

**AFFIRMATION OF BOARD VOTING RECORD**

**SUBJECT: PF-4 LANL Safety Basis**

**Doc Control#2018-100-063**


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*, has voted to disapprove the above document on September 28, 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"/>	09/25/18
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	09/28/18
Daniel J. Santos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	09/28/18
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	09/25/18

\*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: PF-4 LANL Safety Basis**

**Doc Control#2018-100-063**

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

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

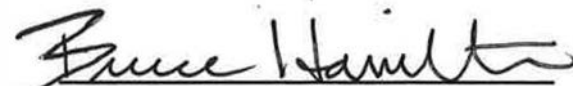
COMMENTS: Below  X  Attached \_\_\_\_\_ None \_\_\_\_\_

This correspondence, if approved, will require the Secretary, pursuant to 42 U.S.C. §2286b(d), to provide a written report and a briefing to the Board within 60 days detailing DOE's planned activities to ensure that the consequences of a post-seismic fire accident scenario at the Plutonium Facility do not challenge DOE's Evaluation Guideline.

42 U.S.C. § 2286b(d) authorizes the Board to, "... establish reporting requirements for the Secretary of Energy ...." The Board should generally practice a narrow interpretation of its statutory authority to require reports. This authority should be used with discretion, such as when information has been difficult to obtain through informal staff-to-staff interaction or when periodic recurring reports on program status are warranted. 42 U.S.C. § 2286b(d) should not be used as a mechanism to convey either an explicit or an implied mandate for the Secretary to carry out an activity. In this case, that appears to be the message.

Likewise, 42 U.S.C. § 2286b(d) should not be used as a surrogate for a recommendation. In the event that the issues identified in the Staff Issue Report, either individually or in totality, challenged the "... adequate protection of the public health and safety...", the statutorily appropriate path would be to recommend action to the Secretary of Energy. In this case, there is no indication that this threshold has been reached.

I therefore disapprove.

  
Bruce Hamilton

25 SEPT 2018  
Date

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

**FROM:** Jessie Roberson


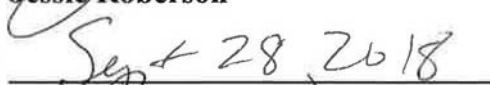
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**Approved** \_\_\_\_\_ **Disapproved** X **Abstain** \_\_\_\_\_

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

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

  
\_\_\_\_\_  
**Jessie Roberson**  
  
\_\_\_\_\_  
**Date**

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

**FROM: Daniel J. Santos**


**SUBJECT: PF-4 LANL Safety Basis**

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

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

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

  
\_\_\_\_\_  
Daniel J. Santos  
\_\_\_\_\_  
9/28/18  
Date

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

**FROM: Joyce Connery**

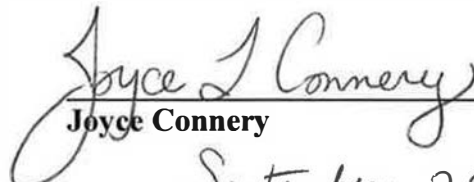
**SUBJECT: PF-4 LANL Safety Basis**

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Approved  Disapproved  Abstain

Recusal – Not Participating

COMMENTS: Below  Attached  None

  
\_\_\_\_\_  
Joyce Connery  
September 25, 2018  
\_\_\_\_\_  
Date