

ARCHIVE: Doc#2016-200-008, Request for Board Action by Chairman Joyce L. Connery,
Task OTD to convert failed Draft Recommendation on Area G into a Letter

APPENDIX 4

~~CUI~~

REQUEST FOR BOARD ACTION BY A BOARD MEMBER

Requester: _____JOYCE CONNERY_____ August 19, 2016

Brief description of Requested Action: Request to task OTD to convert the substantive content of the failed draft Recommendation on Area G into a letter to mark the actions taken and yet to be taken to address the issue. (The purpose, in part, is to communicate to the Secretary outstanding commitments to address the RNS waste at area G.) The staff should have the letter into orange folder no later than September 1, 2016.

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

Summarize any time sensitive considerations:

Requestor signature signature on file _____ August 19, 2016

Assistant Executive secretary signature on file _____ August 19, 2016

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING	COMMENT	DATE
Joyce L. Connery	<input type="checkbox"/>	_____				
Jessie H. Roberson	<input type="checkbox"/>	_____				
Sean Sullivan	<input type="checkbox"/>	_____				
Daniel J. Santos	<input type="checkbox"/>	_____				
Bruce Hamilton	<input type="checkbox"/>	_____				
Final Disposition Summary						

Executive Secretary signature _____ Click here to enter a date.



ARCHIVE: Doc#2016-200-008, Request for Board Action by Chairman Joyce L. Connery, Task OTD to convert failed Draft Recommendation on Area G into a Letter

AFFIRMATION OF BOARD VOTING RECORD

SUBJECT: Request for Board Action by Chairman Joyce L. Connery, Task OTD to convert failed Draft Recommendation on Area G into a Letter

Doc Control#2016-200-008

The Board, with Board Member(s) Joyce L. Connery *approving*, Board Member(s) Jessie H. Roberson, Sean Sullivan, Daniel J. Santos, Bruce Hamilton *disapproving*, Board Member(s) none *abstaining*, and Board Member(s) none *recusing*, have voted to disapprove the above document on August 29, 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"/>	08/26/16
Jessie H. Roberson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/29/16
Sean Sullivan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/24/16
Daniel J. Santos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	08/29/16
Bruce Hamilton	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/24/16

*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

Task OTD to convert failed Draft Recommendation on Area G into a Letter

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Joyce L. Connery

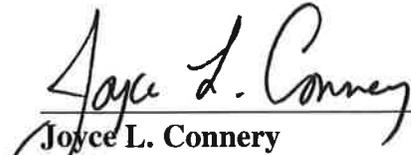
SUBJECT: Request for Board Action by Chairman Joyce L. Connery, Task OTD to convert failed Draft Recommendation on Area G into a Letter

Doc Control#2016-200-008

Approved Disapproved Abstain

Recusal - Not Participating

COMMENTS: Below Attached None



Joyce L. Connery
Aug 28, 2016

Date

Task OTD to convert failed Draft Recommendation on Area G into a Letter

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOTATIONAL VOTE RESPONSE SHEET

FROM: Jessie H. Roberson

SUBJECT: Request for Board Action by Chairman Joyce L. Connery, Task OTD to convert failed Draft Recommendation on Area G into a Letter

Doc Control#2016-200-008

Approved _____

Disapproved

Abstain _____

Recusal – Not Participating _____

COMMENTS:

Below _____

Attached _____

None



Jessie H. Roberson

August 29, 2016

Date

ARCHIVE: Doc#2016-200-008, Request for Board Action by Chairman Joyce L. Connery, Task OTD to convert failed Draft Recommendation on Area G into a Letter

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

FROM: Sean Sullivan

SUBJECT: Request for Board Action by Chairman Joyce L. Connery, Task OTD to convert failed Draft Recommendation on Area G into a Letter

Doc Control#2016-200-008

Approved _____ Disapproved X Abstain _____
Recusal – Not Participating _____

COMMENTS: Below X Attached _____ None _____

The stated purpose of the request is draft a letter “to communicate to the Secretary outstanding commitments to address the RNS waste at area G.” The RNS (remediated nitrate salt) waste does not place at risk the adequate protection of the public health and safety. Accordingly, the Secretary need not make any commitments. Any actions he may take constitute defense in depth measures. I expect the improvements to safety to be appropriately balanced against cost, a balancing that this agency is not qualified to assess. I therefore disapprove.

On another note, this form came to me with markings in the header indicating that the form contains controlled unclassified information related to potential recommendations. I have deliberately removed the markings. The Board has statutory direction to withhold deliberations and votes on recommendations until such time as the Secretary receives the final recommendation. However, the Board has no policy – and, in my view, no statutory authority – for withholding from the public an affirmative decision *not* to send a recommendation. While reasonable people may disagree, in the absence of a Board decision on the matter the default position should be to publish, consistent with the Government in the Sunshine Act and the President’s guidance regarding the Freedom of Information Act.



Sean Sullivan

8/24/16

Date

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Shelby Qualls

From: Daniel J. Santos
Sent: Monday, August 29, 2016 3:07 PM
To: Shelby Qualls; Lotus Smith
Subject: RE: Notational Vote: Doc#2016-200-008, Request for Board Action by Chairman Joyce L. Connery, Task OTD to convert failed Draft Recommendation on Area G into a Letter (CUI) - BLUE FOLDER

Disapproved without comments.

From: Shelby Qualls
Sent: Tuesday, August 23, 2016 3:56 PM
To: Mark Welch <[REDACTED]>; James Biggins <[REDACTED]>; Neysa Slater-Chandler <[REDACTED]>; Steven Stokes <[REDACTED]>; Katherine Herrera <[REDACTED]>; Bruce Hamilton <[REDACTED]>; Daniel J. Santos <[REDACTED]>; Jessie Roberson <[REDACTED]>; Joyce Connery <[REDACTED]>; Sean Sullivan <[REDACTED]>
Cc: ExSec <[REDACTED]>
Subject: Notational Vote: Doc#2016-200-008, Request for Board Action by Chairman Joyce L. Connery, Task OTD to convert failed Draft Recommendation on Area G into a Letter (CUI) - BLUE FOLDER

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 Chairman Joyce L. Connery, Task OTD to convert failed Draft Recommendation on Area G into a Letter (CUI)

DOC# 2016-200-008

Office Directors have provided their input.

Approved _____
Disapproved _____
Abstain _____
Recusal – Not Participating _____

COMMENTS:
Below _____
Attached _____
None _____

Shelby Qualls
Assistant Executive Secretary
Office of the Chairman

ARCHIVE: Doc#2016-200-008, Request for Board Action by Chairman Joyce L. Connery,
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Shelby Qualls

From: Bruce Hamilton
Sent: Wednesday, August 24, 2016 12:33 PM
To: Shelby Qualls; Lotus Smith
Subject: Re: Notational Vote: Doc#2016-200-008, Request for Board Action by Chairman Joyce L. Connery, Task OTD to convert failed Draft Recommendation on Area G into a Letter (CUI) - BLUE FOLDER

I disapprove.

Comments:

The Board has already formally determined that the RNS waste at Area G does not rise to the level of threatening the adequate protection of the public. It is therefore unnecessary to communicate with the Secretary regarding any "outstanding commitments to address the RNS waste at area G," whatever those might be. Such a communication might call into question the Board's level of confidence in the outcome of its previous decision, and it would serve no purpose other than to burden the Secretary with additional correspondence addressing an issue for which he already has a management plan.

I therefore disapprove.

Additionally, the correspondence associated with this RFBA has been improperly marked as containing "CUI," or controlled unclassified information related to a draft recommendation, even though it does not contain such information. Indeed, the subject line acknowledges this fact where it specifically states: "failed Draft Recommendation." Consequently, there is no statute or policy which allows the Board to mark this correspondence as "CUI" or to withhold it from the public domain.

From: Shelby Qualls
Sent: Tuesday, August 23, 2016 3:56 PM
To: Mark Welch; James Biggins; Neysa Slater-Chandler; Steven Stokes; Katherine Herrera; Bruce Hamilton; Daniel J. Santos; Jessie Roberson; Joyce Connery; Sean Sullivan
Cc: ExSec
Subject: Notational Vote: Doc#2016-200-008, Request for Board Action by Chairman Joyce L. Connery, Task OTD to convert failed Draft Recommendation on Area G into a Letter (CUI) - BLUE FOLDER

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