

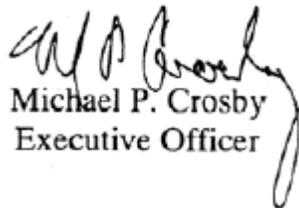
MEMORANDUM TO MEMBERS OF THE NATIONAL SCIENCE BOARD

SUBJECT: Major Actions and Approvals at the February 8, 2005 Meeting

This memorandum will be publicly available for any interested parties to review. A more detailed summary of the meeting will be posted on the National Science Board (NSB, the Board) public Web site within 10 business days. A comprehensive set of NSB-approved Open Session meeting minutes will be posted on the Board's public Web site following the March 2005 meeting.

Major actions and approvals at the 384th meeting of the Board included the following (not in priority order):

1. The Board approved the minutes, as amended, of the Plenary Open Session (NSB-04-195) for the December 2004 meeting of the NSB (http://www.nsf.gov/nsb/meetings/2004/open_min_dec04.pdf). Minutes for the Plenary Executive Closed and Closed Sessions for the December 2004 meeting of the NSB were also approved.
2. The Board approved a resolution to close portions of the upcoming March 29-30, 2005 NSB meeting on staff appointments, future budgets, pending proposals/awards for specific grants, contracts, or other arrangements, and those portions dealing with specific Office of the Inspector General investigations and enforcement actions, or agency audit guidelines (NSB-05-9, attached).


Michael P. Crosby
Executive Officer

Attachment: NSB-05-9

MEMORANDUM TO MEMBERS OF THE NATIONAL SCIENCE BOARD

Subject: Closed Session Agenda Items for March 29-30, 2005 Meeting

The Government in the Sunshine Act requires formal action on closing portions of each Board meeting. The following are the closed session agenda items anticipated for the March 29-30, 2005 meeting.

1. Staff appointments
2. Future budgets
3. Grants and contracts
4. Specific Office of Inspector General investigations and enforcement actions

A proposed resolution and the General Counsel's certification for closing these portions of the meetings are attached for your consideration.

/signed/
Michael P. Crosby
Executive Officer

Attachments

PROPOSED
RESOLUTION
TO CLOSE PORTIONS OF
385th MEETING
NATIONAL SCIENCE BOARD

RESOLVED: That the following portions of the meeting of the National Science Board (NSB) scheduled for March 29-30, 2005 shall be closed to the public.

1. Those portions having to do with discussions regarding nominees for appointments as National Science Board members and National Science Foundation (NSF) staff appointments, or with specific staffing or personnel issues involving identifiable individuals. An open meeting on these subjects would be likely to constitute a clearly unwarranted invasion of personal privacy.
2. Those portions having to do with future budgets not yet submitted by the President to the Congress.
3. Those portions having to do with proposals and awards for specific grants, contracts, or other arrangements. An open meeting on those portions would be likely to disclose personal information and constitute a clearly unwarranted invasion of privacy. It would also be likely to disclose research plans and other related information that are trade secrets, and commercial or financial information obtained from a person that are privileged or confidential. An open meeting would also prematurely disclose the position of the NSF on the proposals in question before final negotiations and any determination by the Director to make the awards and so would be likely to frustrate significantly the implementation of the proposed Foundation action.
4. Those portions having to do with specific Office of the Inspector General investigations and enforcement actions, or agency audit guidelines.

The Board finds that any public interest in an open discussion of these items is outweighed by protection of the interests asserted for closing the items.

CERTIFICATE

It is my opinion that portions of the meeting of the National Science Board (NSB) or its subdivisions scheduled for March 29-30, 2005 having to do with nominees for appointments as NSB members and National Science Foundation (NSF) staff, or with specific staffing or personnel issues or actions, may properly be closed to the public under 5 U.S.C. § 552b(c) (2) and (6); those portions having to do with future budgets may properly be closed to the public under 5 U.S.C. § 552b(c) (3) and 42 U.S.C. 1863(k); those portions having to do with proposals and awards for specific grants, contracts, or other arrangements may properly be closed to the public under 5 U.S.C. § 552b(c) (4), (6), and (9) (B); those portions disclosure of which would risk the circumvention of a statute or agency regulation under 5 U.S.C. § 552b(c) (2); and those portions having to do with specific Office of the Inspector General investigations and enforcement actions may properly be closed to the public under 5 U.S.C. § 552b(c) (5), (7) and (10).

/signed/

Lawrence Rudolph
General Counsel
National Science Foundation