AFFIRMATION OF BOARD VOTING RECORD (VOICE VOTE)

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

Subject: Vice Chairman Hamilton motions for approval to close the meeting scheduled for June 27, 2017, pursuant to the Government in the Sunshine Act at 5 U.S.C. § 552b(d)(1) and the Board's implementing regulations at 10 C.F.R. § 1704.5(a). By approving this motion, the Board determines that public participation would likely disclose matters specifically exempted by statute and/or disclose information for which premature disclosure would likely frustrate implementation of a proposed action of the Board. Therefore, by approving this action, the Board is invoking Exemptions (3) and (9)(B) to close the meeting (5 U.S.C. 552b(c)(3) and (9)(B); 10 C.F.R. 1704.4(c) and (h)). Finally, a Board vote to approve this motion will result in the withdrawal of Doc. No. 2017-300-078 from the Orange 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	☐	☐	☐	☒	6/15/17
Bruce Hamilton	☒	☐	☐	☐	6/15/17
Jessie Roberson	☒	☐	☐	☐	6/15/17
Daniel J. Santos	☒	☐	☐	☐	6/15/17
Joyce L. Connery	☒	☐	☐	☐	6/15/17

*Reason for Not Participating: Absence

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

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

Recorded By: Casey Blaine
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 close the June 27, 2017 meeting**

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