

APPENDIX 4

**REQUEST FOR BOARD ACTION BY A BOARD MEMBER**

Requester: Sullivan April 4, 2016

Brief description of Requested Action: Correct the record of Board action associated with closing the meetings held on January 27, 2016 and February 25, 2016. The "Affirmation of Board Voting Record (Voice Vote)" displayed on the Board's public website says that I approved a question to "close the Government in the Sunshine Act meeting ... pursuant to 5 U.S.C. § 552b(c)(3) and (9)." (see attached) However, the question was never put to me to close either of those meetings pursuant to 5 U.S.C. § 552b(c)(9), and I never approved use of Sunshine Act exemption 9. Additionally, the General Counsel Certification, Explanation and Expected Attendees, and Federal Register notice all require correction because they incorrectly attribute actions to the Board. For example, the FR notice for the February 25, 2016 closed meeting states:

*The Board is invoking the exemption to close a meeting described in 5 U.S.C. 552b(c)(3) and (9)(B) and 10 CFR 1704.4(c) and (h). The Board has determined that it is necessary to close the meeting since conducting an open meeting is likely to disclose matters that are specifically exempted from disclosure by statute, and/or be likely to significantly frustrate implementation of a proposed agency action.*

Attachments (init) 2 (included clean version of any proposed document or modified document)

Summarize any time sensitive considerations: Immediate action is needed. The Board's website currently misrepresents the action taken by the Board with respect to these two meetings. It specifically misrepresents action that I have taken as a public official.

Requestor signature  April 4, 2016

Assistant Executive secretary  April 4, 2016

	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"/>	_____

Final Disposition Summary

Executive Secretary signature \_\_\_\_\_ Click here to enter a date.

**AFFIRMATION OF BOARD VOTING RECORD (VOICE VOTE)**

**SUBJECT: Approval to close the Government in the Sunshine Act meeting scheduled on January 27, 2016, 2 p.m. -3 p.m., to discuss individual Board Member identified potential recommendations stemming from issues discussed during the site program review, pursuant to 5 U.S.C. § 552b(c)(3) and (9), 42 U.S.C. §§2286d(b) and (h)(3), and 10 C.F.R.§ 1704.4(c) and (h).**

The Board, with Board Member(s) Joyce L. Connery, Jessie Roberson, Sean Sullivan, and Bruce Hamilton *approving*, Board Member Daniel J. Santos *not participating*, Board Member(s) none *disapproving*, and Board Member(s) none *abstaining*, have voted to approve the above question on January 5, 2016.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	DATE
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/5/16
Jessie Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/5/16
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/5/16
Daniel J. Santos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1/5/16
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/5/16

\*Reason for Not Participating: Not Present

This Record contains a summary of the voice voting on this matter by the Board Members.

  
Recorder  
Acting General Counsel  
James P. Biggins

cc: Board Members  
OGC  
OGM Records Officer  
OTD  
ES

**AFFIRMATION OF BOARD VOTING RECORD (VOICE VOTE)**

**SUBJECT: Approval to close the Government in the Sunshine Act meeting scheduled on February 25, 2016, 3:00 p.m. - 4:00 p.m., to discuss individual Board Member identified potential recommendations stemming from issues discussed during the site program review, pursuant to 5 U.S.C. § 552b(c)(3) and (9), 42 U.S.C. §§2286d(b) and (h)(3), and 10 C.F.R. § 1704.4(c) and (h).**


The Board, with Board Member(s), Jessie Roberson, Sean Sullivan, Daniel J. Santos and Bruce Hamilton *approving*, Board Member Joyce L. Connery *not participating*, Board Member(s) none *disapproving*, and Board Member(s) none *abstaining*, have voted to approve the above question on February 4, 2016.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	DATE
Joyce L. Connery				X	2/4/16
Jessie Roberson	X				2/4/16
Sean Sullivan	X				2/4/16
Daniel J. Santos	X				2/4/16
Bruce Hamilton	X				2/4/16

\*Reason for Not Participating: Not Present

This Record contains a summary of the voice voting on this matter by the Board Members.

  
\_\_\_\_\_  
Recorder  
Acting General Counsel  
Neysa M. Slater-Chandler

cc: Board Members  
OGC  
OGM Records Officer  
OTD  
ES

**AFFIRMATION OF BOARD VOTING RECORD**

**SUBJECT: Request for Board Action by Board Member Sean Sullivan, Seeking Revision to Documents Posted on the Public Website**

**Doc Control#2016-300-002**

The Board, with Board Member(s), Sean Sullivan, Bruce Hamilton *approving*, Board Member(s) Joyce L. Connery, Jessie H. Roberson *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) Daniel J. Santos *not participating*, have voted to failed on April 7, 2016.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Joyce L. Connery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/06/16
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	04/07/16
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/05/16
Daniel J. Santos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	04/07/16
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/05/16

\*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:** Joyce L. Connery

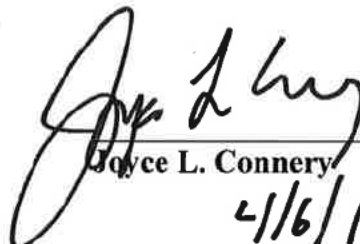
**SUBJECT:** Request for Board Action by Board Member Sean Sullivan, Seeking Revision  
to Documents Posted on the Public Website

**Doc Control#**2016-300-002

**Approved** \_\_\_\_\_ **Disapproved**  **Abstain** \_\_\_\_\_

**Recusal – Not Participating** \_\_\_\_\_

**COMMENTS:** **Below** \_\_\_\_\_ **Attached** \_\_\_\_\_ **None**

  
\_\_\_\_\_  
Joyce L. Connery  
4/16/16  
\_\_\_\_\_  
Date

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

**FROM:** Jessie H. Roberson

**SUBJECT:** Request for Board Action by Board Member Sean Sullivan, Seeking Revision to Documents Posted on the Public Website

Doc Control#2016- 300-002

Approved \_\_\_\_\_ Disapproved  X  Abstain \_\_\_\_\_

Recusal – Not Participating \_\_\_\_\_

**COMMENTS:** Below  X  Attached \_\_\_\_\_ None \_\_\_\_\_

**I would vote to approve changing the Affirmation of Board Voting Record to delete everything after “pursuant to...”. My recollection is the Board did a voice vote in response to the Acting General Counsel’s prompting for a specific vote to close the meeting, but did not vote on any specific exemptions. The Board then directed the Acting General Counsel to complete the proper paperwork. However, I do not support changing the FR notice as it is a reflection of the Board, meaning Agency, not just the five Board members. I view this as consistent with the Board’s approved and published implementing regulation, subpart 1704.5:**

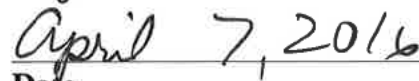
(d) For every closed meeting, the General Counsel of the Board shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemption provision. If the General Counsel invokes the exemption for classified or sensitive unclassified information under § 1704.4(a), he shall rely upon the classification or designation assigned to the document containing such information by the Department of Energy or other originating agency. A copy of such certification, together with a statement setting forth the time and place of the meeting and the persons present, shall be retained by the Board as part of the

ARCHIVE: Doc#2016-300-002, Request for Board Action by Board Member Sean Sullivan,  
Seeking Revision to Documents Posted on the Public Website

transcript, recording, or minutes re-  
quired by § 1704.8.

A handwritten signature in black ink, appearing to read "Jessie H. Roberson", written over a horizontal line.

**Jessie H. Roberson**

A handwritten date "April 7, 2016" written in black ink over a horizontal line.

**Date**

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

**FROM:** Sean Sullivan

**SUBJECT:** Request for Board Action by Board Member Sean Sullivan, Seeking Revision  
to Documents Posted on the Public Website

**Doc Control#**2016-300-002

**Approved**  **Disapproved** \_\_\_\_\_ **Abstain** \_\_\_\_\_

**Recusal – Not Participating** \_\_\_\_\_

**COMMENTS:** **Below** \_\_\_\_\_ **Attached** \_\_\_\_\_ **None**  \_\_\_\_\_



Sean Sullivan

4/5/16

Date



**Shelby Qualls**

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**From:** Daniel J. Santos  
**Sent:** Thursday, April 07, 2016 1:39 PM  
**To:** Shelby Qualls  
**Subject:** RE: Notational Vote: Doc#2016-300-002, Request for Board Action by Board Member Sean Sullivan, Seeking Revision to Documents Posted on the Public Website - BLUE FOLDER

Not participating.

\*Reason for not participating: I did not participate on a previous vote that is subject of this request.

**From:** Shelby Qualls  
**Sent:** Tuesday, April 05, 2016 11:31 AM  
**To:** Mark Welch <[REDACTED]>; James Biggins <[REDACTED]>; Neysa Slater-Chandler <[REDACTED]>; Steven Stokes <[REDACTED]>; Katherine Herrera <[REDACTED]>; Nora Khalil <[REDACTED]>; Bruce Hamilton <[REDACTED]>; Daniel J. Santos <[REDACTED]>; Jessie Roberson <[REDACTED]>; Joyce Connery <[REDACTED]>; Sean Sullivan <[REDACTED]>  
**Cc:** Lotus Smith <[REDACTED]>; Shelby Qualls <[REDACTED]>  
**Subject:** Notational Vote: Doc#2016-300-002, Request for Board Action by Board Member Sean Sullivan, Seeking Revision to Documents Posted on the Public Website - BLUE FOLDER

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

*Clarification: This Request for Board Action consists of a vote to change the documents in question. If the motion to change is approved, the content to which the documents change will be determined separately (potentially involving another vote or votes).*

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

**FROM:** Members of the Board  
**SUBJECT:** Request for Board Action by Board Member Sean Sullivan, Seeking Revision to Documents Posted on the Public Website

**DOC# 2016-300-002**

Office Directors are copied and should provide input, if applicable.

Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Abstain \_\_\_\_\_  
Recusal – Not Participating \_\_\_\_\_

**COMMENTS:**  
Below \_\_\_\_\_  
Attached \_\_\_\_\_

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Bruce Hamilton

**SUBJECT:** Request for Board Action by Board Member Sean Sullivan, Seeking Revision  
to Documents Posted on the Public Website

**Doc Control#2016-300-002**

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

**Recusal – Not Participating**

**COMMENTS:** Below  Attached  None

  
**Bruce Hamilton**

5 APR 2016  
**Date**