

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

September 26, 2017 Public Business Meeting, 12:00 p.m. - 3:00 p.m.

Subject: Motion to task staff to generate, within 15 business days, a correspondence to the Secretary of Energy that communicates the Board's decision to close recommendation 2014-1, and explains the Board's ongoing and planned oversight efforts in this area, and require via a reporting requirement a response regarding DOE's commitment to complete the actions as specified in the implementation plan to Recommendation 2014-1. The staff are directed to use the closure letter to Recommendation 2010-2 as a model.

Document Control #:2017-100-085

The Board, with Board Member(s) Sean Sullivan, Bruce Hamilton, Joyce L. Connery, Jessie Roberson and Daniel J. Santos voting as indicated below, has voted to **approve** the above question on September 26, 2017.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	DATE
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9/26/17
Bruce Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9/26/17
Jessie Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9/26/17
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9/26/17
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9/26/17

\*Reason for Not Participating:

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

Notes: The Board decided via unanimous consent to hold the record open for 3 business days for Board Member written comments.

Recorded By: 

James P. Biggins  
General Counsel

Defense Nuclear Facilities Safety Board

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

**FROM:** Bruce Hamilton

**SUBJECT:** Motion to task staff to generate, within 15 business days, a correspondence to the Secretary of Energy

**Doc Control#2017-100-085**

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

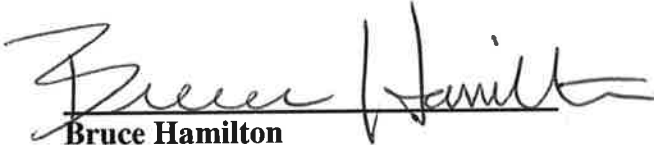
**Recusal – Not Participating** \_\_\_\_\_

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

The Board has decided to close Recommendation 2014-1, demonstrating that the Board no longer holds the view that the collection of remaining unresolved issues rises to the level of challenging the adequate protection of public health and safety. Consequently, there is no compelling reason to invoke the reporting requirement authority of 42 U.S.C. § 2286b(d).

Additionally, while the Board's action to close a Recommendation provides for suitable housekeeping, there is no statutory requirement to do so. As such, there is no need to inform the Secretary of an action to close a Recommendation. A closure letter would simply present a bureaucratic waste of resources.

I therefore disapprove.

  
Bruce Hamilton

28 SEPT 2017  
Date

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Joyce L. Connery

**SUBJECT:** Motion to task staff to generate, within 15 business days, a correspondence to the Secretary of Energy

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

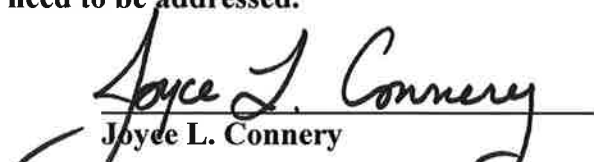
Recusal – Not Participating \_\_\_\_\_

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

At the meeting, I was the lone dissenter on closing Recommendation 14-1 for several reasons: (1) the intent of the Recommendation was not met; (2) the IP was not completed; and (3) I believe this sends the wrong signal to the Department that we are willing to close a Recommendation without its purpose being satisfied and prior to having a previously-scheduled hearing to discuss significant issues that still remain. The Secretary of Energy is required by the Atomic Energy Act to carry out and complete the implementation plan. While the Act does not explicitly assign the Safety Board a role in approving or monitoring progress for an implementation plan, the Secretary of Energy is required to provide the plan to the Board, and the Board, pursuant to its normal oversight authority, may examine any progress by the Secretary in providing reasonable assurance of adequate protection.

Given that I was in the minority on this vote, I do support a communication with the Secretary of Energy that I hope will encourage him to review the original recommendation with his staff—some of who are new to the Department—and follow through to address the concerns raised within that Recommendation. Ultimately, it is the responsibility of the Secretary of Energy to provide the adequate protection of public health and safety at defense nuclear facilities in his role as operator and regulator.

The status of the Emergency Preparedness and Response capabilities at defense nuclear facilities represent the last line of defense for protection of the public and systemic issues in execution and oversight of these functions need to be addressed.

  
Joyce L. Connery  
*provided* 10/2/17  
Date *vote taken* 9/26/17