

**Basis for Closing Portions of the  
October 19, 2009 National Science Board's Executive Committee Meeting**

On October 7, 2009, the National Science Board's Executive Committee voted to close its October 19, 2009 meeting. Executive Committee Members, Beering, Bement, Benbow, and Bowen, 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.

# National Science Board

NSB/EC-09-18  
October 6, 2009

## **MEMORANDUM TO MEMBERS OF THE EXECUTIVE COMMITTEE OF THE NATIONAL SCIENCE BOARD**

**SUBJECT:** Closed Session Agenda Items for October 19, 2009 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 October 19, 2009 meeting.

1. Future budgets

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

*[signed]*

Craig R. Robinson  
Acting Executive Officer

Attachments

PROPOSED  
RESOLUTION  
TO CLOSE PORTIONS OF THE  
OCTOBER 19, 2009  
EXECUTIVE COMMITTEE  
OF THE  
NATIONAL SCIENCE BOARD MEETING

RESOLVED: That the meeting of the Executive Committee of the National Science Board (NSB) scheduled for October 19, 2009 shall be closed to the public for the following reason:

1. The meeting addresses budgets items for a particular fiscal year not yet submitted by the President to the Congress.

The Executive Committee 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 Executive Committee meeting of the National Science Board (NSB) scheduled for October 19, 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]*

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Lawrence Rudolph  
General Counsel  
National Science Foundation