

AFFIRMATION OF BOARD VOTING RECORD (VOICE VOTE)

June 15, 2017, Board Gathering, 9:00 a.m.

Subject: Vice Chairman Hamilton motions to approve the June 27, 2017, closed meeting agenda that is currently in Yellow Folder (Doc. No. 2017-300-079), based on Exemptions (3) and (9)(B) under the Government in the Sunshine Act (5 U.S.C. § 552b(c)(3) and (9)(B); 10 C.F.R. § 1704.4(c) and (h)). A Board vote to approve this agenda will result in the withdrawal of Doc. No. 2017-300-079 from the Yellow Folder.

The Board, with Board Member(s) Sean Sullivan, Bruce Hamilton, Jessie Roberson, Daniel J. Santos, and Joyce L. Connery voting as indicated below, has voted to **approve** the above question on June 15, 2017.

The votes were recorded as:

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIPATING*	DATE
Sean Sullivan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	6/15/17
Bruce Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6/15/17
Jessie Roberson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6/15/17
Daniel J. Santos	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6/15/17
Joyce L. Connery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6/15/17

*Reason for Not Participating: Absence

This Record contains a summary of the voice voting on this matter by the Board Members

Notes: By subsequent Board vote, the date of this approved closed meeting was moved from June 27, 2017, to July 18, 2017.

Recorded By: 

Casey Blaine

Acting General Counsel

Defense Nuclear Facilities Safety Board

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
NOTATIONAL VOTE RESPONSE SHEET

FROM: Bruce Hamilton

SUBJECT: Record of voice vote to approve the June 27, 2017 closed meeting agenda

Approved X Disapproved Abstain

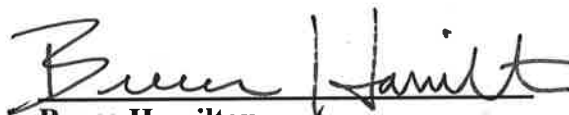
Recusal – Not Participating

COMMENTS: Below X Attached None

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

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

“I therefore approve.”


Bruce Hamilton

15 JUNE 2017
Date