreak. Soon thereafter, the Office of Management and Budget issued mandatory telework orders to federal agencies, resulting in implementation of the DNFSB Continuity of Operations Plan for COVID-19 Pandemic Response. On June 15, 2020, the DNFSB Inspector General received a letter from Congress requesting the examination of the DNFSB's plans and procedures for returning employees to federal offices in the wake of the COVID-19 pandemic. The resulting IG report, issued in September 2020, found that the DNFSB's plan for returning employees to work was not prepared in full accordance with government-wide guidance and agreed-upon best practices for safe, healthy, and effective office reopening. In response to the report, the DNFSB approved and implemented its Pandemic Response and Recovery Plan, including procedures for technical staff to work safely in the field as the pandemic has continued.

In light of COVID-19, the DNFSB should be prepared for any possible mission-affecting disruptions, such as pandemics, natural disasters, cybersecurity events, or civil disturbances. This should entail Continuity of Operations and emergency planning, effective telework policies, and the infrastructure necessary to ensure that the DNFSB can safely, effectively, and securely execute its safety oversight mission in times of uncertainty.

### **ONGOING ACTIONS**

The DNFSB is now on Version 3 of its Pandemic Response and Recovery Plan, which includes updated government guidance. The Board approved the current plan on April 29, 2022.

DNFSB staff will continue to provide a more thorough staffing analysis to the Board for FYs 2023 and 2024. This analysis will address increased staffing of Resident Inspectors to account for retirements or other potential departures. Likewise, DNFSB staff have planned for potential attrition by double encumbering appropriate positions to ensure seamless turnover.

### **COMPLETED ACTIONS**

The DNFSB updated its Telework Program Directive and Operating Procedure, which supports the agency's readiness by ensuring a strong capability to carry out work remotely. These were approved by the Executive Director of Operations on December 9, 2021.

The DNFSB implemented its onboarding plan for 17 employees in 2021, using new digital modules for knowledge transfer.

Starting in FY 2022, the DNFSB staff proposed a staffing plan that supplements the current year staffing plan with outyear staffing needs.



## Challenge 5: Managing the DNFSB's Efforts to Elevate its Visibility, Credibility, and Influence, and to Assess and Improve Its Relationship with the DOE and External Stakeholders

### **WHY IS THIS A SERIOUS MANAGEMENT AND PERFORMANCE CHALLENGE?**

The need for continued cooperation with the DOE is extremely important considering the previous controversy surrounding DOE Order 140.1, and recent differences between the DNFSB and the DOE, and external stakeholders.

### **CHALLENGE SYNOPSIS**

In 2018, the DOE published Order 140.1, which restricted the Board's access to information and diminished the Board's ability to effectively carry out its statutory mandate. The DOE had also rejected many aspects of the Board's Recommendation 2020-1, Nuclear Safety Requirements, issued in February 2020. Recommendation 2020-1 was intended to strengthen the DOE's regulatory framework.

The NDAA for Fiscal Year 2020 amended the Atomic Energy Act of 1954 to clarify the Board's jurisdiction and the DOE's responsibilities for granting the Board access to information, facilities, and personnel. This revision to the Atomic Energy Act resolved many of the problems that the DOE's implementation of DOE Order 140.1 had on the Board's ability to perform its mission.

The Board received a letter from the Secretary of Energy in September 2021, stating that the DOE would accept DNFSB Recommendation 2020-1, commit to a regulatory analysis to assess the need for rule changes, and update its responses with the intention of meeting safety improvement objectives of the DNFSB's recommendation. The Board acknowledged the DOE's acceptance of the recommendation, while noting that some DOE responses do not fully embrace actions recommended by the Board. However, the Board has stated that constructive staff-level interactions have facilitated productive discussions regarding specific DOE facilities' efforts to address site-specific Board safety recommendations.

### **ONGOING ACTIONS**

Every 6 months, the Board reports to Congress any instances when the DOE denied the DNFSB access to information. The most recent report on July 1, 2022, reported no denials.

The DNFSB continues to work with the NNSA toward closeout of Recommendation 2019-1, Uncontrolled Hazard Scenarios and 10 CFR Part 830 Implementation at the Pantex Plant. The NNSA completed several of the plan's deliverables in 2020 and 2021 and is working to complete all the identified safety improvements by September 2023.

### **COMPLETED ACTIONS**

Congress directed the Board to work with the DOE to develop a bilateral memorandum of understanding to address ongoing interface issues between the two agencies. The memorandum of understanding was substantially completed during calendar year 2021, and it was signed by the Deputy Secretary of Energy and the DNFSB Chair on February 17, 2022.

The Board has further strengthened its work with key external stakeholders. During the year, the Board and staff engaged with key Congressional staff and several senior DOE leaders.

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## TO REPORT FRAUD, WASTE, OR ABUSE

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Office of the Inspector General  
Hotline Program  
Mail Stop O5-E13  
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Rockville, MD 20852

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## COMMENTS AND SUGGESTIONS

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If you wish to provide comments on this report, please email the OIG using this [link](#).

In addition, if you have suggestions for future OIG audits, please provide them using this [link](#).