



Defense Nuclear Facilities Safety Board: Opportunities Exist to Further Improve Management and Planning

GAO-25-107948 [Accessible Version]

Q&A Report to Congressional Committees

September 4, 2025

Why This Matters

The Defense Nuclear Facilities Safety Board (DNFSB) is the only federal agency that provides independent oversight of the Department of Energy's (DOE) public health and safety protections at the approximately 100 defense nuclear facilities at 10 active DOE sites in the United States. Such oversight is crucial as DOE expands the nuclear security enterprise and increases its operational tempo to support the nation's nuclear weapons stockpile and address defense-related waste.

In 2018, assessments by the National Academy of Public Administration (NAPA) and the Nuclear Regulatory Commission Office of Inspector General (NRC OIG) identified shortcomings in DNFSB's management that created a dysfunctional organizational culture and performance problems. These and subsequent assessments described a deterioration in the effectiveness of the agency and its five-member Board in engaging with Congress and DOE. These independent entities and GAO made recommendations to DNFSB to improve its management.

Senate Report No. 118-188 includes a provision for GAO to conduct a general management review of DNFSB with a focus on whether past findings from independent assessments have been fully addressed. We are providing information on how DNFSB has responded to recommendations from past independent assessments and what recommendations remain challenging for DNFSB to implement.

Key Takeaways

DNFSB has fully addressed 36 of the 41 recommendations from us, NRC OIG, and NAPA. DNFSB's actions have generally helped (1) enhance collaboration with stakeholders, (2) improve internal processes, and (3) improve employee morale.

Some recommendations remain challenging for DNFSB to fully address. For example, as of August 2025, the Board was below quorum, with two of five seats filled and one member's term expiring in October 2025. The National Defense Authorization Act for Fiscal Year 2020 restricted Board members from serving past their terms in most cases. With one seated member, the Board's authority will be limited.

We recommend that DNFSB revise its human capital plan to include details such as who is responsible for achieving the plan's stated goals, how they will achieve it, and by when. Because DNFSB's primary resource is its people, ensuring that staff responsibilities are well defined will help support mission performance.

Why did Congress establish DNFSB as an independent agency?

Congress established DNFSB in 1988 as an independent agency within the executive branch.¹ Its mission is to provide analysis, advice, and recommendations to the Secretary of Energy to inform the Secretary on providing adequate protection of public health and safety at DOE's defense nuclear facilities.² DNFSB reviews and evaluates the content and implementation of DOE's defense nuclear facilities design, construction, operation, and decommissioning standards. DNFSB also investigates any event or practice at defense nuclear facilities that it determines has adversely affected, or may adversely affect, public health and safety.

DNFSB emerged when the sense of urgency about maintaining a strong nuclear deterrent forced the prioritization of production over safety concerns, according to a September 2009 Library of Congress report.³ However, the waning of the Cold War and nuclear accidents at commercial nuclear reactor sites such as Three Mile Island and Chernobyl shifted the focus to safety. Accidents eroded public trust and led officials and lawmakers to question DOE's capacity to manage the country's nuclear weapons complex and ensure the safety of operations without independent external oversight. Congress established DNFSB as external to and independent from DOE. This might have been, in effect, an acknowledgment that internal oversight might make trade-offs between programmatic objectives and safety considerations.

DNFSB's enabling statute also stipulated that DNFSB should be led by a Board made up of five Presidentially appointed and Senate-confirmed members. Board members are to be "respected experts in the field of nuclear safety" and no more than three of them may be of the same political party. According to the September 2009 Library of Congress report, key to the power of the Board is the eminence and capabilities of its five members. By creating a body of seasoned experts who would serve as honest and balanced brokers of technical information, Congress could ensure that it would receive unbiased and timely information on the state of the DOE complex as it related to the health and safety of workers and the public.

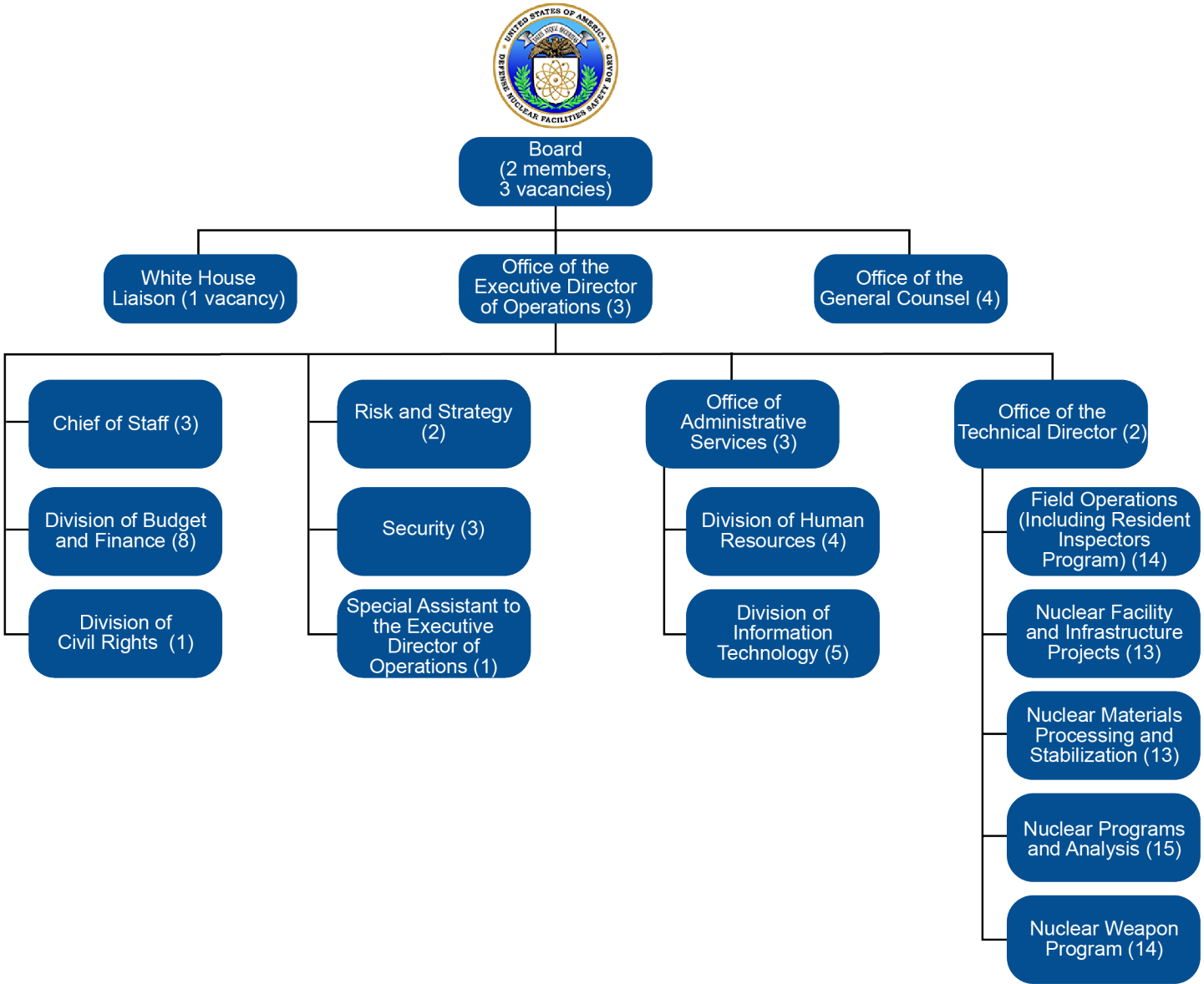
DNFSB does not have regulatory or enforcement authorities. It neither establishes regulations for nor imposes noncompliance penalties on DOE. However, its enabling statute contains elements designed to ensure that the agency's advice carries significant weight and cannot be easily dismissed or disregarded. Specifically, DNFSB makes recommendations to the Secretary of Energy regarding safety at DOE's defense nuclear facilities and must publish these recommendations for public comment. The Secretary of Energy must respond to DNFSB's recommendations in writing. DNFSB also is to report to selected congressional committees on its recommendations to DOE and any outstanding safety problems each year.

What is DNFSB's role in providing oversight of DOE's defense nuclear facilities?

The activities that DNFSB typically oversees at DOE's defense nuclear facilities entail high-consequence (although low-probability) risks to workers, the public, and the environment. For example, some of the work conducted at these facilities involves the handling of radioactive and hazardous materials, such as plutonium and radioactive wastes that, if not handled safely, could cause nuclear accidents or expose workers, the public, and the environment to heavy doses of radiation. Other work that DNFSB monitors at DOE sites is also inherently dangerous, such as the production, handling, and testing of certain explosive materials that are essential to the operation of U.S. nuclear weapons.⁴

To execute its work, DNFSB has a workforce of about 110 technical, legal, and administrative staff that is led by the Executive Director of Operations and the Board (see fig. 1).

Figure 1: DNFSB’s Organizational Structure and Office Staffing Level as of June 2025



Source: GAO analysis of Defense Nuclear Facilities Safety Board (DNFSB) information. | GAO-25-107948

About 65 percent of DNFSB’s staff are in technical positions within the Office of the Technical Director. This includes staff that are located at DNFSB’s headquarters in Washington, D.C., and resident inspectors and other technical staff assigned to five of the 10 DOE sites within its purview—Hanford Site in Washington, Los Alamos National Laboratory in New Mexico, Pantex Plant in Texas, Savannah River Site in South Carolina, and Oak Ridge National Laboratory and Y-12 National Security Complex both in Tennessee.

DNFSB’s enabling statute instructs DOE, along with its contractors, to fully cooperate with DNFSB and provide the agency with prompt and unfettered access to such facilities, personnel, and information the agency considers necessary to carry out its responsibilities. DOE’s Order 140.1A establishes requirements and responsibilities when DOE line management is working with DNFSB.⁵

DOE has offices with safety management responsibilities which interface with DNFSB. Specifically, DOE's Office of Environment, Health, Safety and Security is DOE's central organization responsible for policy development and technical assistance, safety analysis, and corporate safety and security programs. Within this office is also the Office of the Departmental Representative to the DNFSB, which represents DOE in regular and continuing interactions with DNFSB and manages the resolution of DNFSB-related technical and management issues. The National Nuclear Security Administration and other offices, such as DOE's Office of Environmental Management and the field offices associated with DOE sites, also have safety management responsibilities and interface with DNFSB.⁶

DNFSB issued its most recent recommendation to DOE in January 2024.⁷ DNFSB reviewed the transportation of radioactive materials on a single DOE site—Los Alamos National Laboratory in New Mexico. DOE requires that its site contractors identify what types of transportation-related accidents could occur and how they could be prevented or mitigated. DNFSB found that the site was not analyzing accidents (e.g., a vehicle crash off a steep cliff) and did not have adequate safety controls in its transportation safety document. DNFSB recommended that DOE strengthen its regulatory safety framework related to on-site transportation and address safety deficiencies in Los Alamos National Laboratory's transportation safety document to ensure adequate protection of public health and safety.⁸

According to DNFSB's annual performance report, DNFSB issued 20 letters with associated technical reports identifying safety issues in fiscal year 2024. Of these letters, 10 included a reporting requirement for DOE. For example:

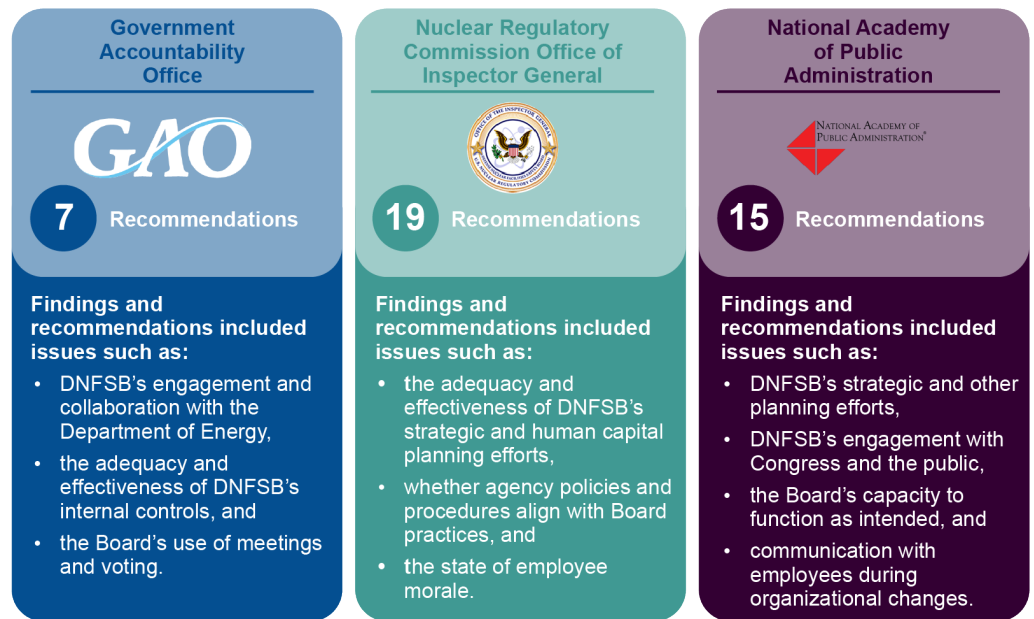
DNFSB identified concerns with design assumptions for facility worker safety at the Savannah River Plutonium Processing Facility project located at the Savannah River Site in Aiken, South Carolina. The assumption is that facility workers would be able to use their senses to detect a spill or fire and exit the facility before receiving any radiological exposure. DNFSB noted that this assumption of worker self-protection was not aligned with other DOE plutonium processing facilities' design assumptions and requested that DOE provide a written report and briefing on the issue.

In addition, DNFSB's resident inspectors provide day-to-day observations of nuclear operations at the five sites where they are located and record their observations in weekly reports to the Board. DNFSB's cognizant engineers provide similar observations on a monthly basis for the five sites without resident inspectors. DNFSB publishes these weekly and monthly reports on the agency's website for the public or any interested party.

What recommendations have independent entities made to DNFSB?

We identified 41 recommendations that independent entities have made to DNFSB to help the agency improve its management (see fig. 2).

Figure 2: Independent Entities' Recommendations to DNFSB that GAO Identified



Source: GAO analysis of independent assessments of Defense Nuclear Facilities Safety Board (DNFSB). | GAO-25-107948

Accessible Data for Figure 2: Independent Entities' Recommendations to DNFSB that GAO Identified

Government Accountability Office [seven recommendations]

Findings and recommendations included issues such as:

- DNFSB's engagement and collaboration with the Department of Energy,
- the adequacy and effectiveness of DNFSB's internal controls, and
- the Board's use of meetings and voting.

Nuclear Regulatory Commission Office of Inspector General [nineteen recommendations]

Findings and recommendations included issues such as:

- the adequacy and effectiveness of DNFSB's strategic and human capital planning efforts,
- whether agency policies and procedures align with Board practices, and
- the state of employee morale.

National Academy of Public Administration [fifteen recommendations]

Findings and recommendations included issues such as:

- DNFSB's strategic and other planning efforts,
- DNFSB's engagement with Congress and the public,
- the Board's capacity to function as intended, and
- communication with employees during organizational changes.

Source: GAO analysis of independent assessments of Defense Nuclear Facilities Safety Board (DNFSB). | GAO-25-107948

In January 2015, we found issues with DNFSB's internal control assessment activities and that DNFSB did not have Board meeting and voting practices that were transparent to the public ([GAO-15-181](#)). We also described steps DNFSB took to obtain Inspector General services and that statute directed NRC OIG to become DNFSB's Inspector General.⁹ Further, in October 2020, we found that

DOE and DNFSB had not collaborated effectively in clarifying each agencies' roles and responsibilities in safety oversight ([GAO-21-141](#)).

NAPA and NRC OIG's 2018 assessments described a deterioration in DNFSB's effectiveness and came at a low point for the agency's employee morale.¹⁰ These assessments pointed to a primary root cause of the agency's issues being a divisive and dysfunctional relationship among Board members. This lack of Board collegiality, coupled with inadequate or ineffective internal communications, drove a sense of organizational instability and eroded staff confidence in the Board and the Board's confidence in staff, according to assessments. This resulted in an agencywide morale problem and in stakeholders questioning whether DNFSB could successfully execute its mission under such circumstances. NRC OIG's subsequent assessments focused on issues such as strategic and human capital planning.

We list all 41 recommendations and their implementation status in appendix I.

How has DNFSB addressed GAO's recommendations?

DNFSB has addressed all seven of our recommendations (see fig. 3). We found that DNFSB has made progress in standardizing interagency collaboration by establishing agency policies and procedures to strengthen internal controls and promote transparency.

Figure 3: How DNFSB Has Addressed GAO's Recommendations



Source: GAO analysis of Defense Nuclear Facilities Safety Board's (DNFSB) actions addressing GAO's recommendations. | GAO-25-107948

Accessible Data for Figure 3: How DNFSB Has Addressed GAO's Recommendations	
How did DNFSB address GAO's recommendations?	How many recommendations has DNFSB addressed?
<ul style="list-style-type: none">• DNFSB and the Department of Energy developed a memorandum of understanding to support interagency cooperation.• Strengthened internal controls and aligned agency policies as needed.	Seven of seven (this may be graphical, somehow)

Source: GAO analysis of Defense Nuclear Facilities Safety Board's (DNFSB) actions addressing GAO's recommendations. | GAO-25-107948

To help ensure effective collaboration, DNFSB and DOE developed a memorandum of understanding that documents the interface between the two agencies.¹¹ Developing the memorandum of understanding was also in response to direction in a 2020 House Appropriations Committee report.¹² This memorandum represents a collaboration between DOE and DNFSB to resolve differing interpretations of DOE Order 140.1A. Among the topics that the memorandum addresses are DNFSB officials' access to DOE facilities, personnel, and information as well as interagency communication standards.

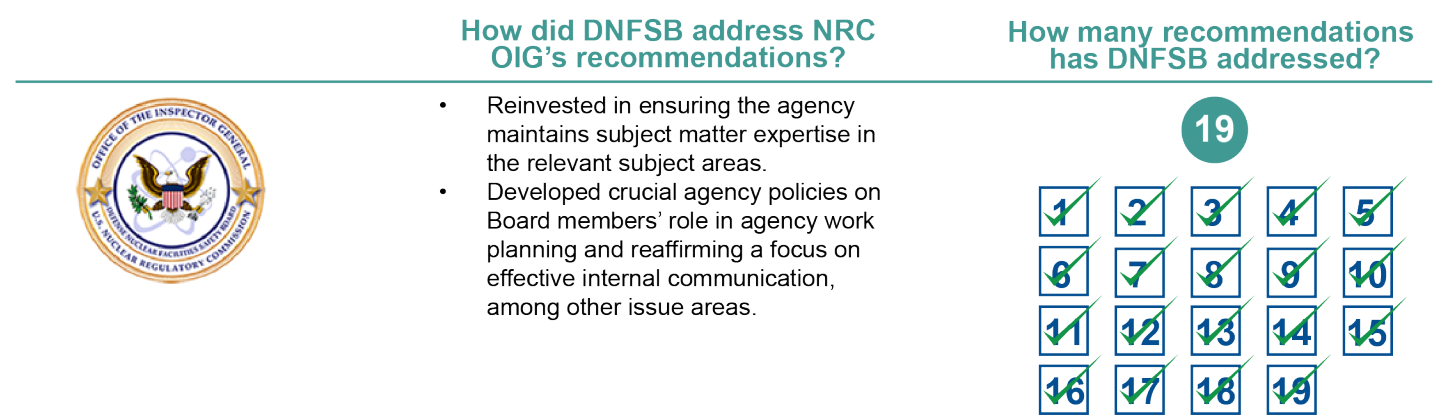
To strengthen internal controls and promote transparency, DNFSB developed policies and procedures to document each step of its internal control processes and records maintenance. DNFSB also revised Board procedures to ensure *Federal Register* Notices distinguish between public hearings held pursuant to DNFSB's statutory authority and Board meetings as defined by the Government in the Sunshine Act that are required to be open to the public.¹³

DNFSB also developed procedures that define a majority vote and how to publicly disclose notational vote results. The Board may use a notational voting method to approve the issuance of correspondence to DOE, for example. To obtain Board approval under notational voting, a quorum of three voting Board members must be established and there must be a majority vote by those Board members participating in the vote.¹⁴

How has DNFSB addressed NRC OIG's recommendations?

DNFSB has addressed all 19 of NRC OIG's recommendations that we identified as relevant to DNFSB's management issues (see fig. 4). DNFSB has made progress in standardizing internal processes by renewing its human capital planning efforts and establishing internal communication norms.

Figure 4: How DNFSB Has Addressed NRC OIG’s Recommendations



Source: GAO analysis of Defense Nuclear Facilities Safety Board’s (DNFSB) actions addressing Nuclear Regulatory Commission Office of Inspector General’s (NRC OIG) recommendations. | GAO-25-107948

Accessible Data for Figure 4: How DNFSB Has Addressed NRC OIG’s Recommendations	
How did DNFSB address NRC OIG’s recommendations?	How many recommendations has DNFSB addressed?
<ul style="list-style-type: none">Reinvested in ensuring the agency maintains subject matter expertise in the relevant subject areas.Developed crucial agency policies on Board members’ role in agency work planning and reaffirming a focus on effective internal communication, among other issue areas.	Nineteen of nineteen

*NRC IG officials told us that they expect to close the 4 outstanding recommendations during fiscal year 2025.
Source: GAO analysis of Defense Nuclear Facilities Safety Board’s (DNFSB) actions addressing Nuclear Regulatory Commission Office of Inspector General’s (NRC OIG) recommendations. | GAO-25-107948

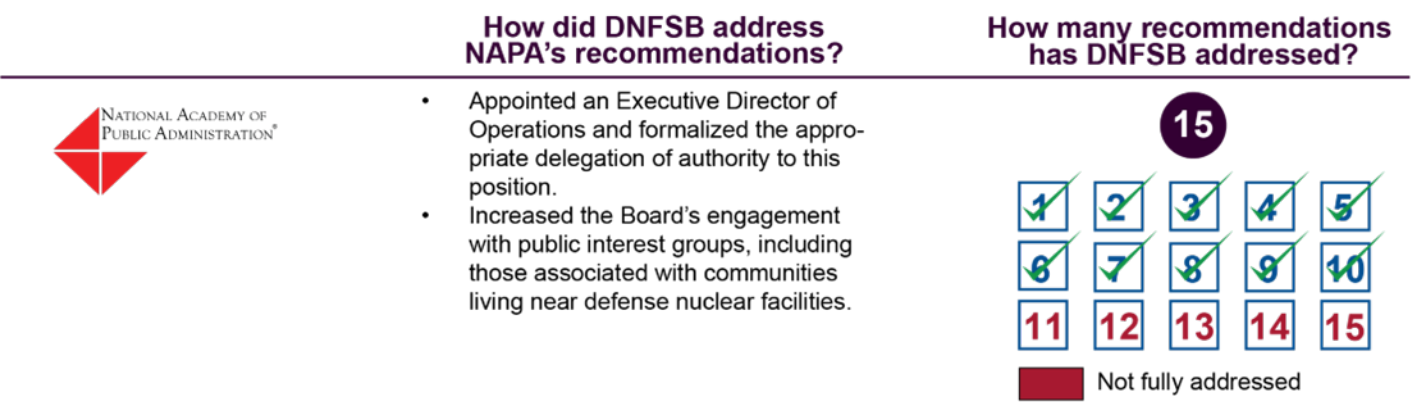
To support staffing and to reaffirm the agency’s reputation as a source of expertise, DNFSB analyzed the effects associated with senior executive service attrition, developed an action plan to mitigate negative effects associated with senior executive service attrition, and has largely satisfied its commitment to fill such vacancies. DNFSB also implemented a strategy to routinely evaluate and strengthen subject matter expertise through hiring, knowledge management, and training.

To support the planning, effective communication, and documentation of agency procedures, DNFSB has taken several actions, such as including Board members’ priorities in the early phases of annual work planning and developing a policy on how Board members should redirect staff to new work that emerges during the year. DNFSB also developed a plan to address concerns about Board member collegiality and developed a strategic plan that included a focus on internal communications and change management.

How has DNFSB addressed NAPA’s recommendations?

We found that DNFSB has addressed 10 of NAPA’s 15 recommendations (see fig. 5). DNFSB contracted with NAPA to conduct its 2018 organizational assessment and, as such, NAPA does not follow-up on its recommendations as we and NRC OIG do. We found that DNFSB has made progress in addressing NAPA’s recommendations by delegating responsibility throughout the agency, developing agency goals, and reaffirming the Board’s commitment to the deliberative process.

Figure 5: How DNFSB Has Addressed NAPA's Recommendations



Source: GAO analysis of Defense Nuclear Facilities Safety Board's (DNFSB) actions addressing National Academy of Public Administration (NAPA) recommendations. | GAO-25-107948

Accessible Data for Figure 5: How DNFSB Has Addressed NAPA's Recommendations	
Key Focuses	How many recommendations has DNFSB addressed?
<ul style="list-style-type: none">Appointed an Executive Director of Operations and formalized the appropriate delegation of authority to this position.Increased the Board's engagement with public interest groups, including those associated with communities living near defense nuclear facilities.	Ten of fifteen (this may be graphical, somehow)

Source: GAO analysis of Defense Nuclear Facilities Safety Board's (DNFSB) actions addressing National Academy of Public Administration (NAPA) recommendations. | GAO-25-107948






To help ensure the proper delegation of authority and expertise relating to various responsibilities, DNFSB appointed an Executive Director of Operations and formalized the appropriate delegation of authority to this position. This was in alignment with a statutory requirement included in the National Defense Authorization Act for Fiscal Year 2020.¹⁵ DNFSB has also established other positions such as the Deputy Executive Director of Strategy and Risk position, who is responsible for prioritizing strategic planning and strategic goals, among other things.

To enhance agencywide planning efforts, DNFSB issued an improved strategic plan in 2019 and has subsequently updated it. DNFSB's strategic plan includes guidance on enhancing agency culture, overall performance, and vision for the agency's continued evolution.

To support internal collaboration and transparency, the Board also engaged in nonpublic collaborative discussions in alignment with a provision in the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.¹⁶ The Board also reduced its overall use of notational votes in favor of more active collaboration and deliberation and, when employing notational voting, has publicly disclosed Board member comments. Further, the Board has engaged with public interest groups by proactively meeting with local interest groups and officials from communities located near DOE sites.

We found that DNFSB has not fully addressed five recommendations from NAPA (see fig. 6).¹⁷

Figure 6: NAPA Recommendations to DNFSB that Are Not Fully Addressed

	DNFSB should synchronize its human capital plan, human resources modernization, and a new personnel system with agency vision and strategic plan.
	DNFSB should refresh Board membership.
	DNFSB should revert to a traditional organizational staffing dynamic.
	DNFSB should improve internal communications.
	DNFSB should streamline its procedures.

Source: GAO (icons) and analysis of Defense Nuclear Facilities Safety Board's (DNFSB) documents and interviews with DNFSB officials and National Academy of Public Administration (NAPA) representatives. | GAO-25-107948

Accessible Data for Figure 6: NAPA Recommendations to DNFSB that Are Not Fully Addressed

- DNFSB should synchronize its human capital plan, human resources modernization, and new personnel system with the agency's vision and strategic plan.
- DNFSB should refresh Board membership.
- DNFSB should revert to a traditional organizational staffing dynamic.
- DNFSB should improve internal communication.
- DNFSB should streamline its procedures.

Source: GAO (icons) and analysis of Defense Nuclear Facilities Safety Board's (DNFSB) documents and interviews with DNFSB officials and National Academy of Public Administration (NAPA) representatives. | GAO-25-107948

What additional actions can DNFSB take to improve its human capital planning?

To fully address NAPA's recommendation to improve its human capital planning, we identified an additional action that DNFSB should take—further develop its human capital plan to include implementation details.¹⁸

NAPA recommended that DNFSB should improve its human capital planning by synchronizing its plan and other efforts with the agency's vision and strategic plan. Federal internal control standards state that agency staff's ability to understand and accomplish any given objective is dependent on the clear definition of (1) what is to be achieved, (2) who is to achieve it, (3) how it will be achieved, and (4) the time frames for achievement. Management should define objectives in alignment with the agency's mission, strategic plan, and performance goals and should effectively document and communicate those objectives.¹⁹

DNFSB has partially addressed NAPA's recommendation by contracting with the U.S. Department of the Interior Business Center as the primary service provider for key agency functions, soliciting applications for its Professional Development Program, and finalizing its first human capital plan in late 2024 that reflects DNFSB's strategic plan. However, DNFSB's 2024 human capital plan does not specifically assign responsibilities for implementing the plan's stated goals or include implementation processes and timelines for accomplishing the plan's stated goals.

Officials said it has been difficult to effectively assign finite and measurable tasks from the human capital plan to specific individuals. This is because the responsibilities of the Executive Director of Operations and other administrative positions such as the Deputy Executive Director of Strategy and Risk had not yet been fully established when they were drafting the human capital plan. The agency has been in the process of documenting the respective roles and responsibilities for many administrative positions but had not yet incorporated these updates into the human capital plan. As the agency continues to finalize

the responsibilities associated with its various administrative positions, it will be important for DNFSB to ensure its human capital plan reflects those changes.

Without details about how and by when the agency should implement the human capital plan's goals, DNFSB officials said the plan is not yet an implementation plan and will require additional effort to make it one. Officials told us that this initial plan—without implementation details—took 18 months to draft, review, and finalize for issuance in late 2024. Further, officials said that they had to retract the human capital plan in February 2025 to adjust it to align with an executive order.²⁰ As of June 2025, officials were unsure as to when they would reissue the human capital plan as the agency awaits any additional changes from the Administration.

DNFSB projected that 67 percent of the agency's budget would be obligated to salaries and benefits in fiscal year 2025. Because DNFSB's primary resource is its people, ensuring that employee roles in supporting the agency's mission are well defined will help ensure the most efficient and effective use of budget and the best mission outcomes. A future more actionable iteration of the plan that details how DNFSB can progress toward stated goals may allow the agency to more effectively navigate unplanned agency pivots with minimal disruption to agency mission.

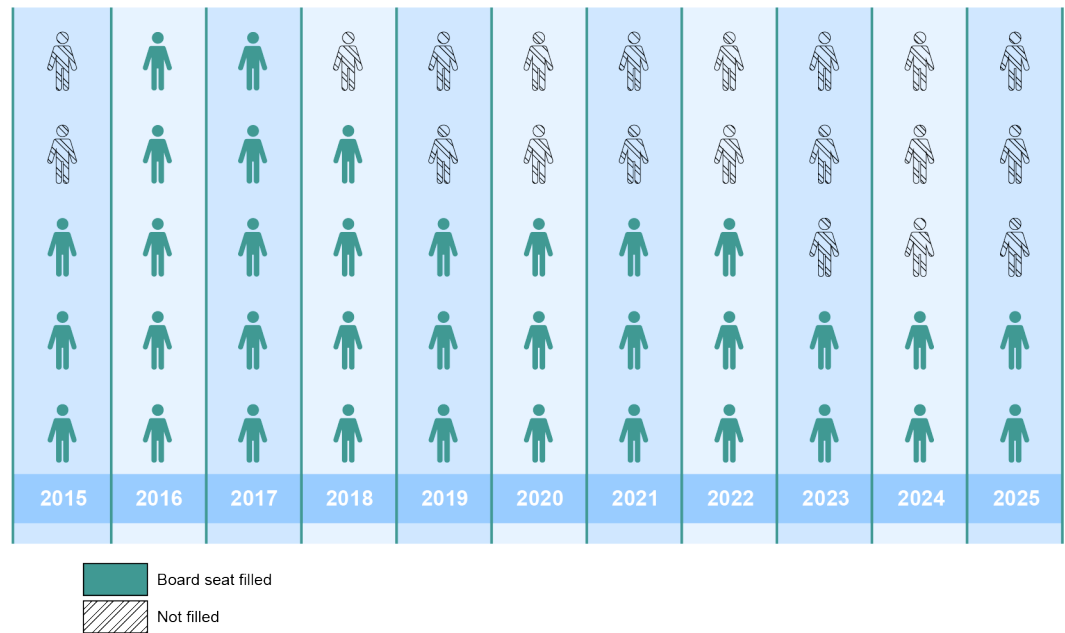
Why is refreshing Board membership challenging?

Board members must be nominated by the President and confirmed by the Senate, which may be a multi-year process.

NAPA recommended that DNFSB refresh Board membership and fill empty Board seats. At the heart of this NAPA recommendation is the goal of having a functional and full Board to lead the agency. This recommendation has been partially addressed through legislation. The National Defense Authorization Act for Fiscal Year 2020 included an amendment to DNFSB's enabling statute that generally restricts Board members from serving past their terms.²¹

However, DNFSB does not currently have a full Board, with two seated members and three vacancies as of August 2025. In January 2025, when the then-Chair ended her term, the Board dropped below quorum for the second time in the agency's history. The Board previously lacked quorum from October 2023 to July 2024 and the Board has not been full—five confirmed members—since 2017 (see fig. 7).

Figure 7: Board Members' Seats Filled and Not Filled, 2015–2025



Source: GAO icons and analysis of Defense Nuclear Facilities Safety Board (DNFSB) information. | GAO-25-107948

Accessible Data for Figure 7: Board Members' Seats Filled and Not Filled, 2015–2025

Year	Filled	Not filled
2015	3	2
2016	5	0
2017	5	0
2018	4	1
2019	3	2
2020	3	2
2021	3	2
2022	3	2
2023	2	3
2024	2	3
2025	2	3

Source: GAO icons and analysis of Defense Nuclear Facilities Safety Board (DNFSB) information. | GAO-25-107948

Note: The number of Board members' seats shown as filled in any given year represents the lowest number for that year. For example, in 2023, the number of Board members dropped from three to two in October 2023 with the resignation of one member.

DNFSB officials shared several challenges with keeping a full Board.

- The process of filling a Board seat requires nomination by the President and confirmation by the Senate. Board members and DNFSB officials told us that they do not offer nominations or influence when or if the Senate confirms the nominee.
- A Board member is nominated for a single 5-year term, which begins when the prior term for that seat expires even if that seat is vacant. The current two Board members told us that their nomination to confirmation process lasted more than 1 year. Consequently, the most recently confirmed Board member, for example, was not sworn in as a Board member until nearly 2 years into the 5-year term. This Board member thus has about 3 years to serve as a Board member and is also ineligible for a second term.
- The National Defense Authorization Act for Fiscal Year 2020 included amendments to limit Board member terms that provide for Board members to extend past their term only to preserve a quorum. DNFSB

officials said that this was to ensure turnover of the Board members that were not working in a collaborative, cooperative manner. All the Board members that were seated during the time of NAPA's 2018 report have since left the Board. However, officials told us that now the turnover of Board members will be difficult to match given the time it takes to nominate and confirm new members. The term of one of the current Board members ends in October 2025. If there is no quorum to preserve—i.e., another Board member is not nominated and confirmed by then—that Board member will be unable to extend the term. This would leave the five-member Board with one Board member after October 2025.

DNFSB officials told us that functioning without a quorum poses some programmatic risk to DNFSB's ability to execute its mission. After operating without a quorum for 1 year, the agency would essentially be able to offer only non-binding advice to DOE, according to DNFSB's enabling statute. Officials said that technical staff would continue their work, but the Board would not be able to issue recommendations to DOE or hold hearings.

A Board member and DNFSB officials also told us that the optics of not having a full Board of seasoned nuclear safety experts backing the agency's findings may pose a risk that DOE will not take DNFSB's correspondences as seriously. In addition, officials said that DNFSB's ability to provide independent safety oversight may be more important as DOE faces federal workforce changes. DOE officials told us that the status of the Board does not affect DOE's day-to-day engagement with DNFSB. Officials from DOE's Office of Environment, Health, Safety and Security also said that as the department is undergoing an agencywide restructuring, maintaining and implementing a robust nuclear safety framework remains essential to mission success.

Board members and management communicating their concerns to the White House and Congress may help as DNFSB continues to seek to fill empty Board seats, as recommended by NAPA. Board members and officials said that the Board and agency's oversight capacity strengthens significantly when the Board members bring a diversity of technical backgrounds.

Why is changing the organizational staffing dynamic challenging?

The Board initially had difficulty filling and appropriately delegating authority to the new Executive Director of Operations, which delayed the agency's ability to improve its staffing dynamic.

NAPA recommended that DNFSB have a staffing dynamic in which the Board and agency staff divide their activities to align with respective roles so that the Board members devote their expertise to strategic matters while staff focus on more tactical matters. NAPA's recommendation that DNFSB establish the Executive Director of Operations position was, in part, to improve this dynamic. DNFSB has partially addressed NAPA's recommendation by updating the Board's procedures in December 2024 to better delineate Board member responsibilities and describe how the Board members should engage with the Executive Director of Operations and other agency staff.

DNFSB officials said that the agency has been slower to fully address this recommendation because of the delay in establishing the Executive Director of Operations position. Current and former officials said that the Board had difficulty initially filling the Executive Director of Operations position, delineating and delegating the appropriate authority to the first director, and then filling the position again after the first director resigned in August 2022. The Board hired the current Executive Director of Operations in December 2023, and the Chair signed a memorandum delegating functions to the position in January 2024. However, DNFSB officials told us that it has still been difficult to find the balance

between appropriately informing the Board and overly involving the Board members in day-to-day decisions at all levels of the organization.

DNFSB continues its progress addressing NAPA's recommendations by refining and documenting the Executive Director of Operations role and responsibilities as well as the various related administrative positions' roles and responsibilities. This will also provide a means to retain organizational knowledge when new Board members are confirmed or agency management changes.

Why is improving internal communications challenging?

DNFSB officials said that it has been difficult to consistently provide advanced messaging for some of the organizational realignments due to personnel issues.

NAPA recommended that DNFSB improve internal communication during major organizational changes. DNFSB has partially addressed this recommendation by taking action to assess its Federal Employee Viewpoint Survey scores and address any issues. For example, DNFSB forms a team each year to evaluate the agency's scores, assess trends, and develop suggestions for continued improvement, according to DNFSB documents and officials. NAPA reported that DNFSB's overall employee engagement and satisfaction score for 2017 was around 39 (out of 100). The score rose to 70 in 2024.

The Executive Director of Operations executed a realignment of DNFSB's administrative functions in August 2024. The memorandum to all DNFSB employees that communicated the realignment of administrative functions included information about discussions between management and staff across the agency before the realignment's implementation.

DNFSB also underwent multiple additional realignments—adjustments to administrative offices and functions—since August 2024. Several DNFSB officials noted that these additional realignments were not managed with the same level of careful messaging, which led to feelings of instability. Other DNFSB officials said that, because these additional realignments were in response to personnel matter sensitivities, providing the same level of information and discussion was not always appropriate.

As the agency makes additional necessary realignments, DNFSB can continue addressing NAPA's recommendation to improve internal communications by seeking buy-in from staff prior to making changes, as appropriate, and clearly communicating with staff after such changes. This may help ease transitions and allow those with changing responsibilities to execute them more effectively.

Why is streamlining procedures challenging?

DNFSB officials said that it has been difficult to catch up on the backlog of procedures and directives that require review because the agency is oftentimes in a reactive stance and must deprioritize updating and maintaining internal documents in favor of performing technical safety oversight activities.

NAPA recommended that DNFSB streamline its procedures for increased efficiency. DNFSB has partially addressed this recommendation by discontinuing the elaborate review process discussed in the NAPA report and has replaced it with a process whereby the Board members can provide reviews and comments more collaboratively. Further, in support of developing an orientation program for newly confirmed Board members, DNFSB officials told us that they developed a SharePoint site that includes the Board procedures and other relevant documents. The Executive Director of Operations has also gathered feedback on the onboarding process used for the most recently confirmed Board member to improve future iterations.

However, many of DNFSB's directive, process, and procedure documents may be outdated. By the end of 2024, almost 60 percent of DNFSB's approximately 150 directives were overdue for review. DNFSB's *Directives Program* instructs that all agency directives and supplementary documents should be reviewed for accuracy and continued relevance at least every 5 years.²² With the agency recently having outsourced some human resources functions, officials said that several relevant policies and procedures need review and updates to reflect this change.

Officials said that it has been difficult to catch up on the backlog of reviews because the agency is oftentimes in a reactive stance. Updating and maintaining internal procedural documents is often deprioritized when conflicting with technical safety oversight activities. This makes the 5-year directive review schedule difficult to adhere to, especially given the substantial backlog of reviews and the high total number of directives and procedures. Officials also told us that overall responsibility for administering the directives program was not explicitly assigned so it had been difficult to track the progress of reviews.

Guided by the current Executive Director of Operations' focus in this area, DNFSB is making progress by actively addressing the backlog. According to officials, responsibility for managing and tracking reviews is now explicitly assigned, and reviewing these documents is included in senior executive service annual performance metrics. DNFSB officials told us in May 2025 that they have reviewed and updated 16 directive, process, and procedure documents so far in 2025 and have an additional 10 awaiting final approval. Officials told us they are addressing the backlog as soon as possible.

Having streamlined and accurate internal documents may build staff's trust and encourage reliance on these documents and the established agency processes they represent. This may help DNFSB address NAPA's recommendation to streamline procedures, enforce divisions of authority and responsibility including between Board members and staff, and protect the agency's management and operations against personality-driven leadership.

Conclusions

DNFSB performs crucial safety oversight over DOE's numerous defense nuclear facilities by providing well-deliberated analysis, advice, and recommendations to the Secretary of Energy. Though the agency has experienced management and organizational challenges over the last decade, DNFSB has addressed most recommendations made by us, NRC OIG, and NAPA. The agency has made significant progress, and officials demonstrated an eagerness to fully address outstanding actions.

DNFSB has partially addressed NAPA's recommendation to improve its human capital planning by finalizing its first human capital plan in late 2024. DNFSB can continue to make progress in this area by updating its plan to include relevant implementation details such as who is responsible for and how the agency can progress toward stated goals as well as identifying time frames for achieving those goals. A more actionable iteration of the plan may allow the agency to more effectively navigate unplanned agency pivots with minimal disruption to agency mission.

Recommendation for Executive Action

DNFSB should update its 2024 human capital plan so that it better aligns with internal control standards and includes: (1) what is to be achieved, (2) who is to achieve it, (3) how it will be achieved, and (4) the time frames for achieving it. (Recommendation 1)

Agency Comments

We provided a draft of this report to DNFSB and DOE for review and comment. In its comments, reproduced in appendix II, DNFSB concurred with our findings and recommendation. DNFSB and DOE provided technical comments, which we incorporated as appropriate.

How GAO Did This Study

To provide information on how DNFSB has responded to past independent assessments, we analyzed past assessments from us, NRC OIG, and NAPA that included findings and recommendations related to DNFSB's management.

We have a recommendation follow-up process by which we assess the status of our recommendations as open, open partially addressed, closed implemented, or closed not implemented. We described the status of our prior recommendations, as we have shared on our website: <https://www.gao.gov>.

Similarly, NRC OIG maintains its own recommendation follow-up process with DNFSB and assesses the status of each recommendation as open or closed. We described the status of NRC OIG's recommendations based on its assessments, as shared on its website: <https://nrcoig.oversight.gov>. We did not independently assess the status of NRC OIG's recommendations.

To assess the status of NAPA's recommendations, we identified individual actions that NAPA said that DNFSB "should" do in support of the recommendation. Two GAO analysts independently reviewed relevant documents, including DNFSB's policies and procedures, its strategic and human capital planning efforts, its public-facing products and engagement with DOE. We also reviewed DNFSB's enabling statute and amendments to its statute from the National Defense Authorization Act for Fiscal Year 2020 and the National Defense Authorization Act for Fiscal Year 2021 that were responsive to independent entities' recommendations.

We assessed whether DNFSB has fully addressed, partially addressed, or not addressed each recommendation. We determined that:

DNFSB fully addressed the recommendation if DNFSB addressed all associated actions.

DNFSB partially addressed the recommendation if DNFSB addressed at least one associated action.

DNFSB has not addressed the recommendation if DNFSB has not addressed any associated action.

The two analysts came to an agreement on all assessments of the extent to which DNFSB addressed each recommendation. We also shared our preliminary assessments with cognizant NAPA representatives and incorporated their feedback as appropriate.

To examine how recommendations remain challenging for DNFSB to implement, we assessed whether DNFSB's actions to address past recommendations aligned with internal control standards.²³

Additionally, we interviewed past and present DNFSB officials and Board members to understand the status of recommendations to DNFSB and what remains challenging to address. We also interviewed the cognizant NRC OIG official and NAPA representative to understand the status of their recommendations to DNFSB. We also interviewed DOE officials from offices that have responsibility for safety management within the department.

We conducted this performance audit from December 2024 to September 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient,

appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

List of Addressees

The Honorable Roger Wicker
Chairman
The Honorable Jack Reed
Ranking Member
Committee on Armed Services
United States Senate

The Honorable John Kennedy
Chair
The Honorable Patty Murray
Ranking Member
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate

The Honorable Mike Rogers
Chairman
The Honorable Adam Smith
Ranking Member
Committee on Armed Services
House of Representatives

The Honorable Chuck Fleischmann
Chairman
The Honorable Marcy Kaptur
Ranking Member
Subcommittee on Energy and Water Development, and Related Agencies
Committee on Appropriations
House of Representatives

We are sending copies of this report to the appropriate congressional committees, the Acting Chairman of the Defense Nuclear Facilities Safety Board, the Secretary of Energy, and other interested parties. In addition, the report will be available at no charge on the GAO website at <https://www.gao.gov>.

GAO Contact Information

For more information, contact: Nathan Anderson, Director, Natural Resources and Environment, AndersonN@gao.gov, and Allison Bawden, Director, Natural Resources and Environment, BawdenA@gao.gov.

Sarah Kaczmarek, Managing Director, Public Affairs, Media@gao.gov.

A. Nicole Clowers, Managing Director, Congressional Relations, CongRel@gao.gov.

Staff Acknowledgments: Jeffrey Barron (Assistant Director), Elizabeth Luke (Analyst in Charge), Carmen Altes, Kevin Bray, Mae Jones, Rebecca Sero, Sara Sullivan, and Jeanette Soares made key contributions to this report. Barbara Lancaster, Joshua Leiling, Claire McLellan, and Paige Smith also contributed to this report.

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Appendix I: Status of Recommendations

The following table lists the 41 recommendations made to Defense Nuclear Facilities Safety Board (DNFSB) by independent entities—us, the Nuclear Regulatory Commission Office of Inspector General (NRC OIG), and the National Academy of Public Administration (NAPA)—and the status of each recommendation as of June 2025.

Table 1: Status of Independent Entities' Recommendations to Defense Nuclear Facilities Safety Board (DNFSB) as of June 2025

Source	Recommendation	Status
GAO (7 recommendations): GAO-15-181 on internal controls (Jan. 2015)	DNFSB should modify the Board procedure that defines what constitutes a majority of votes needed to approve a recommendation. (Recommendation 1)	DNFSB fully addressed
GAO (7 recommendations): GAO-15-181 on internal controls (Jan. 2015)	DNFSB should clearly document each step of its control assessment activities; maintain that documentation to provide evidence that assessment and control activities are being performed; and ensure that key responsibilities, such as reviewing control assessments, should be segregated among different people to help ensure that control activities are being accurately performed. (Recommendation 2)	DNFSB fully addressed
GAO (7 recommendations): GAO-15-181 on internal controls (Jan. 2015)	DNFSB should develop and implement a formal mechanism within its Executive Committee on Internal Controls to ensure the prompt resolution of all problems identified in its internal control assessments. (Recommendation 3)	DNFSB fully addressed
GAO (7 recommendations): GAO-15-181 on internal controls (Jan. 2015)	DNFSB should ensure that, in the future, the Chairman's internal control assurance statement uses one of the three prescribed terms to clearly describe the results of the agency's assessment—unqualified, qualified, or statement of no assurance. (Recommendation 4)	DNFSB fully addressed
GAO (7 recommendations): GAO-15-181 on internal controls (Jan. 2015)	DNFSB should clearly distinguish in Federal Register notices and during the proceedings between (1) public hearings held pursuant to DNFSB's statutory authority and (2) meetings as defined by the Sunshine Act, required to be open to the public. (Recommendation 5)	DNFSB fully addressed
GAO (7 recommendations): GAO-15-181 on internal controls (Jan. 2015)	DNFSB should develop and implement a policy to publicly disclose, such as on its external website, those matters that have been considered by notational vote and the results of the Board's votes by Board member, including concurring and dissenting comments, if any. (Recommendation 6)	DNFSB fully addressed
GAO (7 recommendations): GAO-21-141 on DNFSB and DOE collaboration (Oct. 2020)	The Chairman of DNFSB, in collaboration with the Secretary of Energy, should develop a formal written agreement, such as a memorandum of understanding, that could be used to, among other things, establish a common understanding of how Department of Energy (DOE) will implement section 2286c(b) of DNFSB's enabling statute regarding denial of DNFSB staff access to information, and clarify procedures for regular interactions between DOE and DNFSB related to each agency's responsibilities for ensuring the adequacy of public health and safety protections at DOE's defense nuclear facilities. (Recommendation 2)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-18-A-05 on governing legislation (May 2018)	DNFSB should develop and implement agency guidance for issuing reporting requirements. (Recommendation 1)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-18-A-05 on governing legislation (May 2018)	DNFSB should develop and implement a plan of action to address the issues of (1) low employee morale and (2) Board collegiality as documented in the Federal Employee Viewpoint Surveys, Logistics Management Institute report, and Towers Watson Report. (Recommendation 2)	DNFSB fully addressed

Source	Recommendation	Status
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-19-A-02 on Issue and Commitment Tracking System (IACTS) (Nov. 2018)	Provide training for the agency, including Board members, focusing on effective communication and trust in the workplace. (Recommendation 1)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-19-A-02 on Issue and Commitment Tracking System (IACTS) (Nov. 2018)	Develop a set of principles/values, with input from staff, to help provide the agency a more unified direction relative to DOE safety oversight. (Recommendation 2)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-19-A-02 on Issue and Commitment Tracking System (IACTS) (Nov. 2018)	Clarify and update IACTS procedures. (Recommendation 3)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-19-A-02 on Issue and Commitment Tracking System (IACTS) (Nov. 2018)	Clarify and update Request for Board Action (RFBA) procedures. (Recommendation 4)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-19-A-02 on Issue and Commitment Tracking System (IACTS) (Nov. 2018)	Create and implement a policy to consistently track RFBAs through a tracking mechanism or through IACTS. (Recommendation 5)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-19-A-02 on Issue and Commitment Tracking System (IACTS) (Nov. 2018)	Implement a policy for Board members to communicate to staff the basis for their RFBA submissions, votes on technical items that oppose staff opinion, and voting abstentions or non-participation. (Recommendation 6)	DNFSB fully addressed

Source	Recommendation	Status
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-19-A-02 on Issue and Commitment Tracking System (IACTS) (Nov. 2018)	Create and implement a policy to conduct self-assessments for common Board member processes (e.g., RFBA, notational voting, Yellow Folder process, etc.) to determine how these processes could be improved. (Recommendation 7)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-19-A-02 on Issue and Commitment Tracking System (IACTS) (Nov. 2018)	Examine and update the Board Procedures to ensure greater communication and coordination within the Board. (Recommendation 8)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-20-A-04 on human resources program (Jan. 2020)	With the involvement of the Office of the Technical Director (OTD), develop and implement an Excepted Service recruitment strategy and update guidance to reflect this strategy. (Recommendation 1)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-20-A-04 on human resources program (Jan. 2020)	Develop and implement a step-by-step hiring process metric with periodic reporting requirements. (Recommendation 2)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-20-A-04 on human resources program (Jan. 2020)	Update and finalize policies and procedures relative to determining the technical qualifications of OTD applicants. These should include examples of experience such as military and teaching, and their applicability to OTD positions. (Recommendation 3)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-20-A-04 on human resources program (Jan. 2020)	Develop and issue hiring-process guidance and provide training to DNFSB staff involved with the hiring process. (Recommendation 4)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-20-A-04 on human resources program (Jan. 2020)	Conduct analyses to determine (1) the optimal senior executive service span-of-control that promotes agency efficiency and effectiveness, and (2) the impact on agency activities when detailing employees to vacant senior executive service positions. (Recommendation 5)	DNFSB fully addressed

Source	Recommendation	Status
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-20-A-04 on human resources program (Jan. 2020)	Develop and implement an action plan to mitigate negative effects shown by the senior executive service analyses. (Recommendation 6)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-22-A-03 on oversight activities (Dec. 2021)	As an agency overall, and the respective Board members themselves, continue to identify, implement, and directly participate in, process improvements that will provide clearer direction and priorities from the Board during the early phases of the work planning process, such as incorporating strategic direction from the Board into the planning memo. (Recommendation 1)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-22-A-03 on oversight activities (Dec. 2021)	Develop and implement a strategy for maintaining routine awareness of future subject matter areas that may become understaffed. (Recommendation 2)	DNFSB fully addressed
Nuclear Regulatory Commission Office of Inspector General (NRC OIG) (19 recommendations): DNFSB-22-A-03 on oversight activities (Dec. 2021)	Strengthen expertise in subject matter expert areas that lack depth through knowledge management and training. (Recommendation 3)	DNFSB fully addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Refresh Board membership. (Recommendation 1)	DNFSB partially addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Establish mission, vision, and principles for DNFSB. (Recommendation 2)	DNFSB fully addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Define board jurisdiction, role, and responsibility. (Recommendation 3)	DNFSB fully addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Foster deliberation and teamwork. (Recommendation 4)	DNFSB fully addressed

Source	Recommendation	Status
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Strengthen congressional engagement. (Recommendation 5)	DNFSB fully addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Bolster engagement with DOE leaders. (Recommendation 6)	DNFSB fully addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Actively engage with public interest groups. (Recommendation 7) ^a	DNFSB fully addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Prioritize strategic planning and strategic goals. (Recommendation 9)	DNFSB fully addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Maintain a unified agenda. (Recommendation 10)	DNFSB fully addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Revert to a traditional organizational staffing dynamic. (Recommendation 11)	DNFSB partially addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Appoint an Executive Director of Operations. (Recommendation 12)	DNFSB fully addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Streamline procedures. (Recommendation 13)	DNFSB partially addressed

Source	Recommendation	Status
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Improve internal communications. (Recommendation 14)	DNFSB partially addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Synchronize human capital plan, HR modernization, and a new personnel system with agency vision and strategic plan. (Recommendation 15)	DNFSB partially addressed
National Academy of Public Administration (NAPA) (15 recommendations): DNFSB organizational assessment (Nov. 2018)	Review agency field staffing needs. (Recommendation 16)	DNFSB fully addressed

Legend:

- – DNFSB fully addressed the recommendation by addressing all associated actions.
- – DNFSB partially addressed the recommendation by addressing at least one associated action.

Source: GAO reports and documentation; NRC OIG reports and documentation; NAPA report; and GAO analysis of DNFSB documents and information. | GAO-25-107948

^aNAPA directed its Recommendation 8 to DOE; therefore, we did not include it in our scope or in this table.

Appendix II: Comments from the Defense Nuclear Facilities Safety Board

Thomas A. Summers, Acting Chairman
Patricia L. Lee

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



MEMORANDUM

DATE: July 23, 2025

TO: Mr. Mark Gaffigan, Managing Director
Natural Resources & Environment
U.S. Government Accountability Office (GAO)

FROM: Mary J. Buhler
Executive Director of Operations

SUBJECT: GAO's Audit Support to the Defense Nuclear Facilities Safety
(DNFSB); Opportunities Exist to Further Improve Management and Planning,
(GAO-25-107948)

On behalf of the Defense Nuclear Facilities Safety Board (DNFSB), I would like to extend our sincere appreciation for the professionalism and diligence your team demonstrated throughout the recent audit engagement. We also appreciate your recognition the hard work of the DNFSB in addressing the prior recommendations of the GAO and OIG to strengthen operations and fully implement statutory requirements.

The DNFSB fully concurs with the findings and recommendation presented in your audit report. We view these findings as critical opportunities to strengthen our operations and enhance our mission effectiveness. We are committed to making all necessary adjustments, which includes the integration of our human capital plan into our broader implementation activities to ensure our workforce is optimally aligned with our strategic objectives. Our agency is taking deliberate steps to make the necessary adjustments that promote operational efficiency and align with best practices across government.

DNFSB is committed to ensuring that we perform the vital mission Congress has entrusted in us for the protection of public health and safety of the nation's defense nuclear facilities. We look forward to continued collaboration and are dedicated to upholding the highest standards of public service.

MARY
BUHLER

Mary J. Buhler
Executive Director of Operations

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BUHLER
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Accessible Text for Appendix II: Comments from the Defense Nuclear Facilities Safety Board

Thomas A. Summers, Acting Chairman

Patricia L. Lee

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Washington, DC 20004-2901

MEMORANDUM

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DNFSB is committed to ensuring that we perform the vital mission Congress has entrusted in us for the protection of public health and safety of the nation's defense nuclear facilities. We look forward to continued collaboration and are dedicated to upholding the highest standards of public service.

MARY BUHLER

Digitally signed by MARY BUHLER

Date: 2025.07.23

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Mary J. Buhler
Executive Director of Operations

Endnotes

¹National Defense Authorization Act, Fiscal Year 1989, Pub. L. No. 100-456, div. A, tit. XIV, § 1441, 102 Stat. 1918, 2076-2085 (1988) (codified as amended at 42 U.S.C. §§ 2286-2286h, 2286i).

²A defense nuclear facility is (1) a production facility or utilization facility under the control or jurisdiction of the Secretary of Energy and operated for national security purposes, and (2) certain nuclear waste storage facilities under the control or jurisdiction of the Secretary of Energy. However, defense nuclear facilities do not include, among other things, Naval Nuclear Propulsion facilities, any facility involved with the transportation of nuclear explosives or nuclear material, or any facility that does not conduct atomic energy defense activities. 42 U.S.C. § 2286g.

³Federal Research Division, Library of Congress, *Defense Nuclear Facilities Safety Board: The First Twenty Years* (Washington, D.C.: September 2009).

⁴The active sites with defense nuclear facilities include: the Hanford Site in Washington, Idaho National Laboratory in Idaho, Lawrence Livermore National Laboratory in California, Los Alamos National Laboratory in New Mexico, Nevada National Security Site in Nevada, Oak Ridge National Laboratory and Y-12 National Security Complex both co-located in Tennessee, Pantex Plant in Texas, Sandia National Laboratories in New Mexico, Savannah River Site in South Carolina, and the Waste Isolation Pilot Plant in New Mexico.

⁵Department of Energy, *Interface with the Defense Nuclear Facilities Safety Board*, DOE Order 140.1A (Washington, D.C.: June 15, 2020).

⁶DOE's Office of Enterprise Assessments provides internal oversight by evaluating the effectiveness of requirements and conducts enforcement activities of contractor compliance with nuclear safety and worker safety and health regulations.

⁷Defense Nuclear Facilities Safety Board, *Recommendation 2023-1 to the Secretary of Energy : Onsite Transportation Safety* (Washington, D.C.: Jan. 26, 2024).

⁸The Secretary of Energy accepted the recommendation in May 2024 and provided DOE's implementation plan to respond to the recommendation in October 2024. According to DNFSB, the agency will continue to monitor DOE's implementation of its recommendation and, if DOE addresses the issues successfully, DNFSB will close the recommendation as implemented.

⁹National Defense Authorization Act for Fiscal Year, 2013, Pub. L. No. 112-239, div. C, tit. XXXII, § 3202(f)(1), 126 Stat. 1632, 2217 (2013).

¹⁰NAPA is an independent non-profit, non-partisan organization established in 1967 and chartered by Congress in 1984. Pub. L. No. 98-257, 98 Stat. 127 (1984). NAPA helps public institutions address critical governance and management challenges in various ways including in-depth studies and analyses, advisory services, and technical assistance. NRC OIG is directed by statute to provide inspector general services to DNFSB in January 2014. See National Academy of Public Administration, [Defense Nuclear Facilities Safety Board Organizational Assessment](#) (Washington, D.C.: November 2018); and Nuclear Regulatory Commission Office of Inspector General, *Audit of DNFSB's Issue and Commitment Tracking System (IACS) and Its Related Processes*, [DNFSB-19-A-02](#) (Washington, D.C.: Nov. 1, 2018).

¹¹Department of Energy, *Interface with the Defense Nuclear Facilities Safety Board*, DOE Order 140.1A (Washington, D.C.: June 15, 2020); Department of Energy and Defense Nuclear Facilities Safety Board, *Memorandum of Understanding between the U.S. Department of Energy and the Defense Nuclear Facilities Safety Board* (Washington, D.C.: Feb. 17, 2022) and *Supplementary Agreement for Memorandum of Understanding between the U.S. Department of Energy and the Defense Nuclear Facilities Safety Board* (Washington, D.C.: June 1, 2022).

¹²H.R. Rep. No. 116-449, at 148 (2020).

¹³Pub. L. No. 94-409, § 3(a), 90 Stat. 1241, 1241 (1976) (codified at 5 U.S.C. § 552b(a)(2)). The Sunshine Act generally requires that meetings of agencies headed by Boards—such as the Board of DNFSB—be publicly announced in advance and be open for public observation. 42 U.S.C. § 552b(b), (e)(1). Meetings, as defined by the Sunshine Act, are the deliberations of at least a quorum of the agency's members necessary to take action on behalf of the agency, where such deliberations determine or result in the joint conduct or disposition of official agency business. 42 U.S.C. § 552b(a)(2). Meetings may be closed, in whole or in part, to the public under certain circumstances—for example, if the meetings relate solely to the agency's internal personnel rules and practices or disclose matters that are specifically authorized to be kept secret in the interests of national defense or foreign policy and are, in fact, so classified. 5 U.S.C. § 552b(c)(1), (2).

¹⁴Three members of the Board constitute a quorum. 42 U.S.C. § 2286(e)(1). According to the Board's enabling statute and procedures, a quorum is needed for the Board to take action on a Board document, such as a recommendation. Board members casting a vote to approve, disapprove, or abstain are included in determining a quorum. However, a Board member who is recorded as not voting or having recused himself is not counted in determining a quorum.

¹⁵Pub. L. No. 116-92, div. C, tit. XXXII, § 3202, 133 Stat. 1198, 1963 (2019).

¹⁶William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283, div. C, tit. XXXII, § 3202, 134 Stat. 3388, 4394 (codified at 42 U.S.C. § 2286b(k)). A nonpublic collaborative discussion is a meeting of the Board, not open to the public where (1) no formal or informal vote or other official action is taken, (2) each individual present is a member or employee of the Board, (3) at least one member of each political party is present, unless all members are of the same political party, and (4) the general counsel or a designee of the general counsel is present. 42 U.S.C. § 2286b(k)(1).

¹⁷National Academy of Public Administration, [Defense Nuclear Facilities Safety Board Organizational Assessment](#).

¹⁸National Academy of Public Administration, [Defense Nuclear Facilities Safety Board Organizational Assessment](#).

¹⁹GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

²⁰*Ending Radical and Wasteful Government DEI Programs and Preferencing*, Exec. Order No. 14,151 (Jan. 20, 2025).

²¹Pub. L. No. 116-92, § 3203(b)(1) (amending 42 U.S.C. § 2286(d)(3)).

²²Defense Nuclear Facilities Safety Board, *Directives Program*, D-21.1 (Washington, D.C.: Apr. 9, 2021).

²³[GAO-14-704G](#).