

REQUEST FOR BOARD ACTION BY A BOARD MEMBER

Requester: Daniel J. Santos June 25, 2018

Brief description of Requested Action:

1. Task the Office of the General Counsel (OGC) to provide a legal interpretation including the legislative history regarding the applicability of the Board’s jurisdiction over worker safety in the context of “public health and safety” used throughout the Board’s enabling statute and in the Atomic Energy Act generally.
2. Task OGC to provide a memo and briefing to the Board for item 1 above.
3. Task OGC to develop a summary memorandum suitable for public release.
4. Task OGC to complete the items above within 6 months of approval of this action.

Note: Decision to publish the summary memorandum will be handled via separate Board action following completion of the items above.

Summarize any time sensitive considerations:

Requestor signature signature on file June 25, 2018

Executive secretary signature on file June 25, 2018

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICPATING	COMMENT	DATE
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 Task OGC to Provide a Legal Interpretation

Doc Control#2018-300-072


The Board, with Board Member(s) Bruce Hamilton, Daniel J. Santos, Joyce L. Connery *approving*, Board Member(s) Jessie H. Roberson *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *not participating*, has voted to approve the above document on June 28, 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 type="checkbox"/>	06/27/18
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	06/28/18
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/28/18
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/27/18

*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 Task OGC to Provide a Legal
Interpretation

Doc Control#2018-300-072

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

Recusal – Not Participating

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


Bruce Hamilton

27 JUNE 2018
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson

SUBJECT: RFBA by Board Member Santos to Task OGC to Provide a Legal
Interpretation

Doc Control#2018-300-072

Approved _____ Disapproved X Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

I support OGC providing Board Members with any fundamental legal analysis they desire to equip and aid the Board in its evaluation and decision making necessary to fulfilling its' statutory duties. However, I am voting against this action because:

- 1. Legal analysis related to statutory functions of the Board should not be outside the normal expectations and functions of the agency's legal office and require special requests by any Board Member. Legal analysis to aid in the interpretations and execution of the enabling statute should be the primary duty for Office of the General Counsel, everything else should require special requests.**
- 2. 6 months seems long based on #1.**
- 3. The General Counsel indicates other activities may suffer if they are required to take on this task and I do not know what those other activities are.**



Jessie H. Roberson



Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET


FROM: Daniel J. Santos

**SUBJECT: RFBA by Board Member Santos to Task OGC to Provide a Legal
Interpretation**

Doc Control#2018-300-072

Approved Disapproved _____ Abstain _____
Recusal – Not Participating _____

COMMENTS: Below _____ Attached _____ None



Daniel J. Santos
6/28/18

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

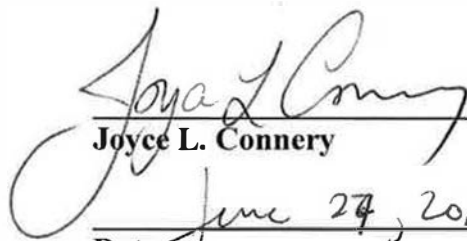
SUBJECT: RFBA by Board Member Santos to Task OGC to Provide a Legal
Interpretation

Doc Control#2018-300-072

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

Recusal – Not Participating _____

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



Joyce L. Connery

Date June 27, 2018