

**REQUEST FOR BOARD ACTION BY A BOARD MEMBER**

Requester: \_\_\_\_\_ Sullivan \_\_\_\_\_ March 31, 2016

Brief description of Requested Action: To enhance transparency, direct the General Manager to update on the Board's internet website the posted transcripts from the Board's closed meetings of June 3, 2015 and July 29, 2015 as indicated in the two attachments to this request. Each attachment contains text highlighted in yellow that indicates text already posted to the internet. Non-highlighted text are to be added to the posted transcripts upon approval of this request within three business days. The non-highlighted text contains deliberations on Recommendation 2015-1. The Recommendation is now public. After a final recommendation has been transmitted to the Secretary, exemption 3 of the Sunshine Act no longer applies. Arguably, the Board has an affirmative duty to publish the attached transcripts. ["The agency shall make promptly available to the public ... the transcript ... except for such item or items of such discussion or testimony as the agency determines to contain information which may be withheld under (the exemptions paragraph)." 5 USCS § 552b] If not actually required by the law, publishing related closed meeting transcripts after the Recommendation has been transmitted to the Secretary is certainly in keeping with the spirit of the Sunshine Act. Moreover, if any person should request the closed meeting transcripts relating to Recommendation 2015-1 via FOIA, the agency would be required to release them.

Attachments (init)   2   (included clean version of any proposed document or modified document)

Summarize any time sensitive considerations:

Requestor signature \_\_\_\_\_ //s// \_\_\_\_\_ March 31, 2016

Executive secretary \_\_\_\_\_ March 31, 2016

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	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING	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.](#)



**AFFIRMATION OF BOARD VOTING RECORD**

**SUBJECT: Request for Board Action by Board Member, Sean Sullivan; Direct the GM to update the Board's internet website the posted transcripts from the Board's closed meetings of June 3, 2015 and July 29, 2015 as indicated in the two attachments to this request**

**Doc Control#2016-300-001**

The Board, with Board Member(s), Sean Sullivan, Bruce Hamilton *approving*, Board Member(s) Joyce L. Connery, Jessie H. Roberson, Daniel J. Santos *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *recusing*, have voted to disapprove the above document on April 7, 2016.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Joyce L. Connery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	04/07/16
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	04/07/16
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	04/06/16
Daniel J. Santos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/07/16
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04/06/16

\*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:** Joyce L. Connery

**SUBJECT:** Request for Board Action by Board Member, Sean Sullivan; Direct the GM to update the Board's internet website the posted transcripts from the Board's closed meetings of June 3, 2015 and July 29, 2015 as indicated in the two attachments to this request

**Doc Control#2016-300-001**

Approved \_\_\_\_\_

Disapproved

Abstain \_\_\_\_\_

Recusal - Not Participating \_\_\_\_\_

**COMMENTS:**

Below

Attached \_\_\_\_\_

None \_\_\_\_\_

While supportive of transparency, when warranted, I don't believe that releasing these transcripts enhance transparency. Additionally, while we are awaiting IP on IS.1, I don't believe it is prudent to release more information at this time.

*JLC*

*Joyce L. Connery*  
\_\_\_\_\_  
Joyce L. Connery

4/6/16

Date

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

**FROM:** Jessie H. Roberson

**SUBJECT:** Request for Board Action by Board Member, Sean Sullivan; Direct the GM to update the Board's internet website with the posted transcripts from the Board's Closed Meetings of June 3, 2015 and July 29, 2015, as indicated in the two attachments to this request.

**Doc Control#2016- 2016-300-001**

**Approved**\_\_\_\_\_ **Disapproved**\_\_X\_\_ **Abstain**\_\_\_\_\_

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

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

Having completed my own evaluation and having reviewed the insights from the Board's Career Executives I do not support this request.

- A. I do not support releasing additional internal dialog regarding Recommendation 2015-1. In accordance with the Board's own Public Policy Statement 1 the Board should evaluate the Department's Implementation Plan to conclude if the Department actually understood the Recommendation and reflects that in its Implementation Plan (IP). The Department is still developing the IP and previous informal and sometimes uninformed statements by anyone at the Board could mislead and confuse that action. .

DNFSB Policy Statement -1:

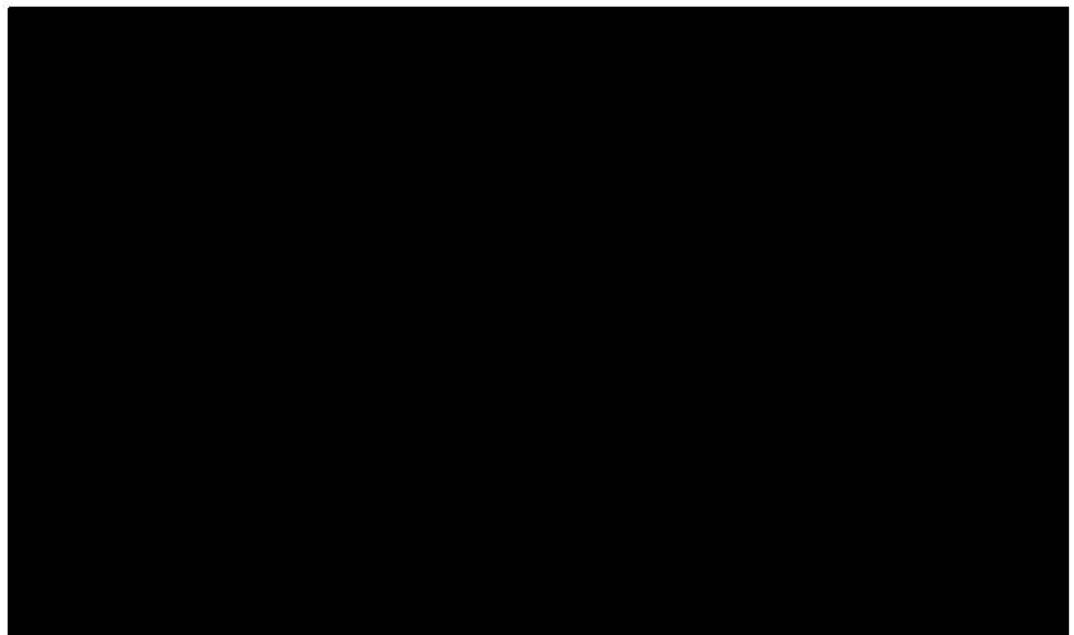
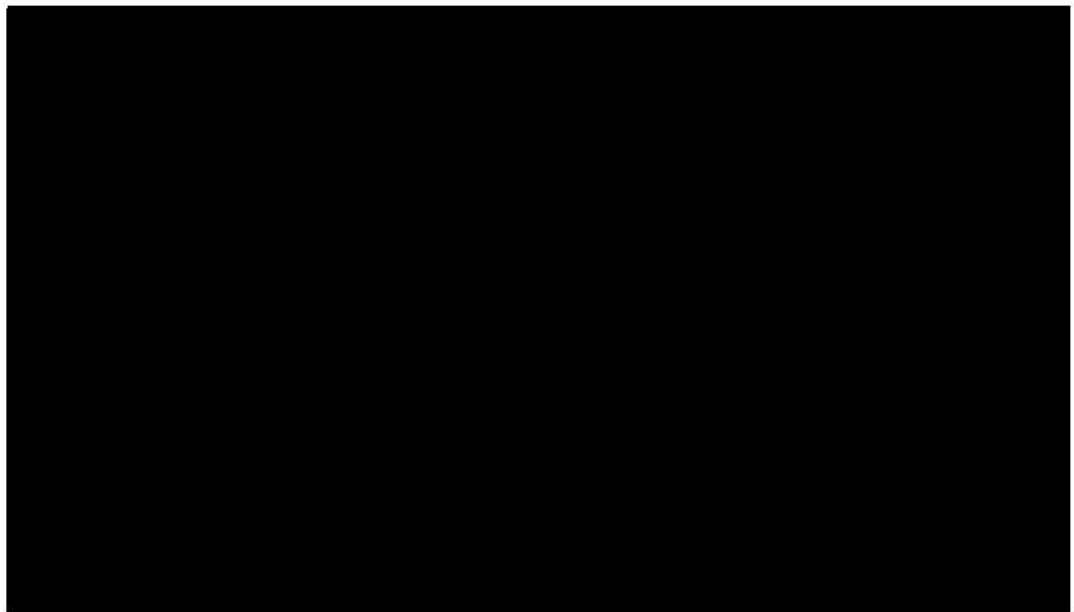
'The purpose of the implementation plan is to provide a basis and a schedule for assuring that accepted recommendations are accomplished. A. SUBSTANTIVECRITERIA

1. Does DOE understand the Board's recommendation? 2 DOE I S responses give the first indication of whether or not the Board's recommendations have been communicated and understood. If a response is adequate, the implementation plan should track the response in this regard and clearly demonstrate an understanding of the recommendation. If there is a clear restatement by DOE in the implementation plan of the recommendation's goals, or of the



underlying issues or problems identified by the recommendation, the Board can then reasonably assume that its initial recommendation was understood. DOE, however, maintains latitude to implement recommendations in a wide variety of ways so long as the Board's recommendations are achieved. Ultimately, the totality of all the terms of plan will exhibit the level of DOE's understanding and acceptance of the recommendation.'

- B. I do not support releasing additional content of the internal discussions regarding Recommendation 2014.1 for the same reasons raised by the staff.  
Lifted from the Staff evaluation of the proposed action:



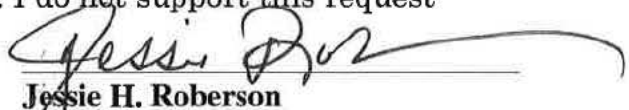


C.

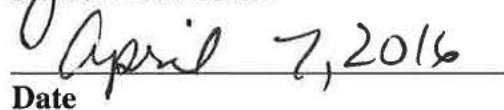


D. In some cases, information discussed in a closed meeting is related to more than one potential recommendation. A recent example would be the Board's Recommendations 2014-1 and 2015-1. If a closed meeting had been held to discuss Recommendation 2014 1 during its nascent stage, that general discussion would also have included information related to the specific details at Pantex that ultimately ended up becoming Recommendation 2015-1. The release of portions of a closed meeting transcript determined to be related to Recommendation 2014-1 could then have inadvertently caused the release of information for (at that time) Draft Recommendation 2015-1. There is no mechanism to preclude such inadvertent releases.'

As these were the Board's early attempts to execute this type of activity - communications quickly devolved into basic staff briefings or discussions. The Board should provide more clarity and discipline in both its expectations for order and the role of staff participants and on lookers. I do not support this request

  
\_\_\_\_\_

Jessie H. Roberson

  
\_\_\_\_\_

Date

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**NOTATIONAL VOTE RESPONSE SHEET**

**FROM:** Sean Sullivan

**SUBJECT:** Request for Board Action by Board Member, Sean Sullivan; Direct the GM to update the Board's internet website the posted transcripts from the Board's closed meetings of June 3, 2015 and July 29, 2015 as indicated in the two attachments to this request

Doc Control#2016-300-001

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

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

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

I advanced this request out of concern that staff who participate in closed meetings may be acting under the misconception that their names and their words may forever be kept from the public. By its nature, a closed meeting can create the perception of a private affair. However, my reading of the Sunshine Act and the Freedom of Information Act leads me to conclude that once a recommendation has been transmitted to the Secretary, the agency could be compelled to release those portions of closed meeting transcripts dealing with that recommendation. Whether or not the Board sees fit to proactively release the transcripts dealing with Recommendation 2015-1, our staff should be on notice during future closed meetings that there exists a potential for release of the transcript.



Sean Sullivan

4/6/16

Date



## Shelby Qualls

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**From:** Daniel J. Santos  
**Sent:** Thursday, April 07, 2016 1:55 PM  
**To:** Lotus Smith; Shelby Qualls  
**Subject:** RE: Notational Vote: Doc#2016-300-001 Request for Board Action by Board Member, Sean Sullivan; Direct the GM to update the Board's internet website the posted transcripts from the Board's Closed meetings of June 3, 2015 and July 29, 2015

Disapproved without comments.

**From:** Lotus Smith  
**Sent:** Thursday, March 31, 2016 12:24 PM  
**To:** Bruce Hamilton <[REDACTED]>; Daniel J. Santos <[REDACTED]>; Jessie Roberson <[REDACTED]>; Joyce Connery <[REDACTED]>; Sean Sullivan <[REDACTED]>  
**Cc:** Shelby Qualls <[REDACTED]>; Nora Khalil <[REDACTED]>; Lotus Smith <[REDACTED]>  
**Subject:** Notational Vote: Doc#2016-300-001 Request for Board Action by Board Member, Sean Sullivan; Direct the GM to update the Board's internet website the posted transcripts from the Board's Closed meetings of June 3, 2015 and July 29, 2015

This email is an electronic record of Notational Vote. Voting ballot will follow shortly. Also, accepting electronic votes.

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

**TO:** Board Members  
**FROM:** Members of the Board

**SUBJECT:** Request for Board Action by Board Member, Sean Sullivan; Direct the GM to update the Board's internet website the posted transcripts from the Board's Closed meetings of June 3, 2015 and July 29, 2015 as indicated in the two attachments to this request

**Doc Control#:** 2016-300-001

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

#### COMMENTS:

Below \_\_\_\_\_  
Attached \_\_\_\_\_  
None \_\_\_\_\_

Lotus Smith  
Executive Secretary  
Office of the Chairman



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

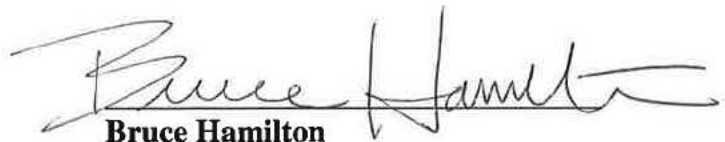
**FROM:** Bruce Hamilton

**SUBJECT:** Request for Board Action by Board Member, Sean Sullivan; Direct the GM to update the Board's internet website the posted transcripts from the Board's closed meetings of June 3, 2015 and July 29, 2015 as indicated in the two attachments to this request

**Doc Control#2016-300-001**

**Approved**  **Disapproved**  **Abstain**   
**Recusal - Not Participating**

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

  
**Bruce Hamilton**

6 APR 2016  
**Date**