

**In the Matter of:**

**Defense Nuclear Facilities Safety Board**

*February 21, 2017  
Public Business Meeting*

**Condensed Transcript with Word Index**



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6 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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9 PUBLIC BUSINESS MEETING: DNFSB BUSINESS OF THE BOARD

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12 February 21, 2017

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15 625 Indiana Avenue, NW

16 Washington, DC 20004

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A P P E A R A N C E S

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3 DEFENSE NUCLEAR FACILITIES SAFETY BOARD:

4 SEAN SULLIVAN, Chairman

5 BRUCE HAMILTON, Vice Chairman

6 JESSIE H. ROBERSON, Board Member

7 DANIEL J. SANTOS, Board Member

8 JOYCE L. CONNERY, Board Member

9 JAMES BIGGINS, General Counsel

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19 REPORTED BY:

20 Sally Jo Quade, CERT, Reporter

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P R O C E E D I N G S

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3 CHAIRMAN SULLIVAN: Well, good morning. My name

4 is Sean Sullivan, I am the Chairman of the Defense

5 Nuclear Facilities Safety Board, I will preside over

6 this public business meeting. Today, I have with me my

7 colleagues on the Safety Board, to my right is Mr. Bruce

8 Hamilton, the Board's Vice Chairman; and Ms. Joyce

9 Connery, Board member; and to my left are Board members

10 Jessie Roberson; and Dr. Daniel Santos. We five

11 constitute the Board.

12 Having established a quorum of Board members,

13 this public meeting will now come to order. Mr. James

14 Biggins, the Board general counsel, will serve as the

15 Board's executive secretary for this meeting.

16 Mr. Biggins, please present the Board's business

17 meeting agenda.

18 MR. BIGGINS: Thank you, Mr. Chairman. This

19 public business meeting was announced on February 10,

20 2017 on the Board's public website, was also

21 subsequently noticed in the Federal Register on February

22 13, 2017. The Board has voted to hold this public

23 business meeting pursuant to the Government and the

24 Sunshine Act, the Board's implementing regulations for

25 the Government and the Sunshine Act, and the Board's

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1 operating procedures.  
 2 The Board is conducting this proceeding through  
 3 a verbatim transcript. This public business meeting  
 4 concerns member deliberation pertaining to the business  
 5 of the Board. Pursuant to this specific agenda, the  
 6 Board will now discuss and may deliberate on matters  
 7 related to the conduct of periodic Board public business  
 8 meetings such as purpose, periodicity, format and  
 9 content, including determining the date of the next  
 10 meeting, development of a single formal docket to  
 11 account for items being considered by the Board and of  
 12 interest to the Board, and exploring improved efficiency  
 13 and effectiveness of Board interactions.  
 14 Following the Board's discussion, the Chairman  
 15 will summarize the outcome of the discussion in  
 16 conjunction with a summary of any staff taskings by the  
 17 general counsel.  
 18 I now yield the floor back to the Chairman for  
 19 any opening remarks.  
 20 CHAIRMAN SULLIVAN: Thank you, Mr. Biggins. I  
 21 have no opening remarks myself. I will turn to my  
 22 fellow Board members and see if they do.  
 23 Mr. Hamilton?  
 24 MR. HAMILTON: No opening remarks, Mr. Chairman.  
 25 CHAIRMAN SULLIVAN: Ms. Connery?

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1 MS. CONNERY: None at this time, thank you.  
 2 CHAIRMAN SULLIVAN: Ms. Roberson?  
 3 MS. ROBERSON: No opening remarks, Mr. Chairman.  
 4 CHAIRMAN SULLIVAN: Mr. Santos?  
 5 MR. SANTOS: No opening remarks, Mr. Chairman.  
 6 CHAIRMAN SULLIVAN: That was easy. So, I will  
 7 turn to the first item on the agenda, and again I will  
 8 read it for clarity for the record, it is for Board  
 9 discussion and deliberation on the conduct of periodic  
 10 Board public business meetings (purpose, periodicity,  
 11 format, content) including determining the date of the  
 12 next meeting, development of a single formal docket to  
 13 account for items being considered by the Board and of  
 14 interest to the Board.  
 15 I will call to the Board members' attention,  
 16 there is an item in their folder that is titled  
 17 Suggested Standard Business Meeting Agenda, I think we  
 18 have copies here available for those present today at  
 19 this meeting, and, Mr. Biggins, I would like to have  
 20 this be marked as Exhibit 1 and included with the  
 21 record, with the transcript, so that anybody reading the  
 22 transcript later can identify the piece of paper we are  
 23 looking at.  
 24 (Exhibit Number 1 was admitted and attached to  
 25 the record.)

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1 CHAIRMAN SULLIVAN: So, for those present today,  
 2 this piece of paper is simply a Word document that I  
 3 have put together that's a possible business meeting  
 4 agenda for regular type meetings that we might have, and  
 5 shortly I will be asking the other Board members to  
 6 comment on this.  
 7 Let me start with a few comments. First of all,  
 8 the concept of having regular meetings is something that  
 9 I would like the Board to explore. We -- for the first  
 10 20-some odd years of the agency, I don't think the Board  
 11 had many meetings. We are subject to the Sunshine Act,  
 12 and we must either do business as a Board, either at a  
 13 public meeting, the alternative is a notational vote  
 14 process, that we use, where we individually look at  
 15 information ourselves one at a time, or I'm sorry, we  
 16 can look at information simultaneously, but we are not  
 17 together as a quorum when we do that, and we ultimately  
 18 vote on a piece of paper and make comments in a  
 19 notational vote, so we have this other process which  
 20 works for decisionmaking outside of a meeting, but it  
 21 doesn't allow for deliberation, it doesn't allow for the  
 22 five of us to sit there and talk to each other about  
 23 what our thoughts are on whatever the matter is that  
 24 we're voting on.  
 25 So there are advantages to a meeting, because it

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1 does allow us to deliberate. And my thought here is  
 2 that if we did this regularly, there would be a lot of  
 3 business that we are currently doing through these  
 4 notational votes that we might actually dispense with at  
 5 meetings, if the meetings were held on a regular basis.  
 6 And I think that could be an improvement for the  
 7 efficiency and effectiveness of the organization.  
 8 Currently, with five Board members, active Board  
 9 members, lots of ideas from each of the Board members,  
 10 and since the Board members, other than the Chairman,  
 11 don't have staff that work for them, their method of  
 12 obtaining any staff support or having the staff consider  
 13 doing what it is that particular Board member wants to  
 14 do is through processing a request that we call a  
 15 request for Board action. The Board acts on whether or  
 16 not the request will be approved. And as part of that  
 17 process, staff members have to make inputs so the Board  
 18 members can make a fully informed vote.  
 19 And when we do lots of these by notational vote,  
 20 I think it becomes of somewhat a management problem for  
 21 the staff. Board members can have a thought on any  
 22 given day that they would like something to be done by  
 23 the staff, and then as they put in this request, and  
 24 then in very short order, we expect the managers of the  
 25 agency, of the staff, to then provide these inputs. And

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1 the problem there is simply that most of the managers,  
2 as anybody would expect, come to work with their own  
3 agenda for the day, and then when they have these items  
4 that they didn't know were coming, now presented to  
5 them, it can disturb whatever they were planning on.

6 My thought was that if we had a regular meeting,  
7 these items could be submitted by Board members and the  
8 managers would have a better understanding of some date  
9 in the future where these would be acted on, and then  
10 rather than having to drop whatever they were planning  
11 to do today to provide the inputs, they would be able to  
12 plan to provide their inputs over the course of some  
13 period of time, as long as the inputs were provided for  
14 Board member consideration at the next meeting.

15 So, with all that said, the term I like to use  
16 is drumbeat, perhaps trying to put the agency on a  
17 drumbeat where there would be more of a regular calendar  
18 for considering certain items, and that might allow the  
19 Board, or the Board staff, to operate more efficiently  
20 and effectively with respect to various things that the  
21 different Board members would like the staff to do.

22 So, with all that said, I will -- I want to make  
23 one final remark. Because we are subject to the  
24 Sunshine Act, and I want to point out that I am not a --  
25 although we could try to create an agenda today for a

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1 first meeting, it isn't something I necessarily think we  
2 have to do, the Board must vote on a specific agenda for  
3 each and every meeting under the Sunshine Act. So even  
4 if hypothetically today we were to decide to have a  
5 regular monthly meeting and the agenda would look  
6 something like this, every time we go to have a meeting,  
7 we must have a separate vote on it. So we would not be  
8 able to vote today to set up meetings that would just --  
9 that would recur at some frequency forever.

10 So, with that said, I want to ask if any of the  
11 other Board members want to comment on the proposal that  
12 I have put before the Board.

13 Mr. Santos, do you want to go first?

14 MR. SANTOS: Thank you, Chairman Sullivan.

15 You mentioned, you know, the five of us have  
16 many ideas, and I thank you for moving forward with a  
17 specific proposal for conducting regular public  
18 meetings, but if -- if I may, I would like for us to  
19 deliberate and discuss the concept of having regular  
20 public meetings, and what should be the focus of it and  
21 what is it that we're trying to achieve, before we go  
22 into specific proposals of how they make look like, if  
23 may start with that.

24 So, I like the concept of having regular public  
25 meetings, but in my view, I would like them to focus

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1 more on what I call technical matters. As I stated with  
2 ongoing questions that the Board may feel these are  
3 topics worthy of public discussion as opposed to more of  
4 the routine business conduct of the Board.

5 CHAIRMAN SULLIVAN: Thank you, I don't intend to  
6 respond to everyone, I'm going to let every Board member  
7 talk and we can --

8 MR. SANTOS: Correct.

9 CHAIRMAN SULLIVAN: I will then speak myself  
10 after one Board member after everybody else has had  
11 their say.

12 Ms. Roberson?

13 MS. ROBERSON: So, I assume this is on -- I  
14 don't have any objection to regular public meetings that  
15 the Board would have, in general. I do have concern  
16 with what I call the fact-based stuff as, you know, we  
17 should separate things we can post online, which is just  
18 fact-based. I tend to be more interested in item 6 and  
19 7 where we actually are deliberating, something we  
20 cannot do otherwise. And, you know, I have some  
21 concerns about potential items, but I'll just leave it  
22 there in response to what Mr. Santos suggested.

23 Generally speaking, I don't have any concerns  
24 about having regular public meetings, but the content is  
25 probably more where my concerns are.

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1 CHAIRMAN SULLIVAN: Thank you. Mr. --  
2 Ms. Connery, you want to go first?

3 MS. CONNERY: Nothing. Go down the row.

4 MR. HAMILTON: I would just like to echo your  
5 remarks, I agree with those, and add some parts to that.  
6 First of all, I think that regular public meetings would  
7 add greater visibility to what our thinking is for our  
8 staff. It's got to be very frustrating for the staff to  
9 work on projects, documents, proposals, for months and  
10 months, and then they find their way up to the Board and  
11 get voted one way or the other and there's no real  
12 visibility unless the staff can subsequently go back and  
13 look at the comment sheets, which typically are delayed  
14 some time.

15 So, I think that having these discussions in  
16 public would help our staff to understand in realtime  
17 what the thinking is.

18 Secondly, I think that regular meetings like  
19 this will reduce the barrier to having meetings all  
20 together. There is a substantial amount of work that  
21 goes into putting together a meeting, and if you do it  
22 on a regular basis, it becomes less onerous on the staff  
23 to do it. That's all. Thank you.

24 MS. CONNERY: I would just like to make a couple  
25 of points. As everybody said, I don't see a problem

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1 with having regularly scheduled meetings, I do -- am  
2 mindful of the highest and best use of our time. We  
3 only have about 120 employees, we are not the NRC, we  
4 are not that big, so in terms of communicating with  
5 staff, I wouldn't necessarily want to use a public  
6 business meeting to be able to communicate with staff on  
7 particular issues. I think all of us have open-door  
8 policies and can do that on a regular basis.

9 I agree with some of the things that I heard  
10 from other Board members with regards to some of the  
11 things -- some of the items in particular that you put  
12 forward, Mr. Chairman, on what could be in a business  
13 meeting. A lot of these are taken care of in gatherings  
14 and I think that's the appropriate place for staff to  
15 bring issues up to us, is in those informal gatherings  
16 where the staff can present to us and we don't  
17 necessarily have to deliberate on those issues.

18 When it comes to -- I think you're specifically  
19 referring to requests for Board action, because that's  
20 what leads the staff in their thought with regards to  
21 activities, and I would favor a different approach to  
22 how we do those. In particular, a way for the staff to  
23 interact directly with the Board about their concerns  
24 about particular requests for Board action. I don't  
25 necessarily believe it needs to be done in a public

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1 meeting, but that's a possibility, but I do think that  
2 the staff should be allowed to hear from the Board  
3 member making the proposal and then respond to it either  
4 at a gathering of our own in the Boardroom or in a  
5 public meeting.

6 CHAIRMAN SULLIVAN: Okay. So, just responding  
7 to what I heard, I think I heard a general consensus  
8 that having regular meetings could work, so this could  
9 be something we could try, and again, since we have to  
10 approve each and every meeting agenda separately, we  
11 could try it and at any time the majority of the Board  
12 did not want to do it, we would just not approve having  
13 anymore.

14 So, that's the fairly easy part. The harder  
15 part is what goes into it. Let me talk about this piece  
16 of paper that I have, and I wrote this up partly from my  
17 experience where I was on a municipal town council that  
18 worked, you know, which was subject to a state version  
19 of the Sunshine Act. So, we kind of had to do business  
20 in a way where we put business in front of the municipal  
21 taxpayers in public.

22 And the first several items on my list, in fact  
23 1 through 5, in my view, would be standard, routine  
24 things that would not get much time. There clearly  
25 would not be anything here that would not be suitable

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1 for public release.

2 So, for example, I have a personnel update, I  
3 wouldn't expect any discussion of individual names of  
4 people, but how many staff members we have, how many --  
5 how many people we're currently trying to hire, and what  
6 the -- what those positions are. I mean, most of that  
7 is public information anyway, but very quickly you have  
8 something that's tied together. This would just be  
9 another avenue for transparency for the public to find  
10 out about it, as well as informing Board members.

11 Much of this would just -- can just be done with  
12 documents. In other words, there would be a document  
13 that we would have, if there's no questions about it, we  
14 don't even have to talk about it, but the document  
15 becomes part of the record of what we had presented to  
16 us at the regular meeting.

17 So, in other words, a lot of this could go very  
18 quickly, there could be things presented by way of  
19 documents that if Board members have no questions, we  
20 would just remark, for example, that all right, now it's  
21 the -- you know, we have a list of technical director's  
22 reviews that have been accomplished, and reviews of  
23 another list of reviews that are coming up. For  
24 example, does any Board member have any questions about  
25 them, and if nobody does, we would just move on and not

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1 spend any time on that agenda. But it would become part  
2 of the package and it would just be another way for the  
3 public to find out in one place what was happening at  
4 the agency.

5 But it also does provide, in case any Board  
6 member does have anything that they would like the Board  
7 to deliberate about on that topic, it's an opportunity  
8 to raise a question, have Board members deliberate on  
9 it.

10 Item 6 is the specific agenda items, and  
11 anything could go in there. So like Mr. Santos said, he  
12 would like to concentrate on technical topics. Well,  
13 Board members would get a chance to shape any particular  
14 agenda. As you can see on this piece of paper reserved  
15 the largest amount of time for that, and that would  
16 certainly -- that would be the place that I would think  
17 if the Board was going to deliberate on specific  
18 technical topics, that's where it would go.

19 So, with that said, again, if anybody else wants  
20 to respond to what I just said, please do.

21 Mr. Santos?

22 MR. SANTOS: Thank you for the clarification.  
23 My item on items 1 through 5 is I just don't see that  
24 much deliberation, as I said, with those items, and my  
25 understanding is that 1 through 5 could be accomplished

<p style="text-align: right;">17</p> <p>1 without a meeting, because I think -- my understanding  2 is we could do them without having issues with the  3 Sunshine Act getting in the way. So, I'm trying to  4 maximize the effectiveness of a public meeting where we  5 need to be set up as a meeting so we can deliberate.  6 So, I see items 1 through 5, if the Board wants  7 to increase transparency of items 1 through 5, we can  8 find other ways to do it without taking time away from a  9 meeting where we deliberate.  10 That's my comment.  11 CHAIRMAN SULLIVAN: So, I agree, I mean, there's  12 other ways to do this. This was just a suggestion.  13 MR. SANTOS: Yeah, I understand.  14 CHAIRMAN SULLIVAN: So, there's other ways to  15 present that information for transparency purposes.  16 Similarly, if we had some sort of pulling -- some sort  17 of internal mechanism for pulling that information  18 together, presenting it to each Board member, not at a  19 meeting, but in such time that if any Board member  20 raised -- had a question that they want to discuss, well  21 then they could individually identify that as an item  22 for what is currently here number 6, and then we would  23 talk about it.  24 So, yeah, there's other ways to skin this cat.  25 I agree, that's -- and normally we came to get together</p>	<p style="text-align: right;">19</p> <p>1 action is, or how it works, there's a section in the  2 Board procedures, which refers to it, and the Board  3 procedures are available on the website.  4 All right, so I'm turning this way, any further  5 comment from Ms. Connery or Mr. Hamilton?  6 MS. CONNERY: No.  7 MR. HAMILTON: No.  8 CHAIRMAN SULLIVAN: So, there was a second part  9 of this agenda item that had to do with developing a  10 single formal docket, and Mr. Hamilton sort of  11 championed that idea, so I would like to turn this over  12 to him for him to present that idea.  13 MR. HAMILTON: Thank you, Mr. Chairman. I sent  14 out a draft of my proposal on Friday. Does everyone  15 have a copy? I have some spares copies if you don't.  16 Do you have a copy, Mr. Santos?  17 MR. SANTOS: May I have one, please?  18 MR. HAMILTON: Thank you, Mr. Chairman. We just  19 discussed the concept of public business meetings on a  20 periodic basis. Should such meetings become routine, it  21 would be helpful to have a mechanism for capturing  22 routine and/or non-urgent business of the Board and  23 placing it on a meeting docket. A meeting docket would  24 serve the dual purposes of improving the visibility of  25 Board decisionmaking, and reducing intraoffice</p>
<p style="text-align: right;">18</p> <p>1 as a group to try to figure it out, that's why we're  2 doing that right now.  3 MR. SANTOS: That's right. My preference is  4 when we come together, we have items to actually  5 deliberate on and mostly focus on items of the technical  6 work that we generate. So, okay. Thank you.  7 MS. ROBERSON: So, the only other comment, I  8 think, that I'll make on this topic is, probably  9 specific to RFBAs, because I think on reflection of your  10 opening comments, we do have a lot of RFBAs. I do have  11 quite a few myself, and I think they are perfectly  12 valid; however, I think to provide more structure and  13 discipline, we may need to evaluate why we have so many  14 to help us be more effective.  15 And so I would just say, in general, whether  16 it's staff progress on approved RFBAs or potential  17 RFBAs, as I said in the beginning, I'm more concerned  18 about the structure of what we might do and how  19 decisions will be made on the timing of those than  20 anything else.  21 MR. BIGGINS: Excuse me, Mr. Chairman, for the  22 record, RFBA is request for Board action.  23 CHAIRMAN SULLIVAN: Thank you there, general  24 counsel, and I would add, for anybody trying to read the  25 record, if you want to know what a request for Board</p>	<p style="text-align: right;">20</p> <p>1 administration. Specifically I'm referring to the  2 general correspondence review and approval that is the  3 orange/yellow/blue folder process to request for Board  4 action, and to other documents and briefings that may be  5 provided to the Board.  6 With that background in mind, I move for a vote  7 on the following amendment to the Board procedures;  8 general counsel, would you like to read that, or do you  9 want me to read it?  10 MS. CONNERY: Should we discuss first?  11 MR. HAMILTON: I'm going to make the motion, it  12 has to be seconded and discussed. I think that's the  13 process. Is that correct?  14 MR. BIGGINS: That is correct for the process.  15 MS. CONNERY: Can I ask for a point of  16 clarification? Since this is on the agenda, can't we  17 discuss it before we move to a vote on the actual agenda  18 item? We don't have to first and second in order to  19 discuss because it is an agenda item, correct?  20 MR. BIGGINS: It is an agenda item, but it can  21 be discussed, but he has made a motion and he's asking  22 me to read his motion.  23 MS. CONNERY: So you don't want to discuss  24 first?  25 MR. HAMILTON: Yeah, I would like to make the</p>

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1 motion, have it read, and then we can discuss it. That  
 2 would be my preference.  
 3 MR. BIGGINS: So, the motion of Vice Chairman  
 4 Hamilton is to establish a DNFSB meeting docket: One,  
 5 the Board procedures of August 2015, as amended, are  
 6 further amended by adding the following paragraph  
 7 2.1(b)(6), Meeting Docket. The originator of any  
 8 correspondence requiring Board notification or action  
 9 may direct the executive secretary to place that  
 10 correspondence on the meeting docket in lieu of the  
 11 processing otherwise specified in these Board  
 12 procedures. Items placed on the meeting docket prior to  
 13 public announcement of the next meeting shall be  
 14 included in the agenda of that meeting; two, the general  
 15 manager is directed to revise the Board procedures to  
 16 reflect this amendment. And this item will have docket  
 17 control number 2017-300-033.  
 18 MR. HAMILTON: Do we need a second?  
 19 CHAIRMAN SULLIVAN: I'll tell you what, I will  
 20 second the motion, which may be extraneous or not,  
 21 depending upon whether or not we needed one. So, now I  
 22 think we have discussion.  
 23 Ms. Connery, did you want to start the  
 24 discussion?  
 25 MS. CONNERY: No, I simply was making a

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1 procedural point that the purpose of having an agenda is  
 2 so we can discuss things rather than move them into  
 3 direct vote. So, I would move to have a discussion  
 4 before we put this on the agenda for a vote. That's  
 5 all.  
 6 CHAIRMAN SULLIVAN: Mr. Hamilton, did you want  
 7 to say anything more about your motion?  
 8 MR. HAMILTON: No further comments, already teed  
 9 it up, thank you.  
 10 MS. ROBERSON: Well, I have a few comments. I  
 11 guess the first comment I would have is as an individual  
 12 Board member, I would prefer to have more prescriptive  
 13 guidance for the staff. I guess I'll just leave it  
 14 there. I think that the Board should provide more  
 15 prescription to the staff. I have no objection to the  
 16 Board setting aside certain things for a public meeting  
 17 docket. I think that's a decision of the Board, but I  
 18 am concerned about introducing additional delays when it  
 19 comes to Board action on issues it wishes to communicate  
 20 to the department. I'm concerned that we don't  
 21 introduce additional delays. We have a very intensive  
 22 process as it is.  
 23 And I'm also concerned about additional delays  
 24 being introduced on RFBA's. So, I'm concerned about how  
 25 those decisions get made, and would like to be involved

23

1 in defining that as a Board member. Do you understand  
 2 what I'm saying?  
 3 MR. HAMILTON: I think I do. The concern would  
 4 not -- what I'm hearing you say is that allowing the  
 5 individual, as this is written, allowing the individual  
 6 who produces the document to make that decision is not  
 7 sufficient for you. Is that correct?  
 8 MS. ROBERSON: No, no, no. You're saying if I  
 9 as a Board member propose an RFBA, and I make that  
 10 decision as to whether it's something that can be put on  
 11 a docket for hold until we have a public meeting? No,  
 12 that's perfectly fine with me. I think that's where  
 13 that decision should rest.  
 14 MR. HAMILTON: That's why when I crafted this,  
 15 after talking to you last week, I said the originator of  
 16 the correspondence may direct. So that allows you as  
 17 the originator of an RFBA to tell the staff, put this on  
 18 the docket for the next meeting, rather than somebody  
 19 else making that decision.  
 20 MS. ROBERSON: So, and I thank you for that. I  
 21 thank you for that adjustment. Now, correspondence  
 22 would fit the same thing, whereas no Board member is the  
 23 originator, and so to me, that would take some other  
 24 action. So with RFBA's, I understand you've made -- you  
 25 have introduced words that meet -- that satisfy at least

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1 the concern I have previously raised, but for  
 2 correspondence, it still stands.  
 3 MR. HAMILTON: Help me out a little bit more on  
 4 that. Can you give me an example of a case where you  
 5 think the docket would be an inappropriate path?  
 6 MS. ROBERSON: So, I'll give you a case. If we  
 7 have a communication we wish to make to the Secretary,  
 8 the staff originates that, not the Board. So, I'm not  
 9 sure where in the process that would halt and how that  
 10 decision would be made, if we were going to place it on  
 11 a docket to be dealt with rather than following our  
 12 current process.  
 13 MR. HAMILTON: The way this is worded, the  
 14 originator of that correspondence would have control  
 15 over that decision. In other words, if the technical  
 16 director wanted to send a letter to the Department of  
 17 Energy, and he wanted it promptly, he would choose to  
 18 put it into the normal Board process. If he said this  
 19 is a routine letter that can wait for the next Board  
 20 meeting, I'm going to ask the executive secretary to put  
 21 it on the docket. He would make that decision.  
 22 MS. ROBERSON: And I think that's the issue I'm  
 23 raising. I think that should be a decision of the  
 24 Board.  
 25 CHAIRMAN SULLIVAN: Well, so, I could easily

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1 envision a procedure that says things go on the docket  
2 and any Board member can have it pulled off the docket.  
3 In other words, we could have a docket, there could be  
4 correspondence the staff puts on the docket for  
5 consideration at the next meeting, a Board member thinks  
6 I don't think we should wait till the next meeting in  
7 order to consider this question, so any Board member  
8 could have it pulled off the docket if we wrote the  
9 procedure that way, and then it would go back into the  
10 process which we currently use for almost everything,  
11 where we end up as a Board making this decision, five  
12 separate Board members considering and voting going  
13 forward.

14 MS. ROBERSON: So I know, Board Member Connery  
15 is jumping in, can I just complete one thought, and I  
16 thank you for that, Mr. Sullivan. I guess my question  
17 is where in the process does that decision get made,  
18 because what I'm concerned about, once again, as an  
19 individual Board member, which will be available to me  
20 to consume before we might publicly deliberate on  
21 anything?

22 So, again, I'm concerned about the structure of  
23 the process, and how that would flow. And I recognize  
24 this is a concept that we haven't gotten to, I'm just  
25 expressing that would be my reservation.

26

1 MS. CONNERY: Yeah, I think that -- I'm going to  
2 agree with Ms. Roberson on the issue of it's the staff  
3 that's generating it, it might not be OTD, it might be  
4 OGM -- sorry, it could be the technical director's  
5 office or the Office of General Management or the Office  
6 of General Counsel that produces something for us to  
7 consider, but any question would be at that point in  
8 time, they would have to alter their procedures in order  
9 to add something to that that would make that decision  
10 somewhere along the line. The originator of the  
11 document could be somebody within the staff or it could  
12 be the decision of the technical director. It's not a  
13 lot of guidance.

14 The alternative is to say that the Board could  
15 by unanimous consent agree to have a folder of issue  
16 correspondence placed on the docket which would again  
17 put the onus on us, which is I believe where it rightly  
18 stands, for us to make that decision that the folder  
19 process should go onto the docket.

20 The other thing I'm concerned has to do with the  
21 content of that letter or that piece of correspondence,  
22 and if the idea is to put it on the docket so we go  
23 through a routine thing, that's one issue, but I can  
24 envision a scenario where there's a piece of  
25 correspondence that's potentially contentious among the

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1 Board members and we put it on the docket and we haven't  
2 teed it up to the public in any particular way and we  
3 are here having a deliberation over a particular piece  
4 of correspondence, and then we don't meet again for  
5 another month and a half, and it could generate a  
6 concern amongst the public or the department.

7 So, I'm mindful of that scenario as well.

8 CHAIRMAN SULLIVAN: Mr. Hamilton, do you want to  
9 respond to anything?

10 MR. HAMILTON: Not yet.

11 CHAIRMAN SULLIVAN: Okay. Mr. Santos?

12 MR. SANTOS: Thank you. I want to thank Board  
13 Member Hamilton for putting together a specific  
14 proposal, but earlier we heard I think it was Member  
15 Roberson, you know, why are we having so many RFBAs?  
16 And I think it's because, speaking for myself, we all  
17 see some opportunities for improvement, and we all five  
18 independently are trying to come up with specific  
19 solutions, but I think it's important that we all try to  
20 get a sense of the Board of what is the problem that we  
21 are trying to solve first, and then from there, we can  
22 then discuss what are some of the alternatives or ways  
23 to go about it, because I feel that once a proposal is  
24 made, whether it's from Member Hamilton or even myself,  
25 RFA or even throughout the deliberation, we can spend

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1 all the time in this deliberation of that solution when  
2 we haven't really deliberated on the problem.  
3 And my agenda item later today gets into that.  
4 So I see a relationship also between Member Hamilton's  
5 specific proposal and an overall theme of what is it  
6 that we're trying to improve or address? So, my  
7 recommendation is that we either now or as part of my  
8 next item spend time on to that, because then the  
9 solutions can flow from that. That would be my  
10 suggestion.

11 CHAIRMAN SULLIVAN: All right, so if I may.

12 MR. HAMILTON: I have something else. Go ahead.

13 CHAIRMAN SULLIVAN: So, let me talk about some  
14 of what I'm hearing and give you my thoughts. And this  
15 is both Mr. Hamilton's and the concept of the periodic  
16 meeting that I discussed. So, in the history of this  
17 agency, as I think I said earlier, there were very few  
18 meetings for the first 20-some odd years of the agency.  
19 In the NDAA of 2013, Congress changed our enabling  
20 statute so that it was very specific that each Board  
21 member has a vote on making all decisions for the  
22 agency. It turns out we have lots of decisions that  
23 need to be made.

24 So, we ended up with lots of votes. And that  
25 never happened in the past. If you go to the agency's



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1 records to try to find how five Board members made  
2 decisions in the 1990s and 2000s, and I think over time  
3 they did various different things, but it's very  
4 difficult to find some records to dig into to try to  
5 figure out, for example, how particular Board members  
6 felt about a particular issue that was before the Board  
7 at the time.

8 When the law changed in 2013, as an agency we  
9 started to vote on lots of things, and then that led to  
10 developing the procedures which previously didn't exist  
11 and the procedures, every time we came up with a new  
12 situation, we had to figure out how we would handle  
13 that, and we modified the procedures, and over time, the  
14 procedures which started out fairly slender, got a lot  
15 fatter. And a lot more complicated.

16 And then that leads to other situations which  
17 aren't necessarily good in my view for efficiency and  
18 effectiveness, including the fact that as I alluded to  
19 one problem earlier where I'm sure if I put myself in  
20 the shoes of our senior staff leadership, they have an  
21 agenda for the day that they created and then one or  
22 more Board members have thrown his request for Board  
23 actions through email into the system that didn't  
24 previously -- they weren't there in the morning, now  
25 they're there. And so that is just creating for them

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1 some churn.

2 And I guess my point is this: We went from a  
3 period of time where there weren't -- there weren't --  
4 there were almost no Board votes, to a period of time  
5 where we're voting regularly on lots of things. And  
6 when we went to voting regularly on lots of things, we  
7 generally did everything by notational vote, still very  
8 few meetings. We've had some -- we've done some  
9 business at meetings, but generally speaking, not a lot,  
10 and not on a regular basis.

11 And we're trying to, in my view, we're trying to  
12 pilot something to see if this could work better. And,  
13 of course, whatever we start with, we can continue to  
14 change, amend, whatever the case may be. It's specific  
15 to the proposal that's before us with a creation of  
16 docket. I also think that there's a lot of things that  
17 will need to eventually be flushed out by procedure,  
18 some of the simple things. If the meeting is on a  
19 particular day, hypothetically we'll just say it's on  
20 the 5th of the following month, on what day does this  
21 docket close? We can't have Board members adding to the  
22 docket the day before the meeting and expecting the  
23 staff to jump through it.

24 So, you know, we would have to decide by -- and  
25 specify by procedure, there's got to be some day where

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1 the docket for a particular meeting closes. When are  
2 the inputs that other staff members have to make for any  
3 of those docket items, when are those due so that Board  
4 members would have those inputs available? What's  
5 identified as a public document, you know, when the  
6 Board members have a binder of things, for example, that  
7 might have -- let's say that we have a binder and we've  
8 got seven docket items for a meeting? We're going to  
9 have documents, some of which are public, and some of  
10 which are deliberative by the staff, it's the staff  
11 input on whatever the proposal is, and that -- at that  
12 time staff should not go public.

13 So somebody has to sort through all that by  
14 procedure and identify that prior to the meeting so that  
15 we get Board members know and so there's some discipline  
16 in our process in terms of what is being released to the  
17 public and what is not being released.

18 And then we would have to finalize some sort of  
19 procedures to have Board members take things off the  
20 docket, whether because they no longer want to have it  
21 considered -- they put it on there and they no longer  
22 want it to be considered, or it's on the docket and they  
23 don't think we should do it, you know, via a public  
24 meeting, as I've heard other Board members sitting here  
25 alluding to. So, we ought to have a procedure process

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1 for Board members pulling things back off the docket.

2 So, I guess my comment is, I'm all in favor of  
3 having a docket, and as I understand the proposal, we  
4 would create one, but there isn't meat that needs to go  
5 on the bones of how that would ultimately be done by  
6 procedure. And at this point, you know, perhaps if the  
7 general manager is going to create this docket, maybe  
8 the general manager just also creates the questions that  
9 along the lines that I was just asking and go try to  
10 figure out a way to propose something to the Board  
11 members of how it would work.

12 Mr. Hamilton, your turn?

13 MR. HAMILTON: Two comments. First of all, I  
14 did try to address the one concern you had about the  
15 cut-off date. In my last sentence it says, "items  
16 placed on the meeting docket prior to the public  
17 announcement of the next meeting shall be included." So  
18 I did try to address that.

19 Secondly, for Ms. Roberson, would your concern  
20 be allayed if we amended this to add the phrase  
21 "regarding the Board's unanimous consent?" So, for  
22 example, if we said "the originator of any  
23 correspondence requiring Board notification or action  
24 may request the Board's unanimous consent to direct the  
25 staff to place it on the docket?" Would that allay your

1 concern?  
 2 MS. ROBERSON: That would -- I would say I have  
 3 two primary concerns, and that would definitely allay  
 4 one of those concerns. The other one is specificity as  
 5 to when in the process. So, is it once the Board  
 6 receives a yellow folder, which is to the Board for --  
 7 what I'll call semi-final action where the Board has had  
 8 the opportunity to interact with the staff on an  
 9 individual basis and are prepared to deliberate among  
 10 ourselves and take action.  
 11 So, the two concerns would be the unanimous  
 12 consent would definitely alleviate one, and one is  
 13 specificity as to when in our correspondence process  
 14 such a decision would be made by anybody. Does that --  
 15 you understand what I'm saying?  
 16 MR. HAMILTON: I do. I think I understand what  
 17 you're saying, and my -- my thinking on your second  
 18 point was that that was why the originator -- when the  
 19 originator made that decision, was it in orange, was it  
 20 in blue, was it in -- you know, where was it? That was  
 21 my thinking, was that he made that -- he or she made  
 22 that decision, and then asked the Board for unanimous  
 23 consent to do it.  
 24 MS. ROBERSON: That would be perfect.  
 25 MR. HAMILTON: Given that understanding, is this

1 adequate to your -- does that scratch that itch or do  
 2 you think we need more specific wording?  
 3 MS. ROBERSON: I think if we wrote what you just  
 4 said, that would be specific enough for me.  
 5 MR. HAMILTON: The unanimous consent part?  
 6 MS. ROBERSON: Yes.  
 7 MR. HAMILTON: Mr. Chairman, how do I entertain  
 8 a friendly amendment that I have written myself to this  
 9 thing? What's the process here?  
 10 CHAIRMAN SULLIVAN: I think you can just  
 11 announce that you want to amend it and we work with the  
 12 general counsel and provide a second once we have a  
 13 specific proposal.  
 14 MR. HAMILTON: Then I would -- I'm sorry, was  
 15 there something else?  
 16 Then I would propose an amendment to my  
 17 proposal, to my motion, to add the words "request the  
 18 Board's unanimous consent to," between the words "may  
 19 direct," in the second sentence. So, it would read,  
 20 "May request the Board's unanimous consent to direct."  
 21 MR. SANTOS: I would like to make a point for  
 22 consideration and on the motion. Again, this sounds  
 23 like a very workable solution that we might end up as a  
 24 Board adopting, but I see it as a subset of additional  
 25 items that can be umbrellaed under improvements to the

1 way we interact or we are focusing on RFBAs right now,  
 2 okay, there might be other items associated with that,  
 3 and they could be all umbrellaed together, and I will  
 4 mention that as part of my agenda topic, for example,  
 5 the concept of resolution of Board member comments,  
 6 there's also an opportunity for improvement.  
 7 So, I see your proposal as very specific,  
 8 attacking one subset, and I would like for the Board to  
 9 consider is to table the current motion until we have a  
 10 broader discussion about getting the sense of the Board  
 11 of what is it that we need to go address, what are some  
 12 of the main elements of that. One of them that is  
 13 clearly RFBAs, and we have discussed, and then as part  
 14 of that overall effort, then decide do we tackle the  
 15 whole, do we prioritize each item, starting with RFBAs,  
 16 for example?  
 17 So, my proposal is I would like to make a motion  
 18 to table the current motion until we discuss the other  
 19 agenda item, and then come back to it.  
 20 MR. BIGGINS: So the current motion on the table  
 21 is actually an amendment to the original motion, which  
 22 hasn't yet been seconded.  
 23 MR. SANTOS: Oh, okay, thank you for --  
 24 MR. BIGGINS: The Board should decide first  
 25 whether it's going to agree to the motion to amend

1 before it recognizes a new motion.  
 2 MR. SANTOS: Okay, I want to second the motion  
 3 to amend.  
 4 MR. BIGGINS: Okay. So, the motion to amend has  
 5 been seconded. Does the Board want to vote at this  
 6 point, or have further discussion? Mr. Chairman?  
 7 CHAIRMAN SULLIVAN: I will only comment that,  
 8 once again, Ms. Roberson had two issues, and I think  
 9 this amendment only addresses one. Is that correct?  
 10 MS. ROBERSON: Correct.  
 11 CHAIRMAN SULLIVAN: I'm getting a head shake  
 12 yes, that's correct. So, there may be further  
 13 amendments, but that's my only comment. Okay, any other  
 14 comments before we vote? We are voting whether or not  
 15 to approve the amendment to the proposal. All right,  
 16 general counsel, would you call roll?  
 17 MR. BIGGINS: On the question of amending the  
 18 proposal to establish a DNFSB meeting docket through  
 19 amendment of the Board procedures, on the question of  
 20 amending the proposal, Mr. Chairman?  
 21 CHAIRMAN SULLIVAN: Yes.  
 22 MR. BIGGINS: Mr. Vice Chairman?  
 23 MR. HAMILTON: Aye.  
 24 MR. BIGGINS: Ms. Roberson?  
 25 MS. ROBERSON: Yes.

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1 MR. BIGGINS: Mr. Santos?  
 2 MR. SANTOS: Yes.  
 3 MR. BIGGINS: Ms. Connery?  
 4 MS. CONNERY: Yes.  
 5 MR. BIGGINS: So, the motion has been amended.  
 6 The motion is now the subject of which is amending the  
 7 Board procedures to provide for a DNFSB meeting docket:  
 8 One, Board procedures of August 2015, as amended, are  
 9 further amended by adding the following paragraph:  
 10 2.1(b)(6), Meeting Docket. The originator of any  
 11 correspondence requiring Board notification or action  
 12 may request the Board's unanimous consent to direct the  
 13 executive secretary to place that correspondence on the  
 14 meeting docket in lieu of the processing otherwise  
 15 specified in these Board procedures. Items placed on  
 16 the meeting docket prior to public announcement of the  
 17 next meeting shall be included in the agenda of that  
 18 meeting; two, the general manager is directed to revise  
 19 the Board procedures to reflect this amendment. And  
 20 this is document control number 2017-300-033.  
 21 MS. ROBERSON: Mr. Chairman, can I ask for that  
 22 to be read again?  
 23 CHAIRMAN SULLIVAN: You certainly may. And if I  
 24 may -- if I feel like being nice today, I will ask the  
 25 general counsel to do it. Please read it again.

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1 MR. BIGGINS: Certainly. One, the Board  
 2 procedures of August 2015, as amended, are further  
 3 amended by adding the following paragraph, 2.1(b)(6),  
 4 Meeting Docket. The originator of any correspondence  
 5 requiring Board notification or action may request the  
 6 Board's unanimous consent to direct the executive  
 7 secretary to place that correspondence on the meeting  
 8 docket in lieu of the processing otherwise specified in  
 9 these Board procedures. Items placed on the meeting  
 10 docket prior to public announcement of the next meeting  
 11 shall be included in the agenda of that meeting; two,  
 12 the general manager is directed to revise the Board  
 13 procedures to reflect this amendment.  
 14 MS. ROBERSON: Thank you.  
 15 CHAIRMAN SULLIVAN: All right. I'm going to get  
 16 to Mr. Santos here in a second, because he's indicated  
 17 he wants the Board to consider tabling, but I'll make a  
 18 couple of observations. First of all, what we're  
 19 directing the general manager to revise the procedures,  
 20 I don't think the general manager is going to do that  
 21 unilaterally. In other words, the exact change to the  
 22 procedures somehow needs to come back to the Board  
 23 members to see if they agree with whatever language is  
 24 being put in there. Because otherwise the general  
 25 manager would just change the procedures. Do you agree

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1 with that, Mr. Hamilton?  
 2 MR. HAMILTON: Actually, that was not my view.  
 3 We had changed procedures before through RFBAs, I know  
 4 I've done a couple of them, and I used this same  
 5 wording, that the general manager is directed to revise  
 6 the Board procedures, and the general manager then --  
 7 once that was passed, the general manager simply took  
 8 the new language, put it into the Board procedures, put  
 9 a footnote as to what amended it, and republished it.  
 10 So that was my vision as the way we had done it  
 11 in the past.  
 12 CHAIRMAN SULLIVAN: Okay, I understand now. So,  
 13 we're just adding this paragraph?  
 14 MR. HAMILTON: We're just adding a paragraph.  
 15 CHAIRMAN SULLIVAN: I understand.  
 16 MR. HAMILTON: And our voting here would tell  
 17 the general manager to make it so.  
 18 CHAIRMAN SULLIVAN: Thank you. And then there  
 19 was -- there's still the issue that Ms. Roberson raised,  
 20 which I think would have a -- a fairly simple solution,  
 21 but first, I think Mr. Santos got in line before me.  
 22 So, I will turn to him.  
 23 MR. SANTOS: Yeah, again, I'm looking for logic  
 24 flow of what we're doing, not that this is, you know,  
 25 not to move on it now, so we can put a logic flow. So

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1 my tabling is until later in today's meeting, not at  
 2 some later date.  
 3 So, I would like to make a motion to table  
 4 further amendments or voting on this specific solution  
 5 after we have, you know, the broader discussion and some  
 6 of the elements, and then make a decision, okay, these  
 7 RFBAs are a component that we want to tackle first,  
 8 therefore, you know, let's start entertaining some of  
 9 the specifics.  
 10 So I'm just trying to look from a logic flow  
 11 from the broad to the specific. So, because of that, I  
 12 would like make a motion to table further discussion on  
 13 the current motion until we discuss the other agenda  
 14 topic.  
 15 CHAIRMAN SULLIVAN: Okay, so I'll point out by  
 16 procedure, if there's a motion to table, tell me if I'm  
 17 wrong, here, general counsel, but if there's a motion to  
 18 table, that needs -- if there is a second, then we will  
 19 immediately stop discussing anything else and we will  
 20 vote on whether or not we are tabling the current motion  
 21 which Mr. Hamilton made. And if nobody seconds  
 22 Mr. Santos' motion to table, then it dies for lack of a  
 23 second.  
 24 MR. SANTOS: Yeah, for clarification, my  
 25 intention is that we revisit it later in this meeting,

41	<p>1 not to table to some indefinite time.</p> <p>2 CHAIRMAN SULLIVAN: I understand that, but --</p> <p>3 MR. SANTOS: Okay.</p> <p>4 CHAIRMAN SULLIVAN: -- that would simply come at</p> <p>5 some point later somebody could make the motion to take</p> <p>6 the motion off the table.</p> <p>7 MR. SANTOS: Correct.</p> <p>8 CHAIRMAN SULLIVAN: Which would also require a</p> <p>9 second at that time.</p> <p>10 MS. ROBERSON: So, what are we doing? Can I ask</p> <p>11 for a point of clarification?</p> <p>12 CHAIRMAN SULLIVAN: Yes.</p> <p>13 MS. ROBERSON: My question to you, Mr. Santos,</p> <p>14 are you saying that your agenda item either affects or</p> <p>15 is affected by this action?</p> <p>16 MR. SANTOS: That is my view.</p> <p>17 MR. BIGGINS: So there is a motion to table, is</p> <p>18 there a second?</p> <p>19 MS. ROBERSON: I second.</p> <p>20 MR. BIGGINS: There is a motion to table and a</p> <p>21 second. Shall I take the call?</p> <p>22 CHAIRMAN SULLIVAN: Yes.</p> <p>23 MR. BIGGINS: Okay. Ms. Connery?</p> <p>24 MS. CONNERY: Yes.</p> <p>25 MR. BIGGINS: Mr. Sullivan?</p>	43	<p>1 it's been kind of a circular logic where in our quest to</p> <p>2 improve Board efficiencies, our way to interact have</p> <p>3 resulted in more inefficiencies.</p> <p>4 And we individuals have all tried to solve the</p> <p>5 problems by being individuals, coming up with different</p> <p>6 solutions, sometimes not in a cohesive manner, which</p> <p>7 have resulted in even more confusion or more</p> <p>8 inefficiencies.</p> <p>9 So, what I would like to do is try to get a</p> <p>10 sense of the Board, is there a -- does the Board share</p> <p>11 my observations? Is there a sense of the Board that we</p> <p>12 have a problem to go solve, and if it is, then let's go</p> <p>13 figure out what to do about it; and if it's not, then</p> <p>14 let's not waste more time doing that, and it would be a</p> <p>15 strong message to me to try to fix it, to stop trying to</p> <p>16 continue to do RFBA's to try to fix something that the</p> <p>17 Board doesn't agree needs to be fixed.</p> <p>18 So, I see opportunities to improve the</p> <p>19 efficiency and effectiveness of all agency process and</p> <p>20 products that require Board interactions. Today we</p> <p>21 talked about the RFBA process. That's one that I can</p> <p>22 see the sense of the Board being it needs to be looked</p> <p>23 at.</p> <p>24 Other examples are Board members' comment</p> <p>25 resolution on correspondence. It's interesting to see</p>
42	<p>1 CHAIRMAN SULLIVAN: Yes.</p> <p>2 MR. BIGGINS: Mr. Hamilton?</p> <p>3 MR. HAMILTON: Nay.</p> <p>4 MR. BIGGINS: Ms. Roberson?</p> <p>5 MS. ROBERSON: Yes.</p> <p>6 MR. BIGGINS: Mr. Santos?</p> <p>7 MR. SANTOS: Yes.</p> <p>8 MR. BIGGINS: The motion to table is passed.</p> <p>9 The item is tabled, and I yield the floor back to the</p> <p>10 Chairman for the next item on the agenda.</p> <p>11 CHAIRMAN SULLIVAN: So, Mr. Hamilton's motion is</p> <p>12 now set on the table, and perhaps we will pull it off</p> <p>13 the table later. So, the second item on the agenda is</p> <p>14 exploring improved efficiency and effectiveness of Board</p> <p>15 interactions. Mr. Santos wishes to present something to</p> <p>16 the Board. Mr. Santos, you are recognized.</p> <p>17 MR. SANTOS: Thank you, Mr. Chairman.</p> <p>18 Since my time at the Board, I'm always looking</p> <p>19 for ways to improve the flow, the timeliness and quality</p> <p>20 of technical information, not only to individual Board</p> <p>21 members, but to the Board as a whole. And through time,</p> <p>22 I've seen how the interactions of the Board and with the</p> <p>23 Board have resulted in some inefficiencies that have</p> <p>24 then got the technical directors of the various offices</p> <p>25 disruptive of their work of supporting the Board. So</p>	44	<p>1 authors of documents get extremely frustrated to try to</p> <p>2 get their comments resolved in an effective manner and</p> <p>3 Board members frustrated getting transparency and</p> <p>4 visibility in how their comments are being</p> <p>5 dispositioned.</p> <p>6 Coordination of briefings between the Board and</p> <p>7 external sources, whether it's DOE, contractors, that</p> <p>8 whole process also seems to be creating a lot of</p> <p>9 inefficiencies.</p> <p>10 So, again, my goal is before I move into any</p> <p>11 further action, does the Board share that we need to</p> <p>12 improve the effectiveness and efficiency of dealing with</p> <p>13 the Board? So, I would like to hear everyone's</p> <p>14 perspective on that.</p> <p>15 CHAIRMAN SULLIVAN: Go right ahead. It's yours,</p> <p>16 if you're waiting for me, Ms. Roberson, to formally</p> <p>17 recognize you.</p> <p>18 MS. ROBERSON: Okay. Well, I start off by</p> <p>19 saying, I mean, we've certainly, the first two topics on</p> <p>20 our agenda indicate areas where Board members, and I</p> <p>21 would say based on actions of the Board members in this</p> <p>22 discussion have identified areas where we need to</p> <p>23 improve efficiency, without a doubt. And so I think it</p> <p>24 is a worthwhile topic.</p> <p>25 And some of the elements of the first two</p>

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1 recommendations, some public deliberations, I think, is  
2 a part of that process as well as potential docket for  
3 items that we're going to discuss in public. So, I  
4 think the Board is saying, yeah, there is opportunity  
5 that we need to grasp to improve our operation.

6 MS. CONNERY: From my perspective, I think it's  
7 less to do with efficiency and more to do with how we  
8 operate with the technical staff, particularly in  
9 comment resolution seems to be the conversation that  
10 comes up most frequently. It's unfortunate that tech  
11 staff walks around and tries to resolve our comments and  
12 they're not going to be able to do it, we're five  
13 individual Board members with five vastly different  
14 approaches to how we do this mission.

15 So, in my view, there seems to be a need to  
16 address that specific issue, and I know I'm going to the  
17 specific versus the general, by having more consistency  
18 in terms of who from the technical staff interacts with  
19 each of the individual Board members.

20 There's also been expressed a number of times  
21 frustration that, you know, not all Board members are  
22 created equal. Some are more willing to compromise,  
23 some stand with their feet a little more vigorously, and  
24 that influences, particularly newer staff, as to how  
25 they respond to Board comments.

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1 And at the end of the day, we have the  
2 opportunity to amend correspondence or documents based  
3 on our particular view points, but what I would like to  
4 see is an empowerment of the staff to be able to present  
5 their best and highest documents, their best and highest  
6 products to us without trying to anticipate whether or  
7 not we are going to be able to accept them.

8 So, any ideas on how to make that happen I think  
9 would be to the better of what's mission-focused. I  
10 don't think that the moving of the mail is necessarily  
11 the key to getting us focused on our mission. I think  
12 that some of the extraneous correspondence pieces are in  
13 the noise and what we really need to focus on is how do  
14 we do our mission better.

15 MR. HAMILTON: No comments at this time,  
16 Mr. Chairman.

17 CHAIRMAN SULLIVAN: So, to address the comments  
18 Mr. -- or the question that I understand Mr. Santos was  
19 raising here, which I would -- which I interpret or  
20 paraphrase your question as what problems are we trying  
21 to fix. So, again, I'll just give you my view, which  
22 works for both my first item and as I understand your  
23 second item.

24 And again, I go back to the historical  
25 discussion. So, we had an agency that started in 1989,

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1 and the first group of Board members decided how they  
2 were going to do business, and that became the way the  
3 agency did business for many years. I joined the Board  
4 in September of '12 at a time when there was action  
5 pending on Capitol Hill to make some significant changes  
6 to the Board's enabling statute. And my understanding  
7 of what prompted those changes was some observations on  
8 Capitol Hill that perhaps the way the agency was working  
9 wasn't what the Congress at that time wanted.

10 And so changes were made, signed into law in  
11 early January of 2013, and while there were several  
12 changes, in my view the most significant change from us  
13 and for us internally was the clear direction from  
14 Congress that we would vote regularly on anything that  
15 would be considered a decision of the agency.

16 And so Ms. Roberson can speak to the history if  
17 she wants, but I think very shortly after that change  
18 came into law, I recall -- it's my recollection that  
19 Ms. Roberson actually raised the issue with our then  
20 general counsel to say, well, we need some Board  
21 procedures that on how we're going to do all this  
22 voting.

23 So, we had an initial set of Board procedures  
24 that was adopted shortly after 2013, and at the time,  
25 the first -- what we first did was everything that we

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1 voted on came through the staff. So the -- so we -- our  
2 first go-round, we had the staff and staff only  
3 presented things to the Board members for voting.

4 We did not have amendments proposed by Board  
5 members. We did not have a formal procedure for Board  
6 members to say -- to put something in front of the Board  
7 themselves. So that led to obvious issues and problems  
8 that were primarily the result of the fact that we have,  
9 by law, a Board where the staff all works for the  
10 Chairman, and then we have four other Board members who  
11 need to be an equal say in making a decision, but each  
12 of those Board members has no staff whatsoever, which  
13 leads to a lot of chicken and the egg.

14 If you're in the position of a Board member who  
15 has no staff, you want certain things, or you would like  
16 certain information, or perhaps you would like the staff  
17 to do something, but we didn't have any way to do it as  
18 a Board member and we had no staff to go off and  
19 research these issues.

20 So that led to the next generation of the Board  
21 procedures, which started, if memory serves me  
22 correctly, somewhere in the spring of 2014, it's been  
23 modified on several occasions since then, but  
24 substantially, they're the same today as they were in  
25 February of -- or I'm sorry, in the spring of '14, the

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1 only difference being that they've gotten a lot more  
2 detailed as time goes on.

3 But in the spring of '14, that's where we  
4 initiated procedures, we provided procedures for Board  
5 members to essentially move to have the Board vote on  
6 whatever it was the Board member wanted to move the  
7 Board to vote on. That's this process we are now  
8 calling -- we are referring to as RFBA, which stands for  
9 request for Board action, but -- and we also established  
10 a process so each time a Board member made a request for  
11 Board action, in the procedures, the staff is required  
12 to provide certain inputs. So, in other words, just by  
13 submitting the proposal, that by procedure, the staff  
14 now has to do some work in order to provide some input  
15 on the specific proposal.

16 Many of these requests for Board action have  
17 been used by Board members to then actually initiate  
18 a -- what I'd call as a staff project, okay. What  
19 you're putting before the Board right now falls into  
20 that category. You haven't actually read the words of  
21 your action here, but it would have the Board establish  
22 a working group to go look at developing certain  
23 alternatives to try to tackle whatever problems we might  
24 agree here need to be tackled. But this establishment  
25 of a working group is essentially a staff project that

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1 you're asking the Board to approve, which makes some  
2 sense because as a Board member, you don't have any  
3 staff where you could simply tell them what you want  
4 them to go do.

5 So my point in all this historical discussion is  
6 to recognize, well, we are where we are, and in most  
7 cases because something happened and then we reacted as  
8 an agency and created some way to proceed based on  
9 whatever the stimuli was. And but there are issues and  
10 problems, many of which we just didn't anticipate  
11 because some of these procedures weren't piloted, we  
12 didn't have a more thorough process to use them to find  
13 out lessons learned and then feed them back in.

14 So, whether we're trying to apply lessons  
15 learned for all these procedures and processes now in  
16 order to try to make them better, or whether we're  
17 talking about taking out a clean sheet of paper and just  
18 starting over and saying, well, how should this agency  
19 work, but I will get to you after that long diatribe,  
20 let me get to answering your question.

21 I do think there are issues here, but they're  
22 fundamentally just the issue of we have five Board  
23 members who must make a decision and only one member by  
24 law who gets to tell the staff what to do. The other  
25 four have to ask.

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1 We also have a process, if we're going to  
2 communicate with the Secretary of Energy, where each of  
3 the Board members gets their input and then somebody has  
4 to resolve the inputs, and since there's five of us,  
5 often those inputs are different. I don't think it's a  
6 problem that those inputs are different. There wouldn't  
7 be five Board members if Congress did not anticipate  
8 that there might be five different opinions on a  
9 particular subject.

10 Nevertheless, you know, the question really is  
11 can we make this better so we don't have the scenario --  
12 some of the issues that we have been facing. I talked  
13 specifically about the issue of disturbing the day of  
14 the senior management by putting a request for Board  
15 action into the system. I think there is another issue  
16 that where each time we want to do correspondence to the  
17 Secretary of Energy, we have a technical staff member  
18 who is the primary author, and it is the job of that  
19 technical staff member to resolve comments, and in some  
20 cases, that's not an easy thing for that staff member to  
21 do and perhaps it's not the best thing to have that  
22 staff member do.

23 I mean, we have staff members who are scientists  
24 and engineers, they weren't -- I mean, it isn't  
25 necessarily -- supposed to be in their skill set to try

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1 to basically act as a negotiator between five type A  
2 personalities.

3 So, to me, that seems to be an issue that is  
4 ripe for us to consider trying to improve. All right, I  
5 talked for a very long time. Any other Board member  
6 want to chime in on any of this?

7 MS. CONNERY: Yeah, you did.

8 CHAIRMAN SULLIVAN: Ms. Roberson?

9 MS. ROBERSON: Yeah, I definitely agree, and  
10 that's why I think -- that's why I said even your  
11 action, Mr. Chairman, provided the opportunity. I do  
12 think there is opportunity for us to improve, and I  
13 still believe it's not just timeliness, but timeliness  
14 and how we act on correspondence as well as quality. I  
15 agree with you, that Congress intended -- I mean, we  
16 know this for a fact, there are five of us, because  
17 there's no black and white answers to some of the  
18 questions we evaluate and advise the Secretary on, and I  
19 think the idea was if you have five expert technical  
20 people in nuclear safety, you can reach the right  
21 conclusion.

22 And so I agree with you and that's why I think  
23 part of the answer is more deliberations among Board  
24 members, as we started out talking about, but I also  
25 think there are some structural things, and as you said,

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1 when you put -- started the first round of procedures,  
2 and now we've done two and we're working on a third one,  
3 we knew at the time that we would need to continue to  
4 make adjustments based on the reality of how our work  
5 got done. And I think that's what we've seen, and I  
6 think it's a good time to look at those and identify  
7 those specifics.

8 CHAIRMAN SULLIVAN: Ms. Connery, did you want to  
9 add to that discussion?

10 MS. CONNERY: No, I already spoke. I was before  
11 you.

12 CHAIRMAN SULLIVAN: Okay.

13 MR. SANTOS: May I?

14 CHAIRMAN SULLIVAN: Yes.

15 MR. SANTOS: Again, my concern is the visions on  
16 effectiveness, because if I don't get any other sense of  
17 the Board and I see opportunities for improvement, I can  
18 easily see myself coming up with solution after solution  
19 after solution, which is RFBA after RFBA, and then that  
20 defeats the purpose.

21 So, what I would like to do is, again, is the  
22 sense of the Board that we should be looking at ways to  
23 improve efficiency and effectiveness, and then establish  
24 a process for which the Board members can rely upon as  
25 opposed to continue to act as an individual basis to try

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1 to address that problem.

2 So, because of that, I would like to make a  
3 proposal on a request for Board action to kind of do  
4 some of that, so I can take myself out of the solution,  
5 you know, design and engineering process.

6 CHAIRMAN SULLIVAN: I understand. If you have a  
7 proposal you want us to vote on, you may make your  
8 motion.

9 MR. SANTOS: So, before I do that, can we  
10 capture whether it's the sense of the Board that we  
11 should be looking at improving the effectiveness and  
12 efficiency of interactions with the Board as a Board  
13 statement?

14 CHAIRMAN SULLIVAN: You're talking about staff  
15 interaction?

16 MR. SANTOS: Interactions within the Board --  
17 yeah, among ourselves and with the staff, yes, I would  
18 ask for.

19 CHAIRMAN SULLIVAN: So, let me just clarify,  
20 you're asking for the sense of the Board, which means  
21 essentially Board Member Santos is asking each of the  
22 Board members to agree or disagree on that we -- state  
23 again, what is it you're asking?

24 MR. SANTOS: That we need to improve the  
25 efficiency and effectiveness of all interactions with

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1 the Board, whether it's among members with the staff and  
2 an external organization, because to me that is -- it  
3 states the problem and then we can figure out how to go  
4 address that.

5 CHAIRMAN SULLIVAN: Well, I understand. This is  
6 not a -- this is not a formal motion, you're just asking  
7 each of the Board members to comment and you're  
8 specifically asking if they can comment yes or no, so I  
9 will go ahead and comment yes and other Board members  
10 can comment or not comment as they see fit. We're not  
11 talking a vote here.

12 MS. CONNERY: I'm all for continual improvement.  
13 I wouldn't characterize it that way, as if we needed to  
14 fix every relationship throughout the universe, and I  
15 think that's kind of a broad and lofty goal, something  
16 we should work for, I'd rather do it around the  
17 specifics as to why, why are you proposing a particular  
18 thing?

19 And it's clear with Mr. Hamilton's proposal,  
20 it's clear in your proposal, it's clear that you want to  
21 have a structured way of addressing particular issues,  
22 but we haven't actually identified what those particular  
23 issues are in this conversation, and we had Mr. Sean  
24 Sullivan talk about the history and you brought up a  
25 couple of specific examples, but I think my view is,

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1 yeah, of course we should try to continually improve. I  
2 think that preps open-ended working groups, without  
3 clear identification of what those problems are, might  
4 not be an effective way to do that.

5 MR. HAMILTON: I will give the short version of  
6 what Ms. Connery just said, which I agree with, and that  
7 is, of course, anyone always wants to look for ways to  
8 improve a situation. And so I'm on board with that.  
9 The question becomes, what are the costs and benefits of  
10 doing so, and what is the mechanism or method by which  
11 we do it. That's it.

12 MS. ROBERSON: I agree with what Mr. Hamilton  
13 just said, ditto.

14 MR. SANTOS: Thank you, Board members. So,  
15 because of that, I would like to move to request for  
16 Board action, and turn to the general counsel, to the  
17 Chairman and the general counsel.

18 CHAIRMAN SULLIVAN: Do you have -- I'm sorry,  
19 I'm getting a request over here for a break.

20 MS. CONNERY: Just five minutes, maybe?

21 CHAIRMAN SULLIVAN: Certainly. Why don't we  
22 take five minutes and then we will come back and hear  
23 your specific proposal. We are adjourned for the  
24 moment.

25 (Recess in the proceedings.)

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1 CHAIRMAN SULLIVAN: Okay, may I have everyone's  
2 attention? We're going to go ahead and reconvene. And,  
3 Mr. Santos, the floor was yours when we took a break.

4 MR. SANTOS: Thank you, Mr. Chairman. Thank  
5 you, Board Members, for providing feedback. And I agree  
6 that the statement as I laid out, it was too broad of a  
7 level of abstraction to try to define the problem. So,  
8 what I would like to do is propose a very narrow problem  
9 statement, and get the sense of the Board again, because  
10 again, I do feel it's very important that we walk out of  
11 here with a defined problem statement and then figure  
12 out how to go about it.

13 So, I would like to narrow down the problem  
14 statement that it's the sense of the Board that we need  
15 to improve the efficiency and effectiveness of the  
16 requests for Board action process, and the Board  
17 members' comment resolution process. Those two.

18 MS. CONNERY: What was the second part? I just  
19 couldn't hear you.

20 MR. SANTOS: Board member comment resolution  
21 process.

22 CHAIRMAN SULLIVAN: Ms. Roberson, you may go.

23 MS. ROBERSON: Mr. Santos, and Mr. Chairman, I  
24 agree that the organization can certainly benefit from  
25 improvements in both of those processes.

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1 CHAIRMAN SULLIVAN: Any other Board members?

2 MS. CONNERY: I'm going to say ditto to what  
3 Ms. Roberson said.

4 MR. HAMILTON: I share Ms. Roberson and  
5 Ms. Connery's sentiment.

6 CHAIRMAN SULLIVAN: Okay, well far be it from me  
7 to keep us from being unanimous. So, we have five Board  
8 members, then, who agree to your statement.

9 MR. SANTOS: So, I would like to move for a  
10 motion of the Board to affirm that as a problem  
11 statement to capture the Board's sentiment on that.

12 CHAIRMAN SULLIVAN: Okay, I'm not sure what that  
13 will do.

14 MR. SANTOS: It records it in the transcript  
15 that the Board agreed that these are items to go pursue.

16 CHAIRMAN SULLIVAN: Well, once again, you still  
17 have the floor, so if you want to make a specific  
18 motion, you make it and we will go from there.

19 MR. SANTOS: Yes. So I would like to make a  
20 motion to get information from the Board that the  
21 request for Board action process and the Board member  
22 comment resolution process should be improved. And  
23 that's the motion. And I will entertain amendment.

24 CHAIRMAN SULLIVAN: Okay, so once again, it's  
25 not clear to me if we need a second, but I will provide

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1 one, and then we have it, whether we need it or not.  
2 So, we have a motion with a second in front of us. Is  
3 there further discussion?

4 MS. CONNERY: So, I'm just questioning what -- I  
5 don't think we've ever done one of these before, that I  
6 recall. Is this so that to provide the basis for  
7 perhaps a Board action in the near future?

8 MR. SANTOS: To provide a traceable statement in  
9 spite of the conduct of this meeting so that people can  
10 understand whether additional actions or what, you know,  
11 that will follow from this.

12 MS. ROBERSON: Mr. Chairman, I ask that once our  
13 executive secretary is done writing, that he reread what  
14 it is that we have been asked to agree to.

15 CHAIRMAN SULLIVAN: Okay. General Counsel,  
16 could you read what we're being asked to vote on?

17 MR. BIGGINS: So, this is a motion from Board  
18 Member Santos, the subject is to affirm the sense of the  
19 Board, and it is specifically to affirm that the request  
20 for Board action process and comment resolution process  
21 should be improved.

22 CHAIRMAN SULLIVAN: Okay, did that answer your  
23 question there, Ms. Roberson?

24 MS. ROBERSON: Yes, sir.

25 CHAIRMAN SULLIVAN: And I suppose if we approve

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1 this, then we could just refer to this vote in any  
2 future possible Board action where we're trying to --  
3 maybe trying to specifically task somebody to try to  
4 attack these two problem areas. Is there any other  
5 discussion?

6 (No response.)

7 CHAIRMAN SULLIVAN: If not, General Counsel,  
8 would you call the roll.

9 MR. BIGGINS: I'll note in the roll call for the  
10 Board members' awareness that I am rotating calling of  
11 the roll, in case you hadn't noticed. So, I will start  
12 with Board Member Santos?

13 MR. SANTOS: Yes.

14 MR. BIGGINS: Board Member Connery?

15 MS. CONNERY: Yes.

16 MR. BIGGINS: Chairman Sullivan?

17 CHAIRMAN SULLIVAN: Yes.

18 MR. BIGGINS: Vice Chairman Hamilton?

19 MR. HAMILTON: Abstain.

20 MR. BIGGINS: And Board Member Roberson?

21 MS. ROBERSON: Yes. And I'll note I'm last  
22 again.

23 MR. BIGGINS: You'll be first next time. So,  
24 the motion to affirm that the RFBA process and comment  
25 resolution process should be improved is passed.



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1 CHAIRMAN SULLIVAN: Okay, Mr. Santos, did you  
2 have anything else you wanted the Board to consider in  
3 your agenda item?

4 MR. SANTOS: Yes, I have a request for Board  
5 action, that as previously submitted, I would like it to  
6 be read. I already know of an amendment I want to make,  
7 but I want to be under order and go one step at a time.

8 CHAIRMAN SULLIVAN: Very well. General Counsel,  
9 would you read the request for Board action that  
10 Mr. Santos previously submitted?

11 MR. BIGGINS: The subject is request for Board  
12 action by Board member Daniel J. Santos, exploring  
13 improved efficiency and effectiveness of Board  
14 interactions. This is docket number 2017-300-023, and  
15 it states: One, Board approval to establish a working  
16 group to develop alternatives with associated advantages  
17 and disadvantages to improve the efficiency and  
18 effectiveness of all agency processes and products that  
19 require Board interaction among individual members of  
20 the Board with staff and with outside stakeholders,  
21 footnote one. Footnote 1: For example, but not limited  
22 to requests for Board actions, Board members' comment  
23 resolution on correspondence, coordination of Board  
24 briefings from internal and external sources, and roles  
25 and responsibilities of Board liaisons with external

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1 organizations.

2 The working group should explore a broad range  
3 of alternatives from incremental changes to existing  
4 practices to organizational structure modifications.  
5 The working group should seek input from each Board  
6 member during development of alternatives. The  
7 alternatives should be presented to the Board in one or  
8 more white papers (to go in the gold folder), and a  
9 Board briefing by April 28th, 2017. The Board will  
10 utilize its normal processes for any follow-on action.

11 Two, Board approval to stay further action on  
12 Docket Number 2017-300-012 (request for Board action by  
13 Vice Chairman Jessie R. Roberson, assign a three-person  
14 working group to develop a revision of the Board  
15 procedures, in orange folder, by February 28th, 2017)  
16 until the Board makes an affirmative decision based on  
17 the results of item 1 above.

18 CHAIRMAN SULLIVAN: Okay, and I'll second that  
19 motion. You made that as a motion. Is that correct?

20 MR. SANTOS: Yes.

21 CHAIRMAN SULLIVAN: So, your specific request  
22 for Board action has been made and seconded.

23 MR. SANTOS: Thank you. Given the previous  
24 discussion, I would like to amend my own proposal to  
25 really narrow the scope to just the two items we

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1 affirmed, which was the request for Board actions and  
2 the Board member comment resolution.

3 So, I can see changes to the first sentence, an  
4 amendment to the first sentence, to basically say to  
5 after the disadvantages, it says "to improve the request  
6 for Board action and Board member comment resolution  
7 processes," and then delete the rest of the sentence.

8 CHAIRMAN SULLIVAN: Including the footnote. Is  
9 that correct?

10 MR. SANTOS: Yes, including reading the  
11 footnote.

12 CHAIRMAN SULLIVAN: Thank you. And is that the  
13 only change that you're referring to?

14 MR. SANTOS: That's the only change I currently  
15 envision, but I am open to any friendly suggestions by  
16 Board members and discussion.

17 MS. CONNERY: So, Sean, if I may?

18 CHAIRMAN SULLIVAN: You may.

19 MS. CONNERY: So, I appreciate your narrowing  
20 the scope, because I think that will help the working  
21 group be able to focus. I would also note that you have  
22 instructed them to explore a broad range of alternatives  
23 from incremental to organizational structures and  
24 modifications. To me, this is -- it will kind of force  
25 the working group to come up with a number of

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1 alternatives and not necessarily their best product  
2 based on their conversations.

3 So, I would propose, if you would consider it,  
4 striking that as well to allow them to basically explore  
5 whatever it is that they need to explore to get to the  
6 right answer.

7 And then my second comment has to do with number  
8 two. I think we certainly want these two processes to  
9 be complimentary to each other, and I would say that the  
10 actions taken should inform rather than to wait for an  
11 affirmative decision on the result of item 1. So, I  
12 would ask you to consider perhaps rewording that second  
13 item to say that the activities already undertaken by  
14 the three-person working group should inform the  
15 activities taken by the new working group that you're  
16 proposing.

17 In other words, provide them input so that when  
18 they are looking at these two particular areas, RFBAs,  
19 and comment resolution, if they've already come up with  
20 proposals, rather than to put them aside until you're  
21 done, have it inform the deliberations of that other  
22 group.

23 CHAIRMAN SULLIVAN: Okay, so before I ask  
24 Mr. Santos to respond, I just want to clarify, if I  
25 understand our procedures correct, Mr. Santos was

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1 introducing an amendment to his own motion, and I think  
2 Ms. Connery is proposing some further amendments. We  
3 have a friendly amendment process whereby the person who  
4 made the motion can then offer what it -- or can then  
5 decide that the person who wants to amend it, and that  
6 could be with input from another Board member or not,  
7 but if there is no objection, then the motion will just  
8 be so amended.

9 In other words, we don't need to go through a  
10 calling of the roll on the amendment. I know we did  
11 that last time, but I just don't think we do, and so to  
12 make this a little bit more expedient, I'm going to try  
13 to get to the point more quickly where we're actually  
14 voting on whatever the final version of whatever it is  
15 that's been called.

16 So now I ask Mr. Santos if you want to respond  
17 to Ms. Connery?

18 MR. SANTOS: I will, and I also would like to  
19 get, if any other Board members have friendly amendment,  
20 I would like to entertain those, too.

21 So, Board Member Connery, I agree with the  
22 deletion of the second sentence, I just tried to make  
23 the expectation that the alternatives, plural, and that  
24 they are open and can go, you know, outside the thinking  
25 outside the box as opposed to just simply exploring our

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1 current procedures. So I was trying to hint that that's  
2 my expectations for the final product, that we can see a  
3 range of alternatives.

4 MS. CONNERY: No, I understand that. I just  
5 think that you covered that with the next sentence  
6 because it says you should seek input from each Board  
7 member.

8 MR. SANTOS: Fair.

9 MS. CONNERY: And you have kind of a vision on  
10 those things, so you would be able to provide that  
11 vision.

12 MR. SANTOS: Fair. So, I agree with that  
13 deletion of that second sentence as part of that  
14 amendment. On the second one, I understand what you're  
15 saying, I would ask you if you can come up with specific  
16 edits while I seek input from the other Board members  
17 before I agree on that one. So, if I could ask the  
18 other Board members whether they have any other  
19 clarification questions or friendly amendment they would  
20 like to offer at this point.

21 MR. HAMILTON: I don't.

22 CHAIRMAN SULLIVAN: Ms. Roberson?

23 MS. ROBERSON: I don't.

24 MR. HAMILTON: I have a clarification question  
25 for you, Mr. Santos.

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1 MR. SANTOS: Yes, sir?

2 MR. HAMILTON: Who is the working group?

3 MR. SANTOS: My vision is that that is up to the  
4 leadership team of the agency, meaning the Chairman and  
5 the office director who manage the resources to  
6 establish such working group. So, I leave it to the  
7 leaders of the agency to establish that.

8 MR. HAMILTON: Thank you.

9 CHAIRMAN SULLIVAN: So, I'll just comment that  
10 in your second paragraph, you refer to a three-person  
11 working group that's already been assigned, so I would  
12 envision a similar working group, but not necessarily  
13 the same people. That will be up to the staff  
14 leadership to figure out if the people currently  
15 assigned on that working group make sense, or other  
16 people would make sense on this working group, but I  
17 envision the same level of effort.

18 MS. CONNERY: So, in terms of the amendment.  
19 So, I would just add a sentence at the end, because you  
20 obviously want to stay the action if it weren't in  
21 folder, which is fine, I will just add a sentence at the  
22 end that says something like the work done to date  
23 should inform the deliberations of the working group  
24 established in point one.

25 MR. SANTOS: My only point on that is in the

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1 same vein that the second sentence seemed to have  
2 limited or direct the outcome, I want to make sure that  
3 the working group that is informed by this information  
4 is not then too heavily influenced by that.

5 MS. CONNERY: Collaborate, perhaps?

6 MR. SANTOS: Collaborate -- inform is fine, like  
7 you have, it's just an expectation that, you know, they  
8 just take the input from that three-person working group  
9 and they just narrow it to that. So, I'm okay with  
10 leveraging, but not necessarily being limited by the  
11 work already done to date.

12 MS. CONNERY: Well, I think you -- again, so  
13 because you have the broad statement about alternatives.  
14 So, I'm guessing there's one solution set that was  
15 proposed by the procedures group, and --

16 MR. SANTOS: Um-hmm, exactly.

17 MS. CONNERY: -- the idea would be that that  
18 would be an input that they would use. So, maybe an  
19 input to --

20 MR. SANTOS: Input.

21 MS. CONNERY: -- rather than --

22 MR. SANTOS: So, what about the work done to  
23 date shall serve as input?

24 MS. CONNERY: Yeah. To the newly established  
25 working group of indefinite number.

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1 MR. SANTOS: To the new working group. To the  
2 working group in item 1 above.

3 MS. ROBERSON: Can I recommend just it should  
4 serve as input in the conduct of item 1 above?

5 MR. SANTOS: Yes. And I agree with  
6 incorporating that friendly amendment.

7 CHAIRMAN SULLIVAN: All right. So, Mr. Santos  
8 proposed some modifications to his first sentence, then  
9 he, as I understood it, he agreed to delete the second  
10 sentence, which was a suggestion made by Ms. Connery,  
11 and now he's also agreed to add a sentence to the end of  
12 paragraph 2. I think that went through some iterations  
13 of the exact words up here.

14 So, if I correctly captured that, if there's no  
15 objection to any of those, then my understanding under  
16 our procedures is that that becomes a friendly amendment  
17 and the original request for Board action has been  
18 revised and so I would ask at this time that the general  
19 counsel to read the revised request for Board action.

20 MR. BIGGINS: This is request for Board action  
21 by Board member Daniel J. Santos: Exploring improved  
22 efficiency and effectiveness of Board interactions,  
23 Docket Number 2017-300-032. One, Board approval to  
24 establish a working group to develop alternatives with  
25 associated advantages and disadvantages, to improve the

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1 request for Board action processes and comment  
2 resolution process. The working group should seek input  
3 from each Board member during development of  
4 alternatives. The alternatives should be presented to  
5 the Board in one or more white papers (to go in the gold  
6 folder), and a Board briefing by April 28, 2017. The  
7 Board will utilize its normal processes for any  
8 follow-on action.

9 Two: Board approval to stay further action on  
10 Docket 2017-300-012 (request for Board action by Vice  
11 Chairman Jessie H. Roberson, assign a three-person  
12 working group to develop a revision of the Board  
13 procedures in orange folder by February 28, 2017), until  
14 the Board makes an affirmative decision based on the  
15 results of item 1 above. Work done to date will serve  
16 as input to the conduct of item 1.

17 CHAIRMAN SULLIVAN: All right. And if I can ask  
18 for one more technical clarification. So, in the very  
19 first sentence, which has -- which now ends with "and  
20 the comment resolution process," if I can ask that the  
21 words "orange folder" be inserted in front of "comment  
22 resolution," just I think that would clarify what  
23 comment resolution we're talking about, since we have  
24 orange folder process in our Board procedures. Anybody  
25 reading this, subsequently, will know what comment

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1 resolution process we were talking about.

2 So, is there any objection by any of the Board  
3 members to make that technical correction?

4 (No response.)

5 CHAIRMAN SULLIVAN: Hearing no objection, we can  
6 further modify according to what I just said,  
7 Mr. General Counsel, and does any Board member want to  
8 have it read again, now that it's been modified one more  
9 time?

10 (No response.)

11 CHAIRMAN SULLIVAN: If not, so we have a motion,  
12 we have a motion on this request for Board action that  
13 was seconded, and has been amended as just read by the  
14 general counsel, is there any further discussion before  
15 I ask the general counsel to call the roll?

16 (No response.)

17 MR. BIGGINS: We should confirm the second.  
18 It's been amended, you should reconfirm the second on  
19 the motion.

20 CHAIRMAN SULLIVAN: I reconfirm the seconding of  
21 the motion.

22 All right, Mr. General Counsel, would you call  
23 the roll?

24 MR. BIGGINS: Ms. Roberson?

25 MS. ROBERSON: Yes.

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1 MR. BIGGINS: Mr. Santos?

2 MR. SANTOS: Yes.

3 MR. BIGGINS: Ms. Connery?

4 MS. CONNERY: Yes.

5 MR. BIGGINS: Mr. Sullivan?

6 CHAIRMAN SULLIVAN: Yes.

7 MR. BIGGINS: Mr. Hamilton?

8 MR. HAMILTON: Abstain with comments to be  
9 provided later.

10 MR. BIGGINS: The Board then needs to decide  
11 whether to keep the record open to provide comments.  
12 This has been the past practice of the Board in order to  
13 allow Board members to provide comments on the record.

14 MS. CONNERY: So moved.

15 MR. BIGGINS: I would ask unanimous consent,  
16 Mr. Chairman.

17 CHAIRMAN SULLIVAN: I understand, I am asking  
18 unanimous consent. We will keep the record for  
19 Mr. Hamilton to provide comments for another week.

20 MR. BIGGINS: I would suggest that it be for any  
21 Board member.

22 CHAIRMAN SULLIVAN: I'm sorry, for any. Okay,  
23 so we are going to keep the record open for another week  
24 for comments to be made on the record regarding any  
25 votes that have been taken here at this meeting.

1 MR. BIGGINS: Thank you.  
 2 CHAIRMAN SULLIVAN: Okay, and hearing no  
 3 objection, unanimous consent has been granted.  
 4 All right. Mr. Santos, are you complete with  
 5 your agenda item?  
 6 MR. SANTOS: Yes, Mr. Chairman.  
 7 CHAIRMAN SULLIVAN: Okay. So, at this point, I  
 8 would like to move to take off the table and put back  
 9 before the Board the proposal that we tabled earlier.  
 10 Do I have a second?  
 11 MR. SANTOS: I second it.  
 12 CHAIRMAN SULLIVAN: Oh, we have a motion and a  
 13 second to remove the prior agenda item off the table.  
 14 Mr. General Counsel, would you call the roll on the  
 15 motion to take that off the table?  
 16 MR. BIGGINS: Yes. Mr. Hamilton?  
 17 MR. HAMILTON: Aye.  
 18 MR. BIGGINS: Ms. Roberson?  
 19 MS. ROBERSON: Yes.  
 20 MR. BIGGINS: Mr. Santos?  
 21 MR. SANTOS: Yes.  
 22 MR. BIGGINS: Ms. Connery?  
 23 MS. CONNERY: Yes.  
 24 MR. BIGGINS: And Mr. Sullivan?  
 25 CHAIRMAN SULLIVAN: Yes.

1 So, the motion is off the table, back before the  
 2 Board, so again, Mr. General Counsel, can I ask you to  
 3 read the motion that is in front of the Board.  
 4 MR. BIGGINS: This is request approval for a  
 5 DNFSB meeting docket, this is Docket Control Number  
 6 2017-300-033. One: Board procedures of August 2015, as  
 7 amended, are further amended by adding the following  
 8 paragraph 2.1(b)(6), Meeting Docket. The originator of  
 9 any correspondence requiring Board notification or  
 10 action may request the Board's unanimous consent to  
 11 direct the executive secretary to place that  
 12 correspondence on the meeting docket in lieu of the  
 13 processing otherwise specified in these Board  
 14 procedures.  
 15 Items placed on the meeting docket prior to the  
 16 public announcement of the next meeting shall be  
 17 included in the agenda of that meeting.  
 18 Two: The general manager is directed to revise  
 19 the Board procedures to reflect this amendment.  
 20 CHAIRMAN SULLIVAN: Okay, so there was a motion  
 21 and a second. Is there any further discussion on this?  
 22 Mr. Santos?  
 23 MR. HAMILTON: Go ahead.  
 24 MR. SANTOS: I'm sorry.  
 25 MR. HAMILTON: All right. Yeah, Mr. Chairman,

1 you had said that Ms. Roberson had two questions of  
 2 which one was answered by the friendly amendment. I  
 3 thought that I had addressed her second question, and if  
 4 I understand it correctly, your concern was how do we  
 5 specify where in that process do things get pulled out?  
 6 My response to that, I thought was, and is, the  
 7 originator of the document, or the correspondence,  
 8 decides, but he has to get unanimous consent of the  
 9 Board to do it. For example, should an originator  
 10 decide that he's got an orange folder document, and  
 11 wants to bring that before the Board for a Board  
 12 briefing, he asks for unanimous consent of the Board to  
 13 put it on the docket. If a staff member has a request  
 14 for Board action that she's created that is not urgent,  
 15 she just decides at that point to ask consent. So, the  
 16 fact that we've amended it to require anonymous consent  
 17 I thought had alleviated both of your concerns, but tell  
 18 me if I'm wrong.  
 19 MS. ROBERSON: Mr. Vice Chairman Hamilton, first  
 20 of all, Mr. Sullivan was right, one of my issues was  
 21 when in the process. I have reflected on it and I think  
 22 it certainly would resolve, because the solution you  
 23 revised your proposal to include, it would address both  
 24 my issues.  
 25 MR. HAMILTON: Thank you.

1 CHAIRMAN SULLIVAN: My take on the discussion  
 2 was -- and Ms. Roberson can correct me if I'm wrong, but  
 3 I think one of her points would be if there's a  
 4 technical document proposed correspondence to the  
 5 Secretary of Energy, that goes -- that the staff is  
 6 going to propose, that it probably wants to go -- we as  
 7 Board members probably want it to go through the orange  
 8 folder process, including Board member comments, staff  
 9 attempt to resolve those comments and a briefing to the  
 10 Board.  
 11 The entire process -- and the first time that we  
 12 might consider having it be put on the docket would be  
 13 at the time under our current notational voting where it  
 14 goes into yellow folder that would ordinarily be to  
 15 propose amendments. We might, in a certain situation,  
 16 we might even want to go further and have Board members  
 17 make amendment proposals before we would take it and put  
 18 it on the docket.  
 19 Having heard Mr. Hamilton explain it, you know,  
 20 let's say, for example, hypothetically that Ms. Roberson  
 21 always wanted to go through the orange folder process,  
 22 well staff will learn pretty quick that if you propose  
 23 to put this on the docket prior to completing the orange  
 24 folder process, you're just not going to get unanimous  
 25 consent. So, I think as proposed, it can work.

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1 MS. ROBERSON: Mr. Chairman, you're right, I  
2 think as proposed it can work, and I think based on the  
3 discussion we've had here, it provides feedback for the  
4 staff in the way that they would design such a system.

5 CHAIRMAN SULLIVAN: Ms. Connery?

6 MS. CONNERY: Chairman Sullivan, you've brought  
7 up a number of different procedural issues with regards  
8 to this agenda item and I won't go through them all,  
9 because I think there were several of them. Is there an  
10 intent for you to propose additional RFBA's for amending  
11 this, or would you resolve those by discussing with the  
12 three-member group or however many member group that we  
13 just voted on?

14 CHAIRMAN SULLIVAN: Let me just respond by  
15 saying we will come up with a process moving forward. I  
16 mean, what we're doing here, if I understand this  
17 correctly, is we'll create a docket for a meeting to be  
18 held later, we don't even have a meeting yet to be held  
19 later. So, we could create this docket and things can  
20 go on it, and until -- unless and until we decide to  
21 have a meeting, you know, the fact that we have a docket  
22 is -- doesn't produce anything.

23 So, to sum up my response to your question, yes,  
24 there is more to be fleshed out here, and we're going to  
25 need to figure out a way to flesh it forward. I can

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1 work, as Chairman, with the staff to come up with a  
2 concrete proposal for how they would essentially pilot  
3 this, and then we'll put that back in front of the Board  
4 members, either for unanimous consent or, again, for  
5 another Board action on how that pilot would work.

6 MS. CONNERY: Well, so just to be clear, we just  
7 established that there would be a working group that  
8 would actually focus on our requests for Board action on  
9 correspondence and comment adjudication. So, I guess  
10 because of the way that was written, those groups would  
11 have to talk to each one of the Board members, so you  
12 wouldn't have to do it in the capacity as Chairman, but  
13 I guess I would like to state, as we can deliberate  
14 here, that I think that that would be the preferred  
15 course of action.

16 The challenge right now is if we put anything on  
17 the docket and we don't actually have a meeting coming  
18 up, for travel reasons or force majeure reasons we don't  
19 have a meeting for three months, I wouldn't want to see  
20 something sit on the docket. So we are going to have a  
21 mechanism for withdrawing it if necessary as well, for  
22 instance, and you had mentioned several issues.

23 CHAIRMAN SULLIVAN: You said force majeure, is  
24 that the fancy term? I thought that might have been  
25 something else that rhymed with it, but no.

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1 Mr. Santos?

2 MR. SANTOS: Yeah, I would like to make a point  
3 for consideration, and it's in the lines of what Board  
4 MEMBER Connery was referring to, the proposal is that  
5 any correspondence requiring Board notification or  
6 action, so that goes beyond RFBA's and the comment  
7 resolution, but it includes them, okay? And we just  
8 went through an RFBA that would seek -- the working  
9 group will seek input from each Board member. What  
10 Board Member Hamilton presented is kind of like a  
11 solution and it might well be the ultimate resolution on  
12 this very topic.

13 You know, I like it, but from an ordinarily  
14 process, my recommendation would be that it be  
15 considered to be provided as input to the working group,  
16 and be rolled out as part of the outcome of the -- of  
17 that working group, because that would send a strong  
18 message to me, to kind of hold on from any other  
19 specific proposals I may have on anything.

20 I now understand there's a working group in  
21 place to kind of centralize the management of all these  
22 improvements initiative, whether it's coming from Board  
23 Member Hamilton or from me, and I think it will provide  
24 a little bit of order to the execution of the ultimate  
25 goal that we all want, which is to improve some of the

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1 order and management of all this process.

2 So, for your consideration, if we can roll this  
3 proposal as part of this already approved effort, to  
4 have a more orderly rollout of a solution set. And I do  
5 like what has been proposed, it's just I would like to  
6 put it kind of in that order. That's all.

7 CHAIRMAN SULLIVAN: I understand. I'll just  
8 comment by saying I just don't see the need to get that  
9 specific. So, we already have this working group and  
10 all the Board members will be able to provide input and  
11 you may provide to this working group the input you just  
12 had, as Ms. Connery and all Board members be. Right now  
13 all we're doing is modifying the procedures to add a  
14 paragraph that talks about a docket. That's all --  
15 that's what this will do.

16 MR. SANTOS: Right.

17 CHAIRMAN SULLIVAN: We actually need a -- we  
18 need a follow-on agenda, we will need follow-on  
19 decisions on, you know, what point does the docket  
20 close, and all those subsequent things. All of which  
21 are decisions that Board members are going to get a  
22 chance to participate in. So, I'm not sure we need to  
23 provide anything else here.

24 MR. SANTOS: I'm just reacting to when he says  
25 any correspondence, it includes the elements we are

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<p>1 trying to tackle. That's all.  2 CHAIRMAN SULLIVAN: Okay. Is there any further  3 discussion?  4 (No response.)  5 CHAIRMAN SULLIVAN: All right. Mr. General  6 Counsel, would you call the roll?  7 MR. BIGGINS: I think we're back to the top of  8 the order. Chairman Sullivan?  9 CHAIRMAN SULLIVAN: Yes.  10 MR. SANTOS: I'm sorry, I apologize, I lost  11 track of the meeting. What are we being asked to vote  12 on? I apologize.  13 MR. BIGGINS: This is the DNFSB meeting docket.  14 One: The Board procedures of August 2015, as amended,  15 are further amended by adding the following paragraph:  16 2.1(b)(6), Meeting Docket. The originator of any  17 correspondence requiring Board notification or action  18 may request the Board's unanimous consent to direct the  19 executive secretary to place that correspondence on the  20 meeting docket, in lieu of the process otherwise  21 specified in these Board procedures. Items placed on  22 the meeting docket prior to public announcement of the  23 next meeting shall be included in the agenda of that  24 meeting.  25 Two: The general manager is directed to revise</p>	<p>1 summarize for any taskings for the staff out of this  2 meeting. I do not think we need to summarize the two  3 requests for Board action, those have been approved and  4 they will be a matter of the record. Did we have  5 anything else that we generated out of this?  6 MR. BIGGINS: Not directly; indirectly from  7 those votes, the staff will have to establish the  8 three-person working group, and also stay further action  9 on 2017-300-012, the request for Board action by vice  10 Chairman Jessie H. Roberson.  11 CHAIRMAN SULLIVAN: Thank you. Having completed  12 the public business meeting topics, I will now ask the  13 Board members if they have any other final comments.  14 Mr. Hamilton?  15 MR. HAMILTON: Thank you, Mr. Chairman. A  16 little bit of sausage making here today. My hope is,  17 and I think it was Board Member Roberson who made the  18 comment earlier, maybe it was Mr. Santos, that we should  19 have more technical discussions in our future meetings,  20 and I share that sentiment. This was a trial. We  21 haven't had a general meeting like this in quite some  22 time, and my view is that this was very helpful at  23 priming the pump, and my hope is that this will not be  24 reflective of the way our future meetings are, but that  25 we will have more technical discussions that relate to</p>
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<p>1 the Board procedures to reflect this amendment. Docket  2 Control Number 2017-300-033.  3 MR. SANTOS: Is it too late to propose an  4 amendment?  5 MR. BIGGINS: We're in the voting process.  6 MR. SANTOS: It's too late?  7 CHAIRMAN SULLIVAN: Yes.  8 MR. BIGGINS: That would be out of order.  9 MR. SANTOS: Thank you.  10 MR. BIGGINS: So, Chairman Sullivan?  11 CHAIRMAN SULLIVAN: Yes.  12 MR. BIGGINS: Vice Chairman Hamilton?  13 MR. HAMILTON: Aye.  14 MR. BIGGINS: Ms. Roberson?  15 MS. ROBERSON: Yes.  16 MR. BIGGINS: Mr. Santos?  17 MR. SANTOS: No with the following comment: It  18 appears a bit premature given the establishment of a  19 working group to tackle similar -- or related items.  20 MR. BIGGINS: And Ms. Connery?  21 MS. CONNERY: Abstain. Comments coming.  22 MR. BIGGINS: That's three members voting to  23 approve; the motion is approved.  24 CHAIRMAN SULLIVAN: Okay, having no other items  25 on the agenda, I now ask the general counsel to please</p>	<p>1 the mission of the Board. Thank you.  2 CHAIRMAN SULLIVAN: Thank you. Ms. Roberson?  3 MS. ROBERSON: No additional comments,  4 Mr. Chairman.  5 CHAIRMAN SULLIVAN: Okay. Mr. Santos?  6 MR. SANTOS: Again, it must be lunch time, I  7 lose track of the meeting, did we want a public comment  8 period?  9 CHAIRMAN SULLIVAN: Not yet. It's on my agenda.  10 MR. SANTOS: Okay, following that --  11 CHAIRMAN SULLIVAN: As soon as Ms. Connery gets  12 a chance to comment.  13 MR. SANTOS: We might need to extend the time of  14 the agenda.  15 CHAIRMAN SULLIVAN: I think we put in the notice  16 that we would have some flexibility, so I was not  17 planning on formally asking the Board to do anything  18 else.  19 MR. SANTOS: I just want to make sure that we  20 don't miss that part. Real quick, I want to echo Member  21 Hamilton's comments, I think they're spot-on, and I want  22 to thank fellow Board members for coming together and  23 being open about deliberations of the Board, but I do  24 agree that we should focus on items of our mission,  25 technical aspect, any other jurisdictional aspect, that</p>

1 sort, and thank you again.  
 2 CHAIRMAN SULLIVAN: Okay. Ms. Connery?  
 3 MS. CONNERY: No further comment.  
 4 CHAIRMAN SULLIVAN: Okay, and I have no further  
 5 individual comments. At this time, on our meeting  
 6 agenda, we welcome members of the public comments. Are  
 7 there any members of the public who would like to  
 8 comment?  
 9 (No response.)  
 10 CHAIRMAN SULLIVAN: Okay, seeing none.  
 11 Ms. Roberson, did you have something you wanted to say?  
 12 MS. ROBERSON: I was just going to suggest,  
 13 Mr. Chairman, that we also offer to our staff, any  
 14 members of our staff that want to comment as well.  
 15 CHAIRMAN SULLIVAN: Well --  
 16 MS. ROBERSON: Maybe you were going to do that.  
 17 CHAIRMAN SULLIVAN: Okay. I see that there are  
 18 several members of our staff present, does anybody wish  
 19 to address the Board?  
 20 (No response.)  
 21 CHAIRMAN SULLIVAN: Okay, I don't see anybody  
 22 stepping up to take that opportunity. So, at this  
 23 point, I would like to thank everyone for their  
 24 participation in this public business meeting, and this  
 25 concludes the Defense Nuclear Facilities Safety Board

1 Public Business Meeting. The meeting is adjourned and  
 2 we are off the record.  
 3 (Whereupon, at 12:01 p.m., the meeting was  
 4 adjourned.)  
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1 CERTIFICATE OF REPORTER  
 2  
 3 I, Sally Jo Quade, do hereby certify that the  
 4 foregoing proceedings were recorded by me via stenotype  
 5 and reduced to typewriting under my supervision; that I  
 6 am neither counsel for, related to, nor employed by any  
 7 of the parties to the action in which these proceedings  
 8 were transcribed; and further, that I am not a relative  
 9 or employee of any attorney or counsel employed by the  
 10 parties hereto, nor financially or otherwise interested  
 11 in the outcome of the action.  
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