

Proposed Amendment: Delete Section III: Definitions

Justification: The proposed definitions unnecessarily attempt to implicitly define, classify, and restrict what may or may not constitute an issue of adequate protection of public health and safety. This determination belongs to the Board and should be exercised on a case by case basis and not in a “one size fits all” policy. Furthermore, having a set of definitions could potentially be taken out of context and be used in other circumstances other than for the oversight of design and construction. Finally, the Board has not historically chosen to define “adequate protection”. If the Board now wants to attempt to create such a definition, it should be done separate from a policy statement focused on design and construction oversight.

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Amendment by Board Member Santos to YELLOW FOLDER Doc#2017-300-043, Policy Statement X, Oversight of Design and Construction of Defense Nuclear Facilities

Doc Control#2017-300-043A

The Board, with Board Member(s) Daniel J. Santos, Joyce L. Connery *approving*, Board Member(s) Sean Sullivan, Jessie H. Roberson *disapproving*, Board Member(s) Bruce Hamilton *abstaining*, and Board Member(s) none *not participating*, have voted to disapprove the above document on June 19, 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"/>	06/19/17
Bruce Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	06/15/17
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	06/16/17
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	06/16/17
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/15/17

*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: Amendment by Board Member Santos to YELLOW FOLDER Doc#2017-300-043, Policy Statement X, Oversight of Design and Construction of Defense Nuclear Facilities

Doc Control#2017-300-043A

Approved _____ Disapproved X _____ Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

The amendment seeks to delete certain definitions from the policy statement. I disagree with the justification provided for the amendment, which states, “The proposed definitions unnecessarily attempt to implicitly define, classify, and restrict what may or may not constitute an issue of adequate protection of public health and safety.” I do not believe the definitions have the effect stated. Nothing in the definitions ties the hand of the Board or its Members. Rather, the definitions provide meaning for terms or phrases that the Board may choose to use in future interactions with the Department of Energy.

The Board has historically written to the Department of Energy about new facility design and construction projects using terms such as “safety concern” or “safety issue”, but has never provided insight into the meaning of such terms. Absent definition, there has been – and will be – no indication of the Board’s view of the matter under discussion as it relates to adequate protection. The Board and our staff have previously pursued matters that could not threaten the adequate protection of the public health and safety, and – inappropriately – done so without regard for cost. The definitions contained in the policy statement should help to deter such behavior in the future. Consequently, they are important to the proper functioning of the policy statement.

//s//
Sean Sullivan

6/19/2017
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

SUBJECT: Amendment by Board Member Santos to YELLOW FOLDER Doc#2017-300-043, Policy Statement X, Oversight of Design and Construction of Defense Nuclear Facilities

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Approved _____ Disapproved _____ Abstain X

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

There is nothing wrong with the definitions. I defer to my fellow Board Members on whether they should be included or not.


Bruce Hamilton

15 JUNE 2017
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson


SUBJECT: Amendment by Board Member Santos to YELLOW FOLDER Doc#2017-300-043, Policy Statement X, Oversight of Design and Construction of Defense Nuclear Facilities
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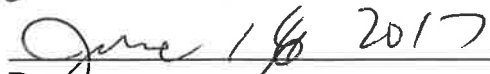
Approved _____ Disapproved X Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

While I am not approving the amendment I am respectful of each Board Member's interest in ensuring they are getting all information they deem necessary to perform their independent voting mandate and the concern that the safety definitions were added late in the folder process and should have been a subject of more Board dialog. If the subject policy is approved, the safety definitions would only apply to the subject policy (Design and Construction) and would require an affirmation vote of the Board to incorporate them into any other policy. To that end, some Board Members may consider a review and affirmation of the staff implementation procedures for this policy, if approved, and I will be supportive of that.



Jessie H. Roberson


Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Daniel J. Santos

SUBJECT: Amendment by Board Member Santos to YELLOW FOLDER Doc#2017-300-043, Policy Statement X, Oversight of Design and Construction of Defense Nuclear Facilities

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Approved X Disapproved _____ Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

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Daniel J. Santos
6/16/17

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

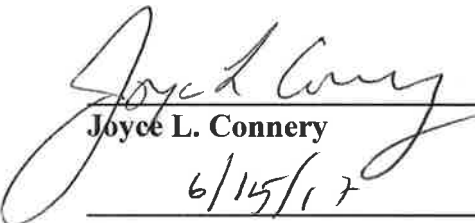
FROM: Joyce L. Connery

SUBJECT: Amendment by Board Member Santos to YELLOW FOLDER Doc#2017-300-043, Policy Statement X, Oversight of Design and Construction of Defense Nuclear Facilities

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Approved Disapproved Abstain
Recusal – Not Participating

COMMENTS: Below Attached None



Joyce L. Connery
6/15/17

Date