

Doc#2016-300-013

APPENDIX 4

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

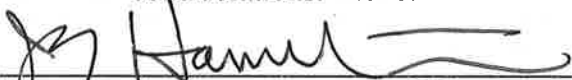
Requester: Board Member Bruce Hamilton

June 17, 2016

Brief description of Requested Action: I request that the Board approve the attached revision to the Board Procedures, effective immediately. Approval of this request includes direction to the General Manager to incorporate this revision and publish the revised Board Procedures. Justification: This formally defines the procedure for Unanimous Consent.

Attachments (init) \_JBH\_ (included clean version of any proposed document or modified document)

Summarize any time sensitive considerations: None.

Requestor signature  June 17, 2016

Executive secretary  6-17-16 Click here to enter a date.

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICPATING	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					<small>Click here to enter a date</small>	

Executive Secretary signature \_\_\_\_\_

Attachment to Request for Board Action dated June 17, 2016

A new Section 3.4 of the Board Procedures is added as follows:

**3.4 Unanimous Consent**

- A. Unanimous Consent may be used as confirmation of Board approval of a routine issue for which it is reasonable to expect consensus. A request for Unanimous Consent may be made by any Member of the Board or the lead or acting lead of any of the agency's three administrative units. Unanimous Consent should not be used for issues of policy where public transparency is warranted.
- B. A request for Unanimous Consent may be made by any means available, including orally. If time permits, the preferred method is through email managed by the Executive Secretary. If someone other than the Executive Secretary manages the request, that person is responsible for collecting and providing written documentation of the request and of the records of votes to the Executive Secretary.
- C. Approval of a request for Unanimous Consent requires both a quorum of three and an affirmative vote of all Board Members not incapacitated.
- D. A request for Unanimous Consent, if not approved, shall expire at the end of the third workday after the day in which the request is submitted.
- E. Once a request for Unanimous Consent is approved, disapproved or expired, the Executive Secretary shall immediately inform the Board of the result. The Executive Secretary shall then ensure a sequential serial number has been assigned, provide a copy of the documentation to each Board Member, and post the documentation on the agency's intranet.

The Table of Contents shall be amended to show this new section.

## Shelby Qualls

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**From:** James Biggins  
**Sent:** Tuesday, June 21, 2016 11:03 PM  
**To:** Lotus Smith; Bruce Hamilton; Daniel J. Santos; Jessie Roberson; Joyce Connery; Sean Sullivan  
**Cc:** Shelby Qualls; Nora Khalil; Steven Stokes; Mark Welch; Katherine Herrera  
**Subject:** RE: Notational Vote: Doc#2016-300-013 Request for Board Action by Board Member, Bruce Hamilton; To direct OGM to revise the Board Procedures to formally define procedure for Unanimous Consent

Chairman, Vice-Chairman, and Board Members,

I have no legal objection to the proposed action. The RFBA would result in only an incremental increase in OGC work and will not interfere with planned work.

With respect to paragraph C of the RFBA:

Paragraph C reads, "Approval of a request for Unanimous Consent requires both a quorum of three and an affirmative vote of all Board Members not incapacitated."

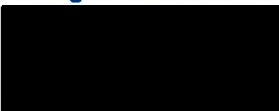
The term "incapacitated" is not defined in either the Board Procedures or the AEA (*But see*, Board Procedure 3.4.(A)(4) declaring a Member as "Not Participating") Assuming its plain dictionary meaning and consistent with usage in Board Procedure 3.4(A)(4), "incapacitated" would not include Board Members who are on travel. Normally, under Robert's Rules, unanimous consent would include only those members present. In this case, unanimous consent should also be interpreted to include Members on travel.

Note that unanimous consent is currently mentioned in the Board Procedures at:

2.1(C)  
2.2(A)(2)  
2.2(B)(2)(d) [consent of Board]  
2.2(B)(3)(e) [without objection]  
2.2(B)(4)(a)  
2.2(C)(3)(a)  
3.2(A)(3)  
3.2(A)(4)  
3.2(C)(2)  
3.4(D)  
3.4(F)

-Jim

James Biggins  
Acting General Counsel



Defense Nuclear Facilities Safety Board

**From:** Lotus Smith  
**Sent:** Friday, June 17, 2016 4:35 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]>; Steven Stokes <[REDACTED]>; James Biggins <[REDACTED]>; Mark Welch <[REDACTED]>; Katherine Herrera <[REDACTED]>; Lotus Smith <[REDACTED]>  
**Subject:** Notational Vote: Doc#2016-300-013 Request for Board Action by Board Member, Bruce Hamilton; To direct OGM to revise the Board Procedures to formally define procedure for Unanimous Consent

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**

**FROM: Members of the Board**  
**SUBJECT: Request for Board Action by Board Member, Bruce Hamilton; To direct OGM to revise the Board Procedures to formally define procedure for Unanimous Consent**

**DOC# 2016-300-013**

Office Directors are copied and should provide input, if applicable.

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

**COMMENTS:**

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

Lotus Smith  
Executive Secretary  
Office of the Chairman  
Defense Nuclear Facilities Safety Board  
625 Indiana Ave, NW, STE 700  
Washington, DC 20004

**AFFIRMATION OF BOARD VOTING RECORD**

**SUBJECT: Request for Board Action by Board Member Bruce Hamilton to Direct OGM to Revise Board Procedures to Formally Define Procedure for Unanimous Consent**

**Doc Control#2016-300-013**

The Board, with Board Member(s) Joyce L. Connery, Jessie H. Roberson, Daniel J. Santos, Sean Sullivan, Bruce Hamilton *approving*, Board Member(s) none *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *recusing*, have voted to approve the above document on June 21, 2016.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/20/16
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/20/16
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/20/16
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/21/16
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06/20/16

\*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.

  
Assistant 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, Bruce Hamilton;  
To direct OGM to revise the Board Procedures to formally define procedure for Unanimous Consent

**Doc Control#2016-300-013**

**Approved**

**Disapproved**

**Abstain**

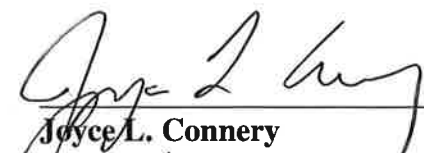
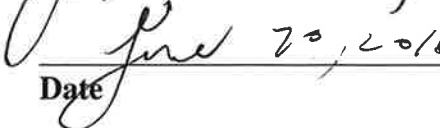
**Recusal – Not Participating**

**COMMENTS:**

**Below**

**Attached**

**None**

  
\_\_\_\_\_  
Joyce L. Connery  
  
\_\_\_\_\_  
Date

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

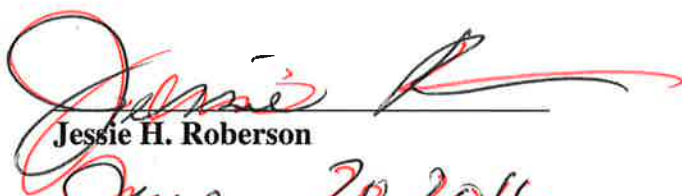
**FROM:** Jessie H. Roberson

**SUBJECT:** Request for Board Action by Board Member, Bruce Hamilton;  
To direct OGM to revise the Board Procedures to formally define procedure for Unanimous Consent

Doc Control#2016-300-013

Approved ~~\_\_\_\_\_~~ Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_  
Recusal - Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached \_\_\_\_\_ None ~~\_\_\_\_\_~~

  
\_\_\_\_\_  
Jessie H. Roberson  
June 20, 2016  
\_\_\_\_\_  
Date

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

**FROM:** Sean Sullivan

**SUBJECT:** Request for Board Action by Board Member, Bruce Hamilton;  
To direct OGM to revise the Board Procedures to formally define procedure for Unanimous Consent

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

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

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



Sean Sullivan

6/20/16

Date



**Shelby Qualls**

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**From:** Daniel J. Santos  
**Sent:** Tuesday, June 21, 2016 8:53 AM  
**To:** Lotus Smith; Shelby Qualls  
**Subject:** RE: Notational Vote: Doc#2016-300-013 Request for Board Action by Board Member, Bruce Hamilton; To direct OGM to revise the Board Procedures to formally define procedure for Unanimous Consent

Approved without comments.

**From:** Lotus Smith  
**Sent:** Friday, June 17, 2016 4:35 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]>; Steven Stokes <[REDACTED]>; James Biggins <[REDACTED]>; Mark Welch <[REDACTED]>; Katherine Herrera <[REDACTED]>; Lotus Smith <[REDACTED]>  
**Subject:** Notational Vote: Doc#2016-300-013 Request for Board Action by Board Member, Bruce Hamilton; To direct OGM to revise the Board Procedures to formally define procedure for Unanimous Consent

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

**FROM:** Members of the Board  
**SUBJECT:** Request for Board Action by Board Member, Bruce Hamilton; To direct OGM to revise the Board Procedures to formally define procedure for Unanimous Consent

**DOC# 2016-300-013**

Office Directors are copied and should provide input, if applicable.

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

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

Lotus Smith

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

**FROM: Bruce Hamilton**

**SUBJECT: Request for Board Action by Board Member, Bruce Hamilton;  
To direct OGM to revise the Board Procedures to formally define procedure  
for Unanimous Consent**

**Doc Control#2016-300-013**

Approved  Disapproved  Abstain

Recusal – Not Participating

COMMENTS: Below  Attached  None

  
Bruce Hamilton

20 JUNE 2016  
Date