

REQUEST FOR BOARD ACTION BY A BOARD MEMBER

Requester: _____ Joyce Connery _____ November 24, 2017

Brief description of Requested Action: To direct the General Manager to amend the Board procedures for Board Member Request for Board Action (RFBA) such that a Board Member shall conduct a briefing during the Thursday morning gathering to the Board and the Office Directors and Deputies on the subject and intent of the RFBA and entertain questions, before the Office Directors comment and the Board votes. In practice, the Board Member would submit an RFBA to the Executive Secretary who would then circulate to Board Members and Office Directors. The Board Member would, at the following Thursday gathering, make a presentation to the Board and entertain questions. The Board Member will then have until close of business to withdraw, modify or leave the same and the Executive Secretary would then communicate that to all. At that point, Office Directors would comment as the procedure currently allows. The purpose of this is so that staff and other Board Members can ask clarifying questions of the proposing Board Member to avoid confusion and to allow an opportunity for the proposing Board Member to amend his or her proposal to refine for clarity, accommodate other viewpoints or make other adjustments as he/she deems necessary. (Note: this may necessitate lengthening a Board Gathering on days when proposed RFBAs are discussed.)

Attachments (init) 1 (included clean version of any proposed document or modified document)

Summarize any time sensitive considerations:

Requestor signature _____ on file _____ November 24, 2017

Executive secretary _____ on file _____ November 24, 2017

	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.](#)

Requests for Board Action by a Board Member

- A. Each member of the Board, including the Chairman and Vice Chairman, may seek staff support or action of the Board by submitting written proposals for consideration by the full Board using the procedure below.
- B. These proposals may involve policy matters before the Board or proposed staff tasking. Some matters, such as the preparation of a proposed recommendation, may involve both Board policy and staff tasking. In those cases, the procedure below for staff tasking shall be used since the staff tasking will necessarily precede any Board vote on the policy matter. A Request for Board Action by a Board Member form (Appendix 4) will be utilized to document and preserve these exchanges and decision making. The requesting Board Member will complete the Request for Board Action by a Board Member form, sign the request, and submit it to the Board's Executive Secretary.
- C. Upon receipt, the Executive Secretary will log the request into the Board's action tracking system and circulate among Board Members and Office Directors.
- C-D. After submission, at the following Thursday Board gathering, the Board Member will present his/her proposal to the Board and Office Directors and entertain questions and clarify intent, as needed. The Board Member will have until the close of business that day to amend, withdraw, or leave the request unaltered. Once that time period has elapsed, the procedures regarding either staff tasking or policy matters outlined below shall take place as described.
- D-E. If the request involves staff tasking, the process below shall be used. The process is written for the straight-forward case where Requests for Board Action are appropriately submitted and voted on without revision or conflict. Many potential complications could arise, (e.g., Board Members submit conflicting requests, or one Member seeks a friendly amendment to another Member's request). Such complications shall be addressed on a case-by-case basis by the Member or Members involved and the path forward resolved through unanimous consent. The straight-forward case shall be as follows:
- 1) The Executive Secretary will submit the request to the Chairman for processing;
 - 2) The applicable Office Director will produce an assessment of the impact on the approved annual work plan and may provide any other information within the Office Director's area of responsibility that the Office Director deems relevant. Any Board Member may rebut the Office Director prior to proceeding to notational voting. The Executive Secretary shall proceed expeditiously to notational voting in accordance with the next step unless a Member has indicated an intent to provide a rebuttal, in which case the Member shall be provided one (1) day to do so;

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ARCHIVE: Doc#2018-300-014, RFBA by Board Member Connery to
Direct the General Manager to Amend the Board Procedures

- 3) The the Executive Secretary shall proceed to notational voting in accordance with the following steps:
 - a) The Executive Secretary shall provide a copy of the completed Request for Board Action by a Board Member form along with any Office Director assessments, other Office Director inputs, and any Board Member rebuttal to each Board Member. Board Members shall register their vote within one (1) day of receipt of the completed Request for Board Action by a Board Member;
 - b) The Executive Secretary will complete the Affirmation of Board Voting Record forms, distribute copies to each Board Member and the relevant Office Directors, and forward the complete package to Records Management for preservation.

E.F. If the request involves a policy matter before the Board:

- 1) The Executive Secretary will provide a copy of the Request for Board Action by a Board Member to all Board Members simultaneously, in paper or electronic form;
- 2) Each Board Member will register their vote and return it to the Executive Secretary for processing. The time frame for initiating voting on any such proposal must be consistent with, and not exceed, the time frames specified elsewhere in these procedures for specific types of actions. For example, if the Board has a three day time period to vote on a proposed correspondence and a Board Member has proposed that type of correspondence, the time frame allowed for the vote should be three days;
- 3) The Executive Secretary will complete Affirmation of Board Voting Record forms, distribute copies to each Board Member and the relevant Office Directors, and insert the file copy into the document package containing the subject of the proposal.

F.G. If the request involves a waiver of, or revision to, these procedures:

- 1) In a particular circumstance, the Board may, by unanimous consent, waive these procedures, in whole or in part, without the formality of a separately recorded vote. If any Board Member withholds consent, the Board must adhere to these procedures or else vote to waive them in whole or in part using the procedure in paragraph D. above;
- 2) The procedure of paragraph D. above shall be used to make revisions.

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: RFBA by Board Member Connery to Direct the General Manager to Amend the Board Procedures

Doc Control#2018-300-014

The Board, with Board Member(s) Sean Sullivan, Joyce L. Connery *approving*, Board Member(s) Jessie H. Roberson *disapproving*, Board Member(s) Bruce Hamilton, Daniel J. Santos *abstaining*, and Board Member(s) none *not participating*, have voted to approve the above document on November 29, 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"/>	11/29/17
Bruce Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11/28/17
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11/29/17
Daniel J. Santos	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11/28/17
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11/28/17

*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: RFBA by Board Member Connery to Direct the General Manager to Amend
the Board Procedures

Doc Control#2018-300-014

Approved *P* Disapproved Abstain

Recusal – Not Participating

COMMENTS: Below Attached None *P*



Sean Sullivan

11/29/17

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

**SUBJECT: RFBA by Board Member Connery to Direct the General Manager to Amend
the Board Procedures**

Doc Control#2018-300-014

Approved _____ Disapproved _____ Abstain X

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

The process laid out in this proposed amendment is a good one. A Board Member's oral explanation of the intention of an RFBA, and the opportunity for questioning by the staff before the process enters the formal stage, would help to avoid the misunderstandings that occasionally occur.

That said, there is no reason why this process cannot be done on an ad hoc basis under the current Board Procedures. As a matter of best practices, and especially any time there room for misinterpretation, a Board Member would be well served to talk with fellow Board Members and staff to make sure the text of an RFBA is clear and practicable before he or she introduces it into the formal process. This can be done individually or during a gathering, such as is being proposed here, as long as care is taken to comply with The Government in the Sunshine Act. This proposed amendment would require such a process in all cases, creating more complexity within the Board Procedures and constraining Board Members to this process without regard to the situation.

While I have no philosophical objection to the process proposed by this amendment, neither do I see any compelling reason to amend the Board Procedures to require such a process in each and every case. Given that, I defer to the wisdom and preferences of my fellow Board Member and therefore abstain.


Bruce Hamilton

28 NOV 2017
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson

**SUBJECT: RFBA by Board Member Connery to direct the General Manager to Amend
the Board Procedures**

Doc Control#2018-300-014

Approved _____ Disapproved X Abstain _____

Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

I do not support the proposed action as written. After a Board Member has submitted an RFBA then it is an action before the Board. Current practices today do not prohibit individual Board Members or staff from discussions to ensure understanding of any Board Member's proposal to the Board. However, a quorum of the Board discussing an action before the Board may be or may be construed to be deliberating in the dark and/or appear to be an effort to suppress. I would participate in the proposed process only if it is done in a public setting.



Jessie H. Roberson

Nov 29, 2017

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Daniel J. Santos


SUBJECT: RFBA by Board Member Connery to Direct the General Manager to Amend
the Board Procedures

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Approved _____ **Disapproved** _____ **Abstain** X

Recusal – Not Participating _____

COMMENTS: **Below** _____ **Attached** _____ **None** X



Daniel J. Santos
11/28/17

Date

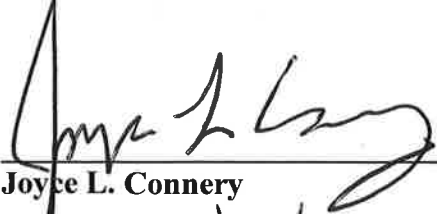
DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

SUBJECT: RFBA by Board Member Connery to Direct the General Manager to Amend
the Board Procedures

Doc Control#2018-300-014

Approved **Disapproved** **Abstain**
Recusal – Not Participating
COMMENTS: **Below** **Attached** **None**



Joyce L. Connery

11/28/12

Date