

REQUEST FOR BOARD ACTION

Title of Action Document:

Complete Review By:

Closure and Federal Register notice for May 2018 Meeting

Brief Description of Purpose:

Pursuant to the Government in the Sunshine Act at 5 U.S.C. § 552b(d)(1) and the Board's implementing regulations at 10 C.F.R. § 1704.5(a), I request that the Board approve closing the meeting approved by Board action 2018-200-011, currently scheduled for May 2018. In addition, I request approval for issuance of a conforming Federal Register notice pursuant to clause 1.4(B)(28) of the Board Procedures. As advised by the General Counsel prior to the notational vote on Board action 2018-200-011, and pursuant to Board Procedures 2.1(B)(2)(j), the Board may close this meeting under Government in the Sunshine Act exemptions (3) and (9)(B).

By approving this action, the Board determines that public participation would likely disclose matters specifically exempted by statute and/or disclose information for which premature disclosure would likely frustrate implementation of a proposed action of the Board. Therefore, by approving this action, the Board is invoking Exemptions (3) and (9)(B) to close the meeting (5 U.S.C. § 552b(c)(3) and (9)(B), 10 C.F.R. § 1704.4(c) and (h)).

Relevant Background Information Attached (initial): n/a

Summarize any staff difference of opinion regarding the proposed action: None

Summarize any time sensitive considerations: The Government in the Sunshine Act requires public announcement at least a one week prior to a closed meeting. Pursuant to the Board's regulation at 10 CFR 1704.6, the Board shall submit a Federal Register notice immediately following public announcement of a meeting. OGC will send OGM a public meeting announcement once we have a final time and date.

Requester Signature:

 4-25-18

Responsible Office Director Signature:

 4-25-18

Executive Secretary Signature:

on file

Final Disposition of Proposed Action:

Executive Secretary Signature:

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Closure and Federal Register notice for May 2018 Meeting

Doc Control#2018-300-046


The Board, with Board Member(s) Bruce Hamilton, Jessie H. Roberson, Daniel J. Santos, Joyce L. Connery *approving*, Board Member(s) none *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *not participating*, has voted to approve the above document on May 10, 2018.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	05/09/18
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	05/10/18
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	05/09/18
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	05/09/18

*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 OGC to Close May 2018 Meeting and issue FRN

Doc Control#2018-300-046

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

Recusal – Not Participating

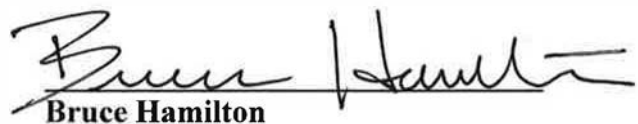
COMMENTS: Below **Attached** **None** X

This meeting closure and FRN proposes to invoke the Government in the Sunshine Act Exemption 9(B), 5 U.S.C. § 552b(c)(9)(B).

It is inappropriate to invoke Exemption (9)(B) of the Government in the Sunshine Act. Exemption 9(B) is redundant to Exemption (3) prior to the Board's decision on a Recommendation, and it is not applicable once the Board has decided. Including it as an exemption might advance the erroneous interpretation that the information could be withheld from the public even after the Board had acted in order not to frustrate DOE's action, but the "proposed agency action" listed in (9)(B) is the Board's action, not DOE's response to it.

That said, the current Board has consistently voted to invoke Exemption (9)(B), and it is not necessary to re-argue that issue here.

I therefore approve.


Bruce Hamilton

 9 MAY 2018
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson

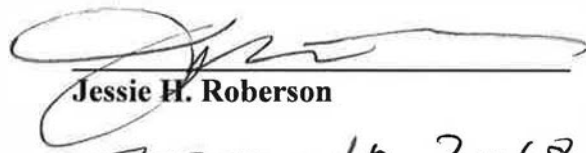
SUBJECT: RFBA by OGC to Close May 2018 Meeting and issue FRN

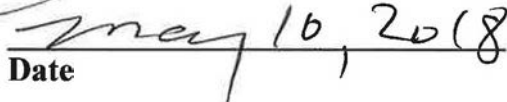
Doc Control#2018-300-046

~~Approved~~ _____ **Disapproved** _____ **Abstain** _____

Recusal – Not Participating _____

COMMENTS: **Below** _____ **Attached** _____ ~~**None**~~ _____



Jessie H. Roberson


Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Daniel J. Santos


SUBJECT: RFBA by OGC to Close May 2018 Meeting and issue FRN

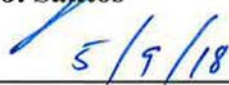
Doc Control#2018-300-046

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

Recusal – Not Participating _____

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



Daniel J. Santos


Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

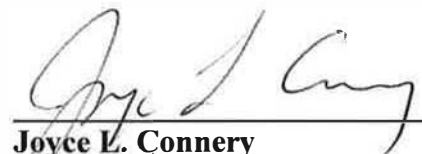
SUBJECT: RFBA by OGC to Close May 2018 Meeting and issue FRN

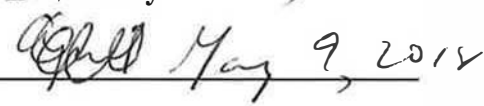
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Approved **Disapproved** **Abstain**

Recusal – Not Participating

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



Joyce L. Connery


Date