

REQUEST FOR BOARD ACTION

Requester: _____ Jessie Roberson _____ November 14, 2017

Title of Action Document: Board Approval to close November 27, 2017 meeting

Brief description of Requested Action:

I request Board approval for closing the Board's November 27, 2017 meeting pursuant to 5 U.S.C. § 552b(c)(3) (disclose matters specifically exempted from disclosure by statute) and (9)(B) (likely to significantly frustrate implementation of a proposed agency action).

By this action, the Board also approves issuance of a conforming Federal Register Notice.

Attachments _N/A_ (included clean version of any proposed document or modified document)

Summarize any staff difference of opinion regarding the proposed action: N/A

Summarize any time sensitive considerations: The Government in the Sunshine Act requires at least a one week notice prior to a closed meeting.

Requestor signature _____ signature on file _____ November 14, 2017

Assistant Executive secretary _____ signature on file _____ November 14, 2017

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICPATING	COMMENT	DATE
Sean Sullivan	<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"/>	_____
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 _____ Date _____

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: RFBA by Board Member Roberson to Close November 27, 2017 Meeting

Doc Control#2018-300-009

The Board, with Board Member(s) Bruce Hamilton, Jessie H. Roberson, Daniel J. Santos, Joyce L. Connery *approving*, Board Member(s) none *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) Sean Sullivan *not participating*, have voted to approve the above document on November 15, 2017.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	COMMENT	DATE
Sean Sullivan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	11/15/17
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11/14/17
Jessie H. Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11/15/17
Daniel J. Santos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11/14/17
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11/14/17

*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: Sean Sullivan

SUBJECT: RFBA by Board Member Roberson to Close November 27, 2017 Meeting

Doc Control#2018-300-009

Approved _____ **Disapproved** _____ **Abstain** _____

Recusal – Not Participating X _____

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

Via action #2018-300-006 the Board already approved holding a closed meeting on November 27, 2017. This action is superfluous.

//s//
Sean Sullivan

11/15/17
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

SUBJECT: RFBA by Board Member Roberson to Close November 27, 2017 Meeting

Doc Control#2018-300-009

Approved X Disapproved Abstain

Recusal – Not Participating

COMMENTS: Below X Attached None

It is inappropriate to invoke Exemption (9)(B) of the Government in the Sunshine Act (5 U.S.C. § 552b(c)(9)(B)). This exemption is redundant to Exemption (3) prior to the Board's decision on a Recommendation, and it is not applicable once the Board has decided. Including it as an exemption might advance the erroneous interpretation that the information could be withheld from the public even after the Board had acted in order not to frustrate DOE's action, but the "proposed agency action" listed in (9)(B) is the Board's action, not DOE's response to it.

That said, a majority of the Board have consistently taken the view that (9)(B) is appropriate, and this is not the place to revisit that controversy.

I therefore approve.


Bruce Hamilton

14 NOV 2017
Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

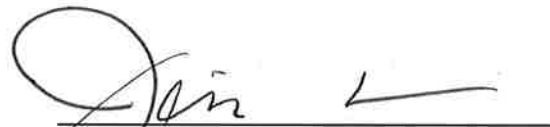
FROM: Jessie H. Roberson

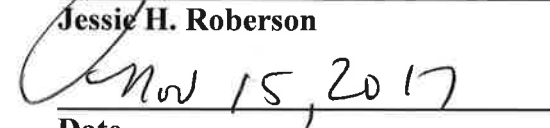
SUBJECT: RFBA by Board Member Roberson to Close November 27, 2017 Meeting

Doc Control#2018-300-009

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

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



Jessie H. Roberson


Date

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Daniel J. Santos

SUBJECT: RFBA by Board Member Roberson to Close November 27, 2017 Meeting

Doc Control#2018-300-009

Approved X **Disapproved** **Abstain**

Recusal – Not Participating

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



Daniel J. Santos

Date

11/14/17

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

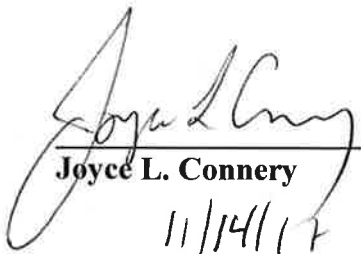
SUBJECT: RFBA by Board Member Roberson to Close November 27, 2017 Meeting

Doc Control#2018-300-009

Approved **Disapproved** **Abstain**

Recusal – Not Participating

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



Joyce L. Connery

11/14/17

Date