

APPENDIX 4

REQUEST FOR BOARD ACTION BY A BOARD MEMBER

Requester: _____ JOYCE CONNERY _____ October 19, 2016

Brief description of Requested Action: Unless the Board directs otherwise and subject only to the limited exceptions stated below, the staff is directed to post all notational vote sheets, whether the vote passed or failed, on the Board's internet web site. An exception to posting vote sheets includes instances where posting is prohibited by law, rule, or order, such as votes related to a draft Recommendation. Also, if a voting document reveals through attribution the advice of staff, that information shall be considered protected by the deliberative process privilege and shall be redacted. For all other information, this is a blanket waiver of the Board's deliberative process privilege.

In the event any Board Member wishes to seek to invoke the deliberative process privilege or for any other reason, he/she may submit a request for Board Action prior to public posting.

Staff is directed to make any necessary changes to its Operating Procedure to reflect the directions of this RFBA.

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

Summarize any time sensitive considerations:

Requestor signature  _____ October 19, 2016

Assistant Executive secretary  _____ October 19, 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

SUBJECT: Request for Board Action by Chairman Joyce L. Connery, Requesting Staff to Post all Notational Vote Sheets, whether the vote passed or failed, on the Board's internet web site

Doc Control#2017-300-010

The Board, with Board Member(s) Joyce L. Connery, Sean Sullivan, Daniel J. Santos, Bruce Hamilton *approving*, Board Member(s) Jessie H. Roberson *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *recusing*, have voted to approve the above document on October 24, 2016.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/21/16
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/20/16
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/20/16
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/24/16
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/21/16

*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.


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: Joyce L. Connery

SUBJECT: Request for Board Action by Chairman, Joyce L. Connery; Request Staff to Post all Notational Vote Sheets, whether the vote passed or failed, on the Board's internet web site


Doc Control#2017-300-010

Approved Disapproved Abstain

Recusal - Not Participating

COMMENTS: Below Attached None

I submitted this request having spoken to the majority of Board Members. I expect that a change to our procedures will be proposed soon to simplify the process and remove any ambiguity about "deliberative" votes.



Joyce L. Connery
October 21, 2016

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

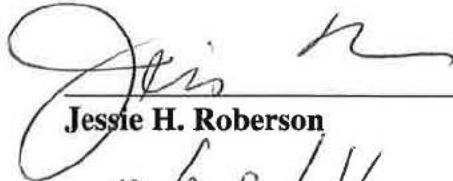
FROM: Jessie H. Roberson

SUBJECT: Request for Board Action by Chairman, Joyce L. Connery; Request Staff to Post all Notational Vote Sheets, whether the vote passed or failed, on the Board's internet web site

Doc Control#2017-300-010

Approved _____ Disapproved Abstain _____
Recusal - Not Participating _____

COMMENTS: Below _____ Attached _____ None



Jessie H. Roberson
10/20/16

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Sean Sullivan

SUBJECT: Request for Board Action by Chairman, Joyce L. Connery; Request Staff to
Post all Notational Vote Sheets, whether the vote passed or failed, on the
Board's internet web site

Doc Control#2017-300-010

Approved X Disapproved _____ Abstain _____

Recusal - Not Participating _____

COMMENTS: Below _____ Attached _____ None X



Sean Sullivan

10/20/16

Date

Shelby Qualls

From: Daniel J. Santos
Sent: Monday, October 24, 2016 3:53 PM
To: Lotus Smith; Shelby Qualls
Subject: RE: Notational Vote: Doc#2017-300-010 Request for Board Action by Chairman, Joyce L. Connery; Request Staff to Post all Notational Vote Sheets, whether the vote passed or failed, on the Board's internet web site

Approved.

From: Lotus Smith
Sent: Thursday, October 20, 2016 11:20 AM
To: Bruce Hamilton <[REDACTED]>; Daniel J. Santos <[REDACTED]>; Jessie Roberson <[REDACTED]>; Joyce Connery <[REDACTED]>; Sean Sullivan <[REDACTED]>
Cc: ExSec <[REDACTED]>
Subject: Notational Vote: Doc#2017-300-010 Request for Board Action by Chairman, Joyce L. Connery; Request Staff to Post all Notational Vote Sheets, whether the vote passed or failed, on the Board's internet web site

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: Request for Board Action by Chairman, Joyce L. Connery; Request Staff to Post all Notational Vote Sheets, whether the vote passed or failed, on the Board's internet web site

DOC#2017-300-010

Office Directors have provided their input

Approved _____
Disapproved _____
Abstain _____
Recusal – Not Participating _____

COMMENTS:

Below _____
Attached _____
None _____

Lotus Smith
Executive Secretary
Office of the Chairman

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

SUBJECT: Request for Board Action by Chairman, Joyce L. Connery; Request Staff to Post all Notational Vote Sheets, whether the vote passed or failed, on the Board's internet web site

Doc Control#2017-300-010

Approved X Disapproved _____ Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

Congress recognized that individual Board Members would, and sometimes should, have differing assessments of issues brought before the Board. Indeed, the very purpose of the political affiliation restriction in the Board's enabling statute (42 U.S.C. § 2286(b)(1)) was to provide for this diversity of viewpoints. Since Notational Votes do not take place at public meetings, the expression of these differences in the public domain must be accomplished through the posting of vote sheets along with their associated comments. Failure to do so would suppress the logic, reasoning and nuanced views of individual Board Members from reaching the Agency's staff, the Department of Energy, and the general public. Such a voice is important regardless of the outcome of a vote, and it is especially important to the Board Member or Members who are in the minority on any particular vote.

I therefore approve.

Additionally, this RFBA states that, if approved: "... this is a blanket waiver of the Board's deliberative process privilege." Voting, whether to amend a work product or to approve a final product, is not deliberation. Consequently, such a waiver is not necessary. That said, the positive statement to waive deliberative process privilege, even where none exists, will at least further clarify the Board's position on posting vote sheets.


Bruce Hamilton

21 OCT 2016
Date