

APPENDIX 4

REQUEST FOR BOARD ACTION BY A BOARD MEMBER

Requester: Daniel J. Santos December 19, 2018

Brief description of Requested Action:

Board Member Daniel J. Santos is requesting that:

1. Board Members approve sending the attached letter to the Secretary of Energy.
2. Posting the attached letter on the Board's public website following transmission to the Secretary of Energy.

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

Summarize any time sensitive considerations:

Requestor signature signature on file December 19, 2018

Executive secretary signature on file December 19, 2018

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING	COMMENT	DATE
Bruce Hamilton	<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"/>	_____
Daniel J. Santos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Joyce L. Connery	<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.

Bruce Hamilton, Chairman
Jessie H. Roberson
Daniel J. Santos
Joyce L. Connery

**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Washington, DC 20004-2901



December XX, 2018

The Honorable James Richard Perry
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-1000

Dear Secretary Perry:

Thank you for your response letter dated December 13, 2018 regarding DOE Order 140.1, *Interface with the Defense Nuclear Facilities Safety Board*.

Your response states – “DOE’s longstanding policy is to continue a strong and productive relationship with the DNFSB and its staff as a valued external and independent reviewer.” We remain concerned that certain written provisions in Order 140.1 are inconsistent with the Atomic Energy Act (as amended) and that implementing Order 140.1 could challenge the DOE policy stated above.

Although your letter is silent on your willingness to suspend Order 140.1 pending revisions, we reaffirm our commitment to collaborating with you to disposition the concerns we raised and to demonstrate our joint focus on ensuring the adequate protection of public health and safety.

Yours truly,

Bruce Hamilton
Chairman

Enclosure

c: The Honorable James Inhofe
The Honorable Jack Reed
The Honorable Mac Thornberry
The Honorable Adam Smith
Mr. Joe Olencz

The Honorable Patrick Leahy
The Honorable Rodney Frelinghuysen
The Honorable Nita Lowey
The Honorable Richard Shelby

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: RFBA by Board Member Santos to Approve Sending the Attached Letter re DOE Order 140.1 to the Secretary of Energy

Doc Control#: 2019-100-0010

The Board acted on the above document on 12/20/2018. The document was Approved.

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 type="checkbox"/>	12/19/2018
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12/20/2018
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12/20/2018
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/19/2018

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Board Members.

Cameron Shelton

Executive Secretary to the Board

Attachments:

1. Voting Summary
2. Board Member Vote Sheets

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

SUBJECT: RFBA by Board Member Santos to Approve Sending the Attached Letter re DOE Order 140.1 to the Secretary of Energy

Doc Control#: 2019-100-0010

DATE: 12/19/2018

VOTE: Approved

COMMENTS:

None

Bruce Hamilton

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

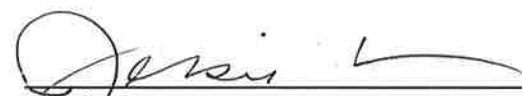
FROM: **Jessie Roberson**

SUBJECT: **RFBA by Board Member Santos to Approve Sending the Attached Letter re
DOE Order 140.1 to the Secretary of Energy**

Doc Control#2019-100-010

Approved **Disapproved** _____ **Abstain** _____
Recusal – Not Participating _____

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



Jessie Roberson
Dec 20, 2018

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Daniel J. Santos


SUBJECT: RFBA by Board Member Santos to Approve Sending the Attached Letter re
DOE Order 140.1 to the Secretary of Energy

Doc Control#2019-100-010

Approved Disapproved _____ Abstain _____

Recusal – Not Participating _____

COMMENTS: Below _____ Attached _____ None



Daniel J. Santos

12/20/18

Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

SUBJECT: RFBA by Board Member Santos to Approve Sending the Attached Letter re DOE Order 140.1 to the Secretary of Energy

Doc Control#: 2019-100-0010

DATE: 12/19/2018

VOTE: Approved

COMMENTS:

I am supporting this letter to the Secretary in order to ensure that the position of the Board is perfectly clear. There are provisions in DOE Order 140.1 that are inconsistent with the Atomic Energy Act and, if implemented as written, would impede the Board in fulfilling its statutory mission. I do not expect the Department to answer nor to suspend implementation of the Order. The Secretary has made that clear. I believe the remedy will be found through Congressional mechanisms, but in the meantime, we will continue to perform our mission as outlined in our statute.

Joyce L. Connery