

APPENDIX 4

REQUEST FOR BOARD ACTION BY A BOARD MEMBER

Requester: Daniel J. Santos April 27, 2017

Brief description of Requested Action: Direct the Office of the General Manager to publish a revision to the DNFSB Board Procedures within 10 business days of approval of this action to add a new item to part 1.4 "Duties of the Collective Board":

B.28) Approving all Federal Register Notices.

Justification: Federal Register Notices convey official agency actions and policies of the Board to the public. Therefore, the Board should be involved in the review and approval of all Federal Register Notices.

Attachments (init) n/a (included clean version of any proposed document or modified document)

Summarize any time sensitive considerations:

Requestor signature signature on file April 27, 2017

Executive secretary signature on file April 27, 2017

Final Disposition Summary

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICPATING	COMMENT	DATE
Joyce L. Connery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Jessie H. Roberson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Sean Sullivan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Daniel J. Santos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Bruce Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

Executive Secretary signature _____ [Click here to enter a date.](#)

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: RFBA by Board Member Daniel J. Santos to Direct the Office of the General Manager to publish a revision to the DNFSB Board Procedures

Doc Control#2017-300-063

The Board, with Board Member(s) Jessie H. Roberson, Daniel J. Santos, Joyce L. Connery *approving*, Board Member(s) Sean Sullivan, Bruce Hamilton *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *not participating*, have voted to approve the above document on May 1, 2017.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Sean Sullivan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	04/28/17
Bruce Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	04/28/17
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	05/01/17
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	04/28/17
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/28/17

*Reason for Not Participating:

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


Assistant Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

cc: Board Members
OGC
OGM Records Officer
OTD

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Sean Sullivan

SUBJECT: RFBA by Board Member Daniel J. Santos to Direct the Office of the General Manager to publish a revision to the DNFSB Board Procedures

Doc Control#2017-300-063

Approved _____ **Disapproved** X **Abstain** _____


Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

The proposed change to the Board Procedures would require the Board to approve all Federal Register notices. If approved, the Board Procedures would be more restrictive than both current practice and the Board's Code of Federal Regulations. In practice, a requirement for Board approval of all Federal Register notices (which, by the plain language of the proposal includes notices that make only minor changes to prior notices), could result in the need to utilize the Board's notational voting process – a process that potentially adds weeks of administrative lead time for meetings and hearings.

For example, under current law and practice a quorum of the Board may gather to set a meeting agenda and then in very short order publish the necessary Federal Register notice. Producing the required notice has been, and should be, a ministerial act. The Board's Sunshine Act regulations contain a narrow exception permitting the Board to gather for the sole purpose of setting an agenda without first having to notice the gathering as a public meeting. (The exception embodies common sense – no board or commission must have a meeting in order to decide to meet.) However, no similar exception exists for review and approval of Federal Register notices. Thus, any one Board Member will be able to drag the approval process into a notational vote process involving Board Member comment, comment resolution, and potential amendments. What can now be accomplished in one afternoon may take three weeks or longer. More importantly, under current rules a simple majority of the Board could call for a meeting on an urgent matter with as little as one week's notice for the public. The proposed procedure would provide a mechanism for any one Member to thwart the will of the majority by delaying the meeting for weeks.

I therefore disapprove.


Sean Sullivan
4/28/17
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

SUBJECT: RFBA by Board Member Daniel J. Santos to Direct the Office of the General
Manager to publish a revision to the DNFSB Board Procedures

Doc Control#2017-300-063

Approved _____ Disapproved X Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

This RFBA proposes a wholly unnecessary change to the Board Procedures. The Federal Record Notice is a pro-forma process which should not require the approval of the Board. Doing so would have the practical result of creating delays in the process for no good reason.

Additionally, it has been the tradition of the Board that Board Procedures be amended in a collaborative way, with unanimity or near unanimity, such that the Procedures can be respected and embraced by all Members of the Board. In this case, the proposed change was not socialized amongst all Members of the Board, bypassing that important collaborative tradition.

I therefore disapprove.


Bruce Hamilton

28 APR 2017
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson


SUBJECT: RFBA by Board Member Daniel J. Santos to Direct the Office of the General Manager to publish a revision to the DNFSB Board Procedures

Doc Control#2017-300-063

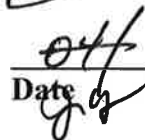
Approved Disapproved _____ Abstain _____
Recusal - Not Participating _____

COMMENTS: Below _____ Attached _____ None _____

The Board previously agreed to review the PRN prior to publication and only if a Board Member objected would the process be impacted. I would have preferred a distinction between PRNs for hearings and meetings and all others. I can support this proposal although the same could be accomplished with unanimous consent.



Jessie H. Roberson

 05/01/2017

Date

to Direct the Office of the General Manager to publish a revision to the DNFSB Board Procedures

Cameron Shelton

From: Daniel J. Santos
Sent: Friday, April 28, 2017 9:21 AM
To: Cameron Shelton; Shelby Qualls
Subject: RE: Notational Vote Doc#2017-300-063, RFBA by Board Member Daniel J. Santos to Direct the Office of the General Manager to publish a revision to the DNFSB Board Procedures - BLUE FOLDER

Approved with the following comment:

Federal Register Notices convey official agency actions and policies of the Board to the public. Therefore, the Board should be involved in the review and approval of all Federal Register Notices.

From: Cameron Shelton
Sent: Friday, April 28, 2017 9:15 AM
To: Bruce Hamilton [REDACTED]; Daniel J. Santos [REDACTED]; Jessie Roberson [REDACTED]; Joyce Connery [REDACTED]; Sean Sullivan [REDACTED]
Cc: Glenn Sklar [REDACTED]; Katherine Herrera [REDACTED]; James Biggins [REDACTED]; Richard Reback [REDACTED]; Steven Stokes [REDACTED]; Richard Tontodonato [REDACTED]; ExSec [REDACTED]; Adam Poloski [REDACTED]; Chris Roscetti [REDACTED]; John Pasko [REDACTED]; Timothy Dwyer [REDACTED]
Subject: Notational Vote Doc#2017-300-063, RFBA by Board Member Daniel J. Santos to Direct the Office of the General Manager to publish a revision to the DNFSB Board Procedures - BLUE FOLDER

This email is an electronic record of Notational Vote. Voting ballot will follow shortly. Also, accepting electronic votes.

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET**

FROM: Members of the Board
SUBJECT: RFBA by Board Member Daniel J. Santos to Direct the Office of the General Manager to publish a revision to the DNFSB Board Procedures

DOC# 2017-300-063

Office Directors have provided their input.

Approved _____
Disapproved _____
Abstain _____
Recusal – Not Participating _____

COMMENTS:

Below _____
Attached _____
None _____

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

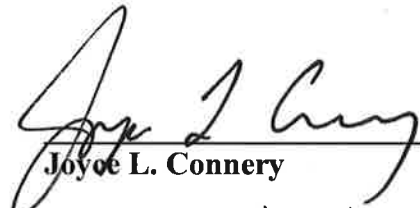
SUBJECT: RFBA by Board Member Daniel J. Santos to Direct the Office of the General
Manager to publish a revision to the DNFSB Board Procedures

Doc Control #2017-300-063

Approved **Disapproved** **Abstain**

Recusal – Not Participating

COMMENTS: **Below** **Attached** **None**



Joyce L. Connery

4/28/17

Date