

REQUEST FOR BOARD ACTION BY A BOARD MEMBER

Requester: Daniel J. Santos February 12, 2018

Brief description of Requested Action: Board Member Daniel J. Santos requests the Board to:

1. Rescind the Board procedure changes approved via Board Action #2018-300-014.
2. Direct the General Manager to amend and publish the Board procedures conforming to this action within 7 business days of approval of this action.

Justification: While this action will be the first Request for Board Action by a Board Member to be processed in accordance with the revised procedures, Board Members have communicated concerns regarding how implementation of the revised procedures could create compliance issues with operating in accordance with the Government in the Sunshine Act. Furthermore, lack of Board consensus on implementation and execution of this procedure could result in actions proposed by individual Board Members not being processed and dispositioned by the Agency and could ultimately infringe on Board Members' duties as described in the Board's enabling statute. Execution of this Request for Board Action could highlight the very concerns described above.

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

Summarize any time sensitive considerations:

Requestor signature signature on file February 12, 2018

Executive Secretary signature on file February 12, 2018

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

Final Disposition Summary

Executive Secretary signature _____ Click here to enter a date.

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: RFBA by Board Member Santos to Rescind RFBA Procedure Changes Approved in Doc#2018-300-014

Doc Control#2018-300-029


The Board, with Board Member(s) Bruce Hamilton, Jessie H. Roberson, Daniel J. Santos *approving*, Board Member(s) Joyce L. Connery *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *not participating*, has voted to approve the above document on February 15, 2018.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	02/15/18
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	02/15/18
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	02/15/18
Joyce L. Connery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	02/15/18

*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.


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: Bruce Hamilton

SUBJECT: RFBA by Board Member Santos to Rescind RFBA Procedure Changes
Approved in Doc#2018-300-014

Doc Control#2018-300-029

Approved X Disapproved Abstain

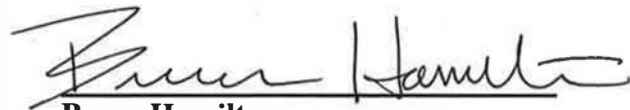
Recusal – Not Participating

COMMENTS: Below X Attached None

As a matter of best practices, and especially any time there^{is} room for misinterpretation, a Board Member would be well served to talk with fellow Board Members and staff to make sure the text of an RFBA is clear and practicable before he or she introduces it into the formal process. This would help to avoid the misunderstandings that occasionally occur. BH

That said, the well-intentioned procedural change of #2018-300-014 which mandated that this occur at a Thursday morning gathering of the Board, problematically created more complexity within the Board Procedures and constrained Board Members to this process without regard to each individual situation.

I therefore approve.


Bruce Hamilton

15 FEB 2018
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET


FROM: Jessie H. Roberson

SUBJECT: RFBA by Board Member Santos to Rescind RFBA Procedure Changes
Approved in Doc#2018-300-014

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~~Approved~~ _____ Disapproved _____ Abstain _____
Recusal – Not Participating

COMMENTS: Below _____ Attached _____ ~~None~~ _____



Jessie H. Roberson
2/15/18

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET


FROM: Daniel J. Santos

SUBJECT: RFBA by Board Member Santos to Rescind RFBA Procedure Changes
Approved in Doc#2018-300-014

Doc Control#2018-300-029

Approved Disapproved _____ Abstain _____
Recusal – Not Participating _____

COMMENTS: Below _____ Attached _____ None



Daniel J. Santos
2/15/18

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

SUBJECT: RFBA by Board Member Santos to Rescind RFBA Procedure Changes Approved in Doc#2018-300-014

Doc Control#2018-300-029

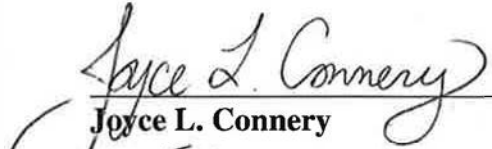
Approved _____ Disapproved X Abstain _____ Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

A legitimate vote was taken by the Board to amend procedures and passed via Action #2018-300-014, but was not implemented either due to direction by the Chairman at the time or staff inaction. Once it was brought to the attention of the staff that the modification to the procedures had not occurred, the staff immediately enacted the procedures as amended. The point of the original amendment was to seek to gain better understanding of proposed Board Actions. A Board Member has now moved to rescind the vote in a new action. Generally speaking, someone who voted in the minority, such as voting against the original, successful RFBA, should have no standing to call for its rescission according to Robert's Rules. I believe this not only to be a procedural faux pas, I believe it to be a direct repudiation of my rights as a Board Member to have gone through the appropriate process to amend the procedures and have those procedures first ignored, and then rescinded. These are not the actions of a collegial Board. The justifications provided for the new action raises concerns that a "Board Member's right may be infringed upon" while, in effect, doing exactly that to me. A vote to remove the requirement to explain the basis for a requested Board action inhibits collegiality.

Additionally, there is no concern with Sunshine Act compliance. The General Counsel is ALWAYS present in such gatherings to prevent such a breach from taking place. The purpose of the original proposal was to increase transparency of the intent of the RFBA author and promote dialogue with staff before voting. The mere fact that after spending 15 minutes explaining my concerns with THIS RFBA, the author did not make any attempt to address those concerns further emphasizes the lack of consideration for other Board Members. This RFBA was executed in the manner that was set forth in Action #2018-300-014 and there was no challenge to the Sunshine Act nor was there any infringement on the author of this RFBA.

I am very disheartened by the lack of willingness of this Board to be collegial and the lack of desire to work together to accommodate all Board Member needs in terms of fair and transparent procedures.



Joyce L. Connery
February 15, 2018

Date