

3670-01

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**Sunshine Act Notice**

**AGENCY: Defense Nuclear Facilities Safety Board**

**ACTION: Notice of Public Business Meeting**

**SUMMARY:** Pursuant to the provisions of the “Government in the Sunshine Act” (5 U.S.C. 552b), notice is hereby given of the Defense Nuclear Facilities Safety Board’s (Board) public business meeting described below.

**TIME AND DATE:** 9:00 a.m. – 3:00 p.m., September 28, 2017.

**PLACE:** Defense Nuclear Facilities Safety Board Headquarters, 625 Indiana Avenue NW., Washington, D.C. 20004-2901.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** This public business meeting will be conducted pursuant to the Government in the Sunshine Act, the Board’s implementing regulations for the Government in the Sunshine Act, and the Board’s Operating Procedures. The objective of this public business meeting is for the Board to deliberate and vote on its Fiscal Year (FY) 2018 Strategic Plan and FY 2018 Staffing Plan, as well as the respective FY 2018 Work Plans for the Office of the General Manager, the Office of the General Counsel, and Office of the Technical Director. The meeting will proceed in accordance with the meeting agenda, which is posted on the Board’s public website at [www.dnfsb.gov](http://www.dnfsb.gov). The Chairman will provide opening remarks followed by discussion led by the agency Office Directors and the technical group leaders. The Board will deliberate and may vote on whether to approve or disapprove the Board’s Strategic Plan. Following each of the Office Director presentations, and as described in the business

meeting agenda, Board members may enter into discussions and move to amend the Work Plan presented by that Office Director. Upon conclusion of amendments and deliberations, the Board may vote on whether to approve or disapprove the individual Work Plans. The Board will also deliberate and may vote on whether to approve or disapprove the agency Staffing Plan. The Chairman will then provide closing remarks.

**CONTACT PERSON FOR MORE INFORMATION:** Glenn Sklar, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC, 20004-2901, (800) 788-4016.

**SUPPLEMENTARY INFORMATION:** Public participation in the meeting is invited during the public comment period of the agenda. Individual oral comments may be limited by the time available, depending on the number of persons who wish to comment. Additional information and/or revisions to the meeting agenda may be posted on the Board's public website prior to the meeting. A transcript of the business meeting will be made available by the Board for viewing by the public on the Board's public website. The Board specifically reserves its right to further schedule and otherwise regulate the course of business of this meeting, to recess, reconvene, postpone, or adjourn the meeting, and otherwise exercise its rights under the Atomic Energy Act, the Government in the Sunshine Act and the Board's Operating Procedures.

Date: August X, 2017

**Sean Sullivan**  
**Chairman.**

**AFFIRMATION OF BOARD VOTING RECORD**

**SUBJECT: 9/28/17 Public Business Meeting FRN**

**Doc Control#2017-300-105**

The Board, with Board Member(s) Bruce Hamilton, Jessie H. Roberson, Daniel J. Santos, Joyce L. Connery *approving*, Board Member(s) Sean Sullivan *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *not participating*, have voted to approve the above document on August 23, 2017.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Sean Sullivan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/23/17
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/22/17
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/22/17
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/22/17
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/22/17

\*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:** 9/28/17 Public Business Meeting FRN

**Doc Control#2017-300-105**

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

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

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

The FRN states “The objective of this public business meeting is for the Board to deliberate and vote ...” I do not agree that voting is an objective, particularly in light of the fact that no amendments are to be considered beforehand. To offer amendments for the first time and then proceed to vote on those amendments requires the Board to do one of two things, and neither are optimum. Either we must vote without the benefit of advice from our staff, or we must obtain in a public setting advice that would otherwise be protected from disclosure by the deliberative process privilege. The privilege exists to ensure that such advice is candid and given without reservation.

Later references to voting contained in the FRN are appropriately conditioned with the word ‘may.’ However, the initial objective statement combined with the many occurrences of “may vote” causes the FRN to give the impression that voting is likely. While our procedures will permit voting, I understood the consensus of the Board at the latest gathering on the matter was that the most probable scenario would be deliberations followed by adjournment to notational voting.

The FRN should provide accurate notice to the public. The proposed FRN does not do that. Accordingly, I disapprove.



Sean Sullivan

8/23/17

Date

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

**FROM: Bruce Hamilton**

**SUBJECT: 9/28/17 Public Business Meeting FRN**

**Doc Control#2017-300-105**

**Approved   X                        Disapproved                             Abstain**

**Recusal – Not Participating**

**COMMENTS:            Below                   Attached                   None   X**

  
**Bruce Hamilton**

22 AUG 2017  
**Date**

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

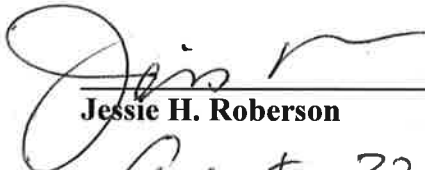
**FROM: Jessie H. Roberson**

**SUBJECT: 9/28/17 Public Business Meeting FRN**

**Doc Control#2017-300-105**

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

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

  
\_\_\_\_\_  
Jessie H. Roberson  
August 22, 2017  
\_\_\_\_\_  
Date

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

**FROM: Daniel J. Santos**

**SUBJECT: 9/28/17 Public Business Meeting FRN**

**Doc Control#2017-300-105**

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

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

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

  
\_\_\_\_\_

**Daniel J. Santos**

\_\_\_\_\_ 8/22/17  
**Date**

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Joyce L. Connery

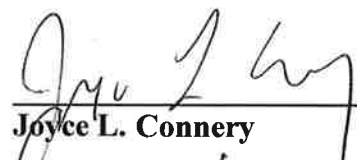
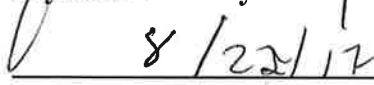
**SUBJECT:** 9/28/17 Public Business Meeting FRN

**Doc Control #2017-300-105**

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

**Recusal – Not Participating**

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

  
\_\_\_\_\_  
**Joyce L. Connery**  
  
\_\_\_\_\_  
**Date**