



**AFFIRMATION OF BOARD VOTING RECORD**

**SUBJECT: RFBA by Board Member Connery to Accept the OIRA Offer of a Review of 10 CFR 830**

**Doc Control#2018-300-052**

The Board, with Board Member(s) Joyce L. Connery *approving*, Board Member(s) Bruce Hamilton, Jessie H. Roberson, Daniel J. Santos *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *not participating*, have voted to disapprove the above document on May 22, 2018.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Bruce Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	05/22/18
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	05/22/18
Daniel J. Santos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	05/22/18
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	05/21/18

\*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.

  
\_\_\_\_\_  
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:** Bruce Hamilton

**SUBJECT:** RFBA by Board Member Connery to Accept the OIRA Offer of a Review of  
10 CFR 830

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

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

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

The Board previously decided to address the subject 10 CFR 830 rulemaking during the public comment period. That path continues to be satisfactory, and changing directions at this late stage would be disruptive to other planned activities.

I therefore disapprove.

  
Bruce Hamilton

22 MAY 2018  
Date

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM: Jessie H. Roberson**

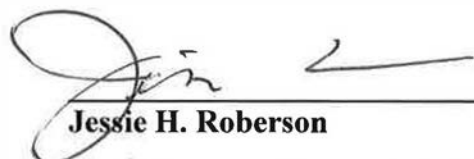
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Approved \_\_\_\_\_ Disapproved X Abstain \_\_\_\_\_  
Recusal – Not Participating \_\_\_\_\_

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

*Additional formality is warranted.*

  
\_\_\_\_\_  
**Jessie H. Roberson**  
*May 22, 2018*  
\_\_\_\_\_  
**Date**

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

**FROM: Daniel J. Santos**

**SUBJECT: RFBA by Board Member Connery to Accept the OIRA Offer of a Review of  
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Approved \_\_\_\_\_ Disapproved  X  Abstain \_\_\_\_\_

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

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

On April 27, 2018 the Board communicated to Secretary of Energy Perry that the Board plans to review and provide comments to the 10 CFR Part 830, “Nuclear Safety Management” rule-making during the public comment period. I look forward to this opportunity.

Regarding other opportunities for reviewing of 10 CFR Part 830, the Board has not received any formal requests from the Department of Energy (DOE) or from the Office of Management and Budget (OMB). It is not clear to me what coordination, communication, and process currently exist between the lead Federal agency for this subject document (DOE), OMB, and other Federal agencies that may have an interest in 10 CFR Part 830 for me to evaluate the appropriate role for the DNFSB at this time. Also, it is not clear to me what would be the process for dispositioning any potential non-public comments that may be provided by the Board and any applicable transparency requirements.

  
\_\_\_\_\_  
**Daniel J. Santos**

5/22/18  
\_\_\_\_\_  
**Date**

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Joyce L. Connery

**SUBJECT:** RFBA by Board Member Connery to Accept the OIRA Offer of a Review of  
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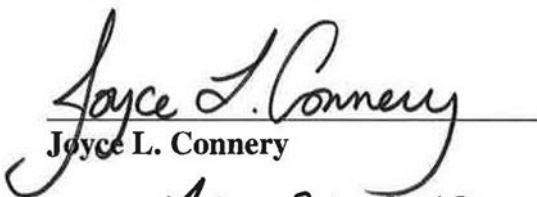
Approved  X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

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

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

The Board communicated to the Secretary that it would provide comments publically on 10 CFR 830 after the Department indicated – staff to staff—that it would permit only a one week review period. Indeed, the philosophy of the Department, as evidenced in its recent order DOE O 140.1 is that it should deny the DNFSB access to “pre-decisional” documents, including, apparently, documents fundamental to safety—including orders, regulations, and requirements. While the Department is not required to take any DNFSB input, it does not seem to even want to take it into consideration during the development of such standards. This seems contrary to the concepts of efficiency and good governance.

The Office of Informational and Regulatory Affairs (OIRA) considers and has communicated that it believes that a one week review is insufficient and has stated will pull in the rule package for review under E.O. 12866 and offer the Board up to 90 days to review and comment on the proposed rule prior to the publication. This does not preclude the Board from making public comment. Given that OIRA, the lead federal organization for rulemaking, agrees with the Board that one week is an insufficient amount of time to review and provide comment, and that participating in a pre-public comment period may present an opportunity to determine if there are any flaws or significant issues that perhaps the Department overlooked, it would be contrary to good governance to forego the opportunity to conduct such a review ahead of publication.

  
\_\_\_\_\_  
Joyce L. Connery  
Date May 21, 2018