

**Basis for Closing Portions of the
November 6, 2009
National Science Board's
Audit and Oversight Committee Meeting**

On October 28, 2009, the National Science Board's Executive Committee voted to close its November 6, 2009 meeting. Executive Committee Members, Beering, Bement, Benbow, Bowen, and Galloway participated in the vote and no Member objected to closing the meeting.

The Board Members, National Science Board Office staff, and selected NSF staff will attend the closed portions of the meeting. The justification for closing particular portions of the meeting is provided in the attached certification.

PROPOSED
RESOLUTION
TO CLOSE PORTIONS OF THE
NOVEMBER 6, 2009
COMMITTEE ON AUDIT AND OVERSIGHT
OF THE
NATIONAL SCIENCE BOARD MEETING

RESOLVED: That the meeting of the Committee on Audit and Oversight of the National Science Board (NSB) scheduled for November 6, 2009 shall be closed to the public for the following reasons:

- 1) Specific staffing or personnel issues and/or
- 2) Office of the Inspector General investigations.

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.

C E R T I F I C A T E

It is my opinion that the Audit and Oversight Committee meeting of the National Science Board (NSB) scheduled for November 6, 2009 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 proposed budgets for a particular fiscal year 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