

Amendment by Joyce Connery to YELLOW FOLDER Document#2017-300-049, RFBA by Deputy General Manager Katherine Herrera to Revise D-21.1, Directive on Directives Revised per 2017-300-054

Proposed Amendment: In section 10. Definitions---Instructions, Notices, Operating Procedures, and Work Practices should be subordinate to Supplementary Documents as each of these represents a document Supplementary to a Directive. Further, it should be noted that in the event that any of these items should be put into place to supplant or replace a Directive, which is a policy document, the same procedures should be used before the Chairman issues a Directive, that is, concurrence of the Board. (This is not necessary if, for instance, a notice is taking the place of an operating procedure or a staff level document, but a Notice cannot serve as a replacement for a Directive absent consent of the Board.)

Justification: The Board's statute states that the Board establishes policy on behalf of the Agency.

This is the proposed revised version:

DEFINITIONS.

- A. Directive. The highest level Directives Program document, used to establish or describe policies, programs, and major activities, define requirements, delegate authority, and assign responsibilities. Final Directives are approved by the Board and signed by the Chairman.

- B. Supplementary Documents. A lower tier document developed at the Office level or below to provide detailed requirements, responsibilities, processes, procedures, guidelines and assistance for conducting the Board's or its staff's activities. Final Supplementary Documents are approved by the appropriate level of management whose area of responsibility includes the scope of the Supplementary Document as defined in D-21.1, *Directives Program*, and do not require the Chairman's signature. **No supplementary document may replace a Directive nor be a placeholder for a Directive or any item that constitutes a matter of policy without the approval of the Board.**
 - i.) Instruction. A Supplementary Document that provides high-level direction for the execution of an Office program or function. Instructions do not assign responsibilities or establish requirements outside of the originating Office and are approved and issued by the Office Director.

 - ii) Notice. A Supplementary Document issued in response **to an Agency matter** requiring prompt action to establish short-term management

objectives. A Notice must be converted to or incorporated into another Board Directive Program document within one year of the effective date of the Notice unless an extension is granted or the Notice is allowed to expire. A Notice cannot replace nor be a substitute for a Directive without approval of the Board.

- iii) Operating Procedure. A Supplementary Document that implements a Directive or Instruction and provides detailed directions or instructions for the execution of a Board-wide or Office-wide program or function. Operating Procedures are approved by the Office initiating the Procedure and may impact employees in all Offices.

- iv) Work Practice. A Supplementary Document that provides guidance to Office staff to support the successful accomplishment of work in a specific type of activity.

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Amendment by Joyce Connery to YELLOW FOLDER 2017-300-049, RFBA by Deputy General Manager Katherine Herrera to Revise D-21.1, Directive on Directives

Doc Control#2017-300-049A

The Board, with Board Member(s) Sean Sullivan, Jessie H. Roberson, Daniel J. Santos, Joyce L. Connery *approving*, Board Member(s) Bruce Hamilton *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *not participating*, have voted to approve the above document on April 24, 2017.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/24/17
Bruce Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	04/24/17
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/21/17
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/24/17
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/24/17

*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 Joyce Connery to YELLOW FOLDER 2017-300-049, RFBA by Deputy General Manager Katherine Herrera to Revise D-21.1, Directive on Directives

Doc Control#2017-300-049A

Approved **Disapproved** **Abstain**

Recusal – Not Participating

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



Sean Sullivan

4/24/17

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

SUBJECT: Amendment by Board Member Joyce Connery to YELLOW FOLDER 2017-300-049, RFBA by Deputy General Manager Katherine Herrera to Revise D-21.1, Directive on Directives

Doc Control#2017-300-049A

Approved _____ Disapproved X Abstain _____
Recusal - Not Participating _____

COMMENTS: Below X Attached _____ None _____

The first part of this amendment contains the ambiguous phrase, "No supplementary document may replace a Directive nor be a placeholder for a Directive or any item that constitutes a matter of policy without the approval of the Board." Just what constitutes "... any item ..." is potentially open a wide range of interpretations.

42 U.S.C. § 2286 provides that the Board *may* establish policy, and it normally does so through the approval of Directives. While it is appropriate that a supplementary document not replace a Directive without Board approval, this amendment goes further, stating Board approval is required for supplemental documents relating to "... any item..." which is related to policy. It is easy to imagine myriad cases where supplemental documents may relate to policy about which the Board has not spoken.

I therefore disapprove.


Bruce Hamilton

24 APR 2017
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET


FROM: Jessie H. Roberson

SUBJECT: Amendment by Board Member Joyce Connery to YELLOW FOLDER 2017-300-049, RFBA by Deputy General Manager Katherine Herrera to Revise D-21.1, Directive on Directives

Doc Control#2017-300-049A

Approved Disapproved Abstain
Recusal - Not Participating

COMMENTS: Below Attached None



Jessie H. Roberson
04/21/2017

Date

Cameron Shelton

From: Daniel J. Santos
Sent: Monday, April 24, 2017 8:48 AM
To: Cameron Shelton; Shelby Qualls
Subject: RE: Notational Vote: Doc#2017-300-049A, Amendment by Board Member Joyce Connery to YELLOW FOLDER 2017-300-049, RFBA by Deputy General Manager Katherine Herrera to Revise D-21.1, Directive on Directives - YELLOW FOLDER

Approved.

From: Cameron Shelton
Sent: Friday, April 21, 2017 11:28 AM
To: Bruce Hamilton [REDACTED]; Daniel J. Santos [REDACTED]; Jessie Roberson [REDACTED]; Joyce Connery [REDACTED]; Sean Sullivan [REDACTED]
Cc: Glenn Sklar [REDACTED]; Katherine Herrera [REDACTED]; James Biggins [REDACTED]; Richard Reback [REDACTED]; Steven Stokes [REDACTED]; Richard Tontodonato [REDACTED]; ExSec [REDACTED]; Adam Poloski [REDACTED]; Chris Roscetti [REDACTED]; John Pasko [REDACTED]; Timothy Dwyer [REDACTED]
Subject: Notational Vote: Doc#2017-300-049A, Amendment by Board Member Joyce Connery to YELLOW FOLDER 2017-300-049, RFBA by Deputy General Manager Katherine Herrera to Revise D-21.1, Directive on Directives - YELLOW FOLDER

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: Amendment by Board Member Joyce Connery to YELLOW FOLDER 2017-300-049, RFBA by Deputy General Manager Katherine Herrera to Revise D-21.1, Directive on Directives

DOC# 2017-300-049A

Office Directors have provided their input.

Approved _____
Disapproved _____
Abstain _____
Recusal – Not Participating _____

COMMENTS:

Below _____
Attached _____
None _____

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

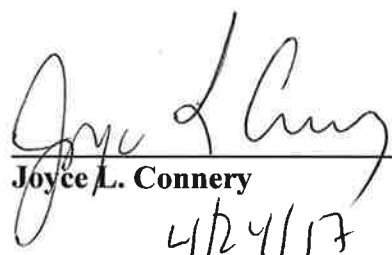
SUBJECT: Amendment by Board Member Joyce Connery to YELLOW FOLDER 2017-300-049, RFBA by Deputy General Manager Katherine Herrera to Revise D-21.1, Directive on Directives

Doc Control #2017-300-049A

Approved **Disapproved** **Abstain**

Recusal – Not Participating

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



Joyce L. Connery
4/24/17

Date