

## APPENDIX 4

### REQUEST FOR BOARD ACTION BY A BOARD MEMBER

Requester: Jessie Roberson

**Brief description of Requested Action:** Board approval to establish a three person working group from the staff to develop a revision of the Board's current procedures incorporating the below approach and objectives. The revised procedures should be presented to the Board in Orange folder by February 28, 2017. The Board will utilize its normal correspondence process for review, change, and approval of a final product. The Revision should address the following:  
- Revise the Board's Procedures (dated August 2015 and last modified on July 21, 2016) eliminating all notational voting except notational voting on final documents (Blue Folder Process and final Recommendations only- not draft recommendations) and Request for Board Action by Board Members or staff.

#### Key Objectives

##### 1. Simplify procedures

For example: Establish a two tier Board review and approval process. A shortened process (one Orange folder review cycle) for simple communications; i.e., one or two page correspondence, cover sheets for previously reviewed attachments, etc. A longer review and approval process for more complex documents, i.e., budget submission, annual report, technical reports, etc. For complex documents the revision could incorporate a second orange folder review and comment process (see below) and mimic the review and comment process utilized at the NRC. Meaning, during each review and comment round, Board Members are specific in their feedback to the staff about what changes must occur for them to support the document or if no changes will secure their individual support. The staff should use this feedback to finalize it proposal to the Board for action. Board Members, as they do currently, always have the option of submitting a Request for Board Action by a Board Member if they want to attempt intervention in the Board's document consideration process. The Executive Secretary is to continue the practice of publishing all Board Member comments after each review and comment cycle.

##### 2. Establish review and approval timeline

3. Review voting process for releasing Draft Recommendations to the Secretary of Energy and revise if necessary to ensure the Board is only voting to release the document to the Secretary and not voting on the content. This is intended to ensure the Board is committed to consideration of comments and feedback submitted by the Secretary of Energy.

4. Ensure transparency throughout process (what are staff generated changes and what are Board Member generated changes.)

5. The revision should also identify the criteria that will be used in redacting Board Member comments on their notational vote sheets and incorporate a Board Member challenge process to be used if they believe their comments are improperly redacted before documents are posted on the public website.

#### Justification:

After taking time to consider how other Boards and Commissions operate and utilize the notational vote process it appears to me the Board has comingled the use of notational voting and the deliberative process. Further, I believe the collegial attitude intended to underpin the functionality of the Board itself is being challenged by our current approach. The Amendment process outweighs both the staff's duty to attempt resolution and Board members willingness to find compromises, not just on principle views but even on text.

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

Summarize any time sensitive considerations:

**AFFIRMATION OF BOARD VOTING RECORD**

**SUBJECT: Request for Board Action by Vice Chairman Jessie H. Roberson; Assign a 3-person working group to develop a revision of the Board Procedures in Orange Folder by February 28, 2017**

**Doc Control#2017-300-012**

The Board, with Board Member(s) Joyce L. Connery, Jessie H. Roberson, Sean Sullivan, Daniel J. Santos, 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 November 2, 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"/>	11/02/16
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/31/16
Sean Sullivan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10/31/16
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10/31/16
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10/31/16

\*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**

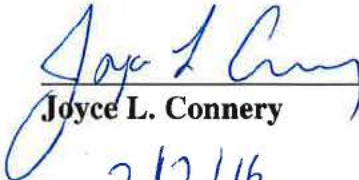
**FROM:** Joyce L. Connery

**SUBJECT:** Request for Board Action by Vice Chairman Jessie H. Roberson; Assign a 3-person working group to develop a revision of the Board Procedures in Orange Folder by February 28, 2017

**Doc Control#2017-300-012**

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

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

  
\_\_\_\_\_  
Joyce L. Connery  
2/2/16  
\_\_\_\_\_  
Date  
11-2-16<sup>ed</sup>



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

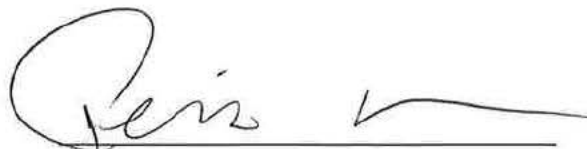
**FROM:** Jessie H. Roberson

**SUBJECT:** Request for Board Action by Vice Chairman Jessie H. Roberson; Assign a 3-person working group to develop a revision of the Board Procedures in Orange Folder by February 28, 2017

**Doc Control#2017-300-012**

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

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

  
\_\_\_\_\_  
**Jessie H. Roberson**  
10/31/2016  
\_\_\_\_\_  
**Date**

**Lotus Smith**

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**From:** Sean Sullivan  
**Sent:** Monday, October 31, 2016 3:07 PM  
**To:** Lotus Smith; Shelby Qualls  
**Subject:** RE: Notational Vote: Doc#2017-300-012 Request for Board Action by Vice Chairman Jessie H. Roberson; Assign a 3-person working group to develop a revision of the Board Procedures in Orange Folder by February 28, 2017

Approved.

Comment: The three-person working group should strive for unanimous agreement among the Board Members to any proposed revisions of the Board Procedures.

**From:** Lotus Smith  
**Sent:** Monday, October 31, 2016 1:46 PM  
**To:** Bruce Hamilton <[REDACTED]>; Daniel J. Santos <[REDACTED]>; Jessie Roberson <[REDACTED]>; Joyce Connery <[REDACTED]>; Sean Sullivan <[REDACTED]>  
**Cc:** ExSec <[REDACTED]>  
**Subject:** Notational Vote: Doc#2017-300-012 Request for Board Action by Vice Chairman Jessie H. Roberson; Assign a 3-person working group to develop a revision of the Board Procedures in Orange Folder by February 28, 2017

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 Vice Chairman Jessie H. Roberson; Assign a 3-person working group to develop a revision of the Board Procedures in Orange Folder by February 28, 2017

**DOC#2017-300-012**

Office Directors have provided their input

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

**COMMENTS:**

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

Lotus Smith

**Shelby Qualls**

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**From:** Daniel J. Santos  
**Sent:** Tuesday, November 01, 2016 1:49 PM  
**To:** Lotus Smith; Shelby Qualls  
**Subject:** RE: Notational Vote: Doc#2017-300-012 Request for Board Action by Vice Chairman Jessie H. Roberson; Assign a 3-person working group to develop a revision of the Board Procedures in Orange Folder by February 28, 2017

Approved.

**From:** Lotus Smith  
**Sent:** Monday, October 31, 2016 1:46 PM  
**To:** Bruce Hamilton <[REDACTED]>; Daniel J. Santos <[REDACTED]>; Jessie Roberson <[REDACTED]>; Joyce Connery <[REDACTED]>; Sean Sullivan <[REDACTED]>  
**Cc:** ExSec <[REDACTED]>  
**Subject:** Notational Vote: Doc#2017-300-012 Request for Board Action by Vice Chairman Jessie H. Roberson; Assign a 3-person working group to develop a revision of the Board Procedures in Orange Folder by February 28, 2017

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 Vice Chairman Jessie H. Roberson; Assign a 3-person working group to develop a revision of the Board Procedures in Orange Folder by February 28, 2017

**DOC#2017-300-012**

Office Directors have provided their input

**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 Vice Chairman Jessie H. Roberson; Assign a 3-person working group to develop a revision of the Board Procedures in Orange Folder by February 28, 2017

**Doc Control#2017-300-012**

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

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


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

The revision proposed by this RFBA runs the risk of solving one problem while creating another. Revising Board Procedures by removing the amendment process would place staff in the unenviable position of trying to resolve Board Members' differing views on the shape of a final document. While this is already somewhat the case when a document is in Orange Folder, staff can generally count on the Yellow Folder amendment process to resolve the most contentious differences between Board Members.

The justification for this RFBA also opines that the current notational vote process has comingled notational voting and the deliberative process. Deliberation in this context is the attempt to influence a Board Member's vote, but since notational votes on amendments are themselves votes, they are final actions and cannot be attempts to influence. Consequently, the voting process under current Board Procedures is not deliberative.

These points notwithstanding, it is appropriate to consider an alternative to the current Board Procedures on its own merit. Additionally, many of the objectives in this RFBA are needed (e.g., "Establish review and approval timeline"), and given the incremental Board Procedures changes made during the past two years, a completely integrated revision would be beneficial.

I therefore approve.

  
Bruce Hamilton

31 OCT 2016

Date