

General Counsel Certification

Closure Vote Notice

National Science Board Meetings on February 20 – 21, 2013

On February 11, 2013, the Executive Committee of the National Science Board voted to close portions of the February 2013 meetings of the National Science Board and its committees. Executive Committee members Drs. Suresh, Arvizu, Droegemeier, Lineberger and Souvaine participated in the e-mail polling of the Executive Committee. All members voted “yes” to close the meetings. The justification for closing the meetings is provided in the attached certificate.

For the closed meetings of the Board and Committees, the NSF Deputy Director, Assistant Directors, senior O/D staff, heads of Offices, applicable Executive Secretaries, and the Board Executive Officer, Counsel and policy staff may attend. For the sessions involving proposed awards and agreements, the above-listed staff, and appropriate NSF Division Directors and Program Officers may attend. For the closed sessions involving future budgets, the initially-listed staff, and the Director and senior staff of the BFA Budget Division and of OLPA may attend. For the executive closed session, only the Board Executive Officer, Board Counsel and Executive Secretary are expected to attend. The Board Chair or Committee Chair (or vice-Chair in their absence) may allow other necessary or appropriate attendees or restrict attendance further.

CERTIFICATE

It is my opinion that the discussions in the following meetings of the National Science Board and its subdivisions may properly be closed for the reasons given.

1. Joint CPP-CSB meeting to be held February 20, 2013. Discussion regarding the NSF Annual Facilities Plan – to be closed pursuant to 5 USC § 552b (c)(4) and (9)(b).
2. CSB meeting to be held February 20, 2013. Committee chairman’s remarks and approval of closed minutes for the December 2012 meeting – to be closed pursuant to 5 USC § 552b (c)(2) and (9)(b); discussion regarding FY 2014 and future budget development – to be closed pursuant to 5 USC § 552b (c)(3) and 42 USC § 1863 (k).
3. CPP meeting to be held February 20, 2013. Committee chairman’s remarks and approval of closed minutes for the December 2012 meeting – to be closed pursuant to 5 USC § 552b (c)(2) and (9)(b); continuing discussion of the Blue Ribbon Panel recommendations; consideration and action regarding the National Ecological Observatory Network (NEON) Operations and Maintenance item; consideration and action regarding the Authorization to Fund *Sustained-Petascale in Action: Blue Waters Enabling Transformative Science and Engineering* item – to be closed pursuant to 5 USC § 552b (c)(4) and (9)(b).
4. A&O meeting to be held February 20, 2013. Committee Chair’s opening remarks, discussion of FY 2014 planning and Chair’s closing remarks – to be closed pursuant to 5 USC § 552b (c)(2), (c)(3) and 42 USC § 1863 (k).
5. Plenary NSB meeting (executive closed session) to be held February 21, 2013. Approval of Plenary Executive closed minutes for December 2012 meeting – to be closed pursuant to 5 USC § 552b (c)(6) and (9)(b); approval of Honorary Award recommendation – to be closed pursuant to 5 USC § 552b (c)(6); discussion of candidate site for 2013 Board retreat and off-site visit – to be closed pursuant to 5 USC § 552b (c)(9)(B); discussion of recommendation on appointment of NSF Director – to be closed pursuant to 5 USC § 552b (c)(6).
6. Plenary NSB meeting (closed session), to be held February 21, 2013. Approval of Plenary closed minutes for meetings of December 2012 – to be closed pursuant to 5 USC § 552b (c)(2) (4), (6) and (9)(B) and 42 USC § 1863 (k); consideration of and action regarding the National Ecological Observatory Network (NEON) Operations and Maintenance item, and the Authorization to Fund *Sustained-Petascale in Action: Blue Waters Enabling Transformative Science and Engineering* item – to be closed pursuant to 5 USC § 552b (c)(4) and (9)(b); and discussion of closed committee reports – to be closed pursuant to 5 USC § 552b (c)(2), (c)(3) and 42 USC § 1863 (k), and 5 USC § 552b (c)(4), (6) and (9)(B).

/s/

Lawrence Rudolph
General Counsel
National Science Foundation